# PARLIAMENTARY DEBATES

(HANSARD)

**SIXTH SERIES—VOLUME 258**

# HOUSE OF COMMONS

OFFICIAL REPORT

THIRD SESSION OF THE FIFTY-FIRST PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-FOURTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

**SESSION 1994–95**

COMPRISING PERIOD
18 April—28 April 1995

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# THE PARLIAMENTARY DEBATES

## OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTY-FIRST PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 27 APRIL 1992]

FORTY-FOURTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

**SIXTH SERIES** **VOLUME 258**

**NINTH VOLUME OF SESSION 1994–95**


# House of Commons

*Tuesday 18 April 1995*

*The House met at half-past Two o'clock*

PRAYERS

[MADAM SPEAKER *in the Chair*]

# Oral Answers to Questions

## HEALTH

### NHS Capital Projects

1. **Mr. Dunn:** To ask the Secretary of State for Health what was the amount spent on capital projects within the NHS in England since 1979; and if she will make a statement. [17571]

**The Secretary of State for Health (Mrs. Virginia Bottomley):** At current prices, the total NHS capital investment programme since 1979 stands at more than £22.5 billion. In real terms, the capital spending level today is 70 per cent. above what it was in 1979. Over that entire period, a major capital building project has been completed on average every week.

**Mr. Dunn:** Does the Secretary of State agree that the Government should take the lead in getting private and public finance to work together in health and in other sectors, as was suggested by the Leader of the Opposition last autumn?

**Mrs. Bottomley:** I am well aware of the Leader of the Opposition's comments last autumn about getting public and private finance to work together. I am far from clear about the policy of the present Opposition health spokesman and her Labour party team. It seems far from clear whether she agrees with her party leader or whether she dances to the tune of union paymasters. It is clear that private finance is bringing extra opportunities into the NHS so that we can build on the excellent capital programme that already exists.

**Mr. Kevin Hughes:** With the increasing privatisation of the national health service, who will the managers in the NHS ultimately be accountable to—the patients or the shareholders of these companies?

**Mrs. Bottomley:** The hon. Gentleman knows full well that the NHS is not for profit and is not for sale. The NHS is about progressive improvement in services for patients. More information is available than ever before about the quality and quantity of care that has been provided, to a standard completely unanticipated when the Labour party was in power. The people in the health service deserve credit for that.

### Trust Hospitals, Trent

2. **Mrs. Angela Knight:** To ask the Secretary of State for Health what proportion of NHS hospitals in the Trent region are now run as trusts. [17572]

**The Parliamentary Under-Secretary of State for Health (Mr. Tom Sackville):** I am delighted to report that all hospitals in the Trent region are now run as national health service trusts.

**Mrs. Knight:** Will my hon. Friend therefore join me in congratulating all those in the Trent region, and especially the Southern Derbyshire health authority, which covers my constituency of Erewash, on the excellent job that trust hospitals such as Derbyshire royal infirmary and Derby city general do? Is he aware that the DRI is increasing the number of eye patients that it treats by a further 1,000 this year? Does he therefore find it deplorable, as I do, that a hospital that is doing such an excellent job would have its trust status removed by the

right hon. Member for Derby, South (Mrs. Beckett) if she had half a chance, thereby jeopardising health care to her constituents as well as to mine?

**Mr. Sackville:** I agree with my hon. Friend that hospitals have enormously benefited from trust status, as I saw when I recently had the honour of opening a new day case surgery and endoscopy unit at Derbyshire royal infirmary, with the permission of the right hon. Member for Derby, South (Mrs. Beckett). I know that that unit, for example, will allow for 3,500 day cases a year. That will enormously reduce waiting lists and enormously better serve my hon. Friend's constituents.

**Mr. Barnes:** Is the Minister aware that I have received more complaints from constituents about the operation of *trust hospitals since the NHS* moved towards that system, and that that has not been helped by some of the other measures that have taken place at the same time, such as GP fundholding, the peculiar interface between community care and hospitalisation, and the development of the rip-off of private nursing homes? Is it little wonder that no one trusts a trust in north-east Derbyshire?

**Mr. Sackville:** The hon. Gentleman is one of those politicians who treats the health service as somewhere to go and have his photograph taken and to stir up some trouble. The fact is that more patients are satisfied with the NHS, although they see a completely different picture in the press, and the NHS is going from strength to strength with trust status.

### Dental Patients

3. **Mr. Mudie:** To ask the Secretary of State for Health how many NHS dental patients have been deregistered by NHS dentists since July 1992. [17573]

**The Minister for Health (Mr. Gerald Malone):** A total of 878,156 patients, comprising 867,653 adults and 3,503 children have been deregistered since July 1992. However, adult registrations are up by over 128,000 over a broadly similar period.

**Mr. Mudie:** The Minister will be aware that the deregistrations arise from a dispute that has been allowed to fester for three years. In view of the fact that the Minister has just told us that nearly 900,000 patients have been deregistered and that 60 per cent. of dentists are taking no new adult NHS patients, is it not about time that the Minister acted—acted other than by press release—or is his real objective the privatisation of dental care?

**Mr. Malone:** The hon. Gentleman should recognise that in his constituency 58 per cent. of adults are registered for NHS care, which is higher than the national average, as are 61 per cent. of children, which is 4 per cent. above the national average. In Leeds as a whole, there is only one postal district which is not served by NHS dentistry, so there is a comprehensive service in the hon. Gentleman's constituency. The Government are thoroughly committed to ensuring that that continues throughout the rest of the country.

**Mrs. Gillan:** Does my hon. Friend agree that an important part of dental care is the provision of orthodontics? Is he aware that in my constituency of Chesham and Amersham some parents are experiencing difficulties in finding orthodontists for their children? Can my hon. Friend reassure my constituents by saying that he will place the availability of orthodontists at the top of his list of priorities?

**Mr. Malone:** I cannot give my hon. Friend that unequivocal assurance, but I can tell her that a number of NHS dentists, not orthodontic specialists, can provide certain levels of orthodontic care. If my hon. Friend cares to write to me about the point that she has made, I will look into it and see what improvements can be made.

**Mr. Alex Carlile:** Will the Minister be kind enough to answer my question head on: how many of the 877,000 deregistered patients to which he referred does he expect to be able to find an NHS dentist in their area within 12 months from today? How many?

**Mr. Malone:** The hon. and learned Gentleman fails to recognise that, although there are de-registrations on the one hand, there are re-registrations on the other. One of the reasons why we have addressed the question of continuing care payments is that 4.5 million people rolled off dental registers over 12 months and it is important that they are brought back on so that proper care can be provided. The hon. and learned Gentleman's question is absurd, particularly in the terms in which it was asked. NHS dental care is available for everybody in this country where it is clinically essential. If it cannot be provided by an NHS dentist, it will be provided by the community dental service by or a salaried dentist.

**Lady Olga Maitland:** Does my hon. Friend agree that there are plenty of dentists providing NHS dental treatment in this country and that, in the past two years, the numbers have increased by 533 to a total of nearly 16,000? Is my hon. Friend aware that my son received urgent dental treatment last week and that it was excellent?

**Mr. Malone:** I was not aware of that last point but I am extremely glad to hear it. My hon. Friend is absolutely right. We do not hear what the Opposition's policy is when they criticise the availability of NHS dentistry, but we have, in fact, heard from their official spokesman in the past few weeks that they will consult Health 2000 and

"be putting the problem to them to seek a solution."

They certainly do not intend to find that solution themselves.

**Mrs. Beckett:** Surely the Minister must be aware, because the public certainly are, that it is as a consequence of the very low morale in the profession that dentists are leaving the health service in droves and that the General Dental Practitioners Association recently said that the Government's action

"will not stem the tide of dentists leaving the NHS".

As there is no doubt that that is the effect of Government policy, will the Minister tell us whether it is a further example of the Government's gross incompetence or of their deliberate malice and neglect which are undermining the health service?

**Mr. Malone:** It is the sort of malice and neglect that has resulted in a real terms increase of 53 per cent. in spending on general dental services since 1979 and the sort of malice and neglect that has resulted in more dental practitioners—533 more, as my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland) said, providing NHS dentistry. It is absurd for the right hon.

Lady to state that NHS dentistry is on the point of collapse or that there is no commitment. Perhaps she should read what her policy is—she is committed merely to

"retain as much of the service as possible",

which does not sound to me like a ringing endorsement of NHS dentistry.

### Private Nursing Homes

4. **Mr. Orme:** To ask the Secretary of State for Health what was the total number of residents in private nursing homes in (a) 1979 and (b) 1994. [17574]

5. **Ms Janet Anderson:** To ask the Secretary of State for Health what was the total number of residents in private nursing homes in 1979 and 1994. [17575]

**The Parliamentary Under-Secretary of State for Health (Mr. John Bowis):** In 1993-94, the total number of occupied beds in private nursing homes was 143,748. It was the first year for which this particular statistic was collected.

**Mr. Orme:** Is the Minister aware that there is a great deal of anxiety and fear among elderly people because of the closure of local authority premises and the extension of the private sector where proper safeguards have not been developed by the Government? Will he bear in mind the fact that it is his responsibility to stop such closures and to ensure that local authority provision is properly funded?

**Mr. Bowis:** It would be difficult for local authorities to close the nursing homes to which the question refers as there are none. The question is about private nursing homes, which provide good quality nursing care for those who need it. I should have thought that the right hon. Gentleman would welcome the fact that increasingly people are able to find comfort and privacy and somewhere where they can take their own belongings and receive the care that they need. The increase in the number of nursing homes around the country shows that a great many people have been choosing this form of residential care provision in addition to those who have been placed there by the health service.

**Ms Anderson:** Is the Minister aware of the deep public concern about the growing number of elderly people who are being forced to sell their homes and use their life savings to pay for residential and nursing care, often of a dubious quality? Does he agree with the *Sunday Express* that this can be described only as a tax on care? Will he tell us where in the Conservative manifesto at the last election this new tax on the elderly was mentioned?

**Mr. Bowis:** Perhaps I might remind the hon. Lady that there has been no change in charging policies for people going into residential care. Since 1948, when Aneurin Bevan and Beveridge started the welfare state and the national health service, there has been a division between NHS care, which is free at the point of delivery and paid for by the taxpayer, and the social care that is provided for individuals. Where appropriate, that is topped up, formerly by the income support system and now by community care.

If the hon. Lady does not think that that is the right policy, I suggest that she has a word with Sir Gordon Borrie, who chaired the Labour party's Social Justice Commission and who reminded the country that the Labour party could not afford to ask the taxpayer to pick up the bill. Does she, and do members of Labour's Front Bench, support Sir Gordon Borrie or not? The electorate would like to know.

**Dame Jill Knight:** Is it not the case that any old person who needs care and who does do not have any money will get that care absolutely free? Many of us believe that it is not outrageous to expect an elderly person who has money—often quite a considerable sum—to make some contribution to the cost of their care.

**Mr. Bowis:** My hon. Friend is right. Nobody who has a low income or is on income support will have to pay towards the cost of care. Those who can afford it are invited to make a contribution to the care. My hon. Friend will recall the continuing care guidance that we issued recently, reminding the NHS that it continues to have responsibility for continuing health care, whether it is provided at a person's home, in a nursing home or in a hospital and that, wherever it is, it will be free.

**Dr. Spink:** Can my hon. Friend confirm that a very vibrant independent nursing home sector has led to an overall increase in places available to people who need long-term nursing care? Does he deplore the actions of county councils such as Essex, which is not placing people in the independent sector?

**Mr. Bowis:** My hon. Friend is right. He need look no further than the independent Audit Commission, which made it very clear that although community care as a whole has got off to a very good start around the country, better use could be made of resources if there were better financial controls in social services departments and if, as my hon. Friend says, better use were made of provision in the independent sector of residential and domiciliary care services.

**Mr. Hinchliffe:** Has not the most obvious consequence of the privatisation of care been the result—I shall start again, Madam Speaker, I am sorry. I am not feeling very well today. Has not the most obvious consequence of the privatisation of care been the wholesale revival of the out-moded institutional model, simply because it is the most lucrative form of care from a business point of view? Once again, by putting ideology before common sense, are not the Government now considering privatising even the inspection of care?

**Mr. Bowis:** I am sorry to hear that the hon. Gentleman is not feeling well. I hope that he feels better soon.

He is not correct and I am sure that, on reflection, he will consider himself to be incorrect in referring to the privatisation of care. When the national health service contracts with nursing homes for the provision of residential care, it is doing no more than what it does when it contracts with general practitioners. Both are in the private sector. Both are providing services to the NHS which are free to the patient at the point of delivery.

If the hon. Gentleman is really concerned about the care of individuals, I suggest that he looks at this week's Laing and Buisson survey, which reminded the House that the Labour party's policy of a national minimum wage would put up the price of care—

**Madam Speaker:** Order. I must ask for brisk answers from Ministers. We are making no progress whatever today, our first day back.

**Mr. Harry Greenway:** Does my hon. Friend agree that care in the community ensures that people stay in the community and out of nursing homes as long as they are fit to do so? Is that not the right policy and does it not help people?

**Mr. Bowis:** Yes. One of the purposes and aims of community care is to enable people who wish to do so and are able to do so to remain in their homes, supported by a package of care. All the independent surveys of community care conducted in its early months show that that is precisely what is happening. Innovative packages of care are being provided. Of course, we also need a range of provision in residential care, to which the independent sector can contribute so much.

### NHS Senior Managers

6. **Mr. Cummings:** To ask the Secretary of State for Health what is the average pay of senior managers in the NHS in 1989, 1993 and 1994. [17576]

**Mr. Malone:** Senior managers are paid at a particular point on a scale which in 1989 went from £12,560 to £39,170 per annum. By 1993 those rates had been increased by 20.8 per cent. and in 1994 by a further 2.2 per cent., making the range £15,490 to £48,340 per annum.

**Mr. Cummings:** Can the Minister justify to the House why national health service executives are receiving wage rises more than twice the rate of inflation, while nurses are subject to a guaranteed 1 per cent. wage rise, which would give a midwife a rise of 43p a day? Will the Minister for once recognise the value of our nursing staff and ensure that their rises equate to those of senior health service staff?

**Mr. Malone:** Of course the Government recognise the worth of all clinicians, nurses, midwives and health visitors who work in the health service. They make a fantastic contribution, which has been recognised by the independent review body, the recommendations of which the Government have accepted in full. Trusts are now coming forward with pay proposals, 75 per cent. of which are in the area of 3 per cent. The Government and I fully expect that trend to continue. I hope that, instead of demonstrating, staff will go to their trusts and pick up the offers which are increasingly on the table.

**Mr. Sims:** Since the national health service owns a large number of properties, spends more than £100 million a day, has the largest labour force in the country and treats thousands of patients, is it not essential that those vast resources are competently and efficiently managed and that those managers are appropriately rewarded? Does my hon. Friend also accept that some of the rather well publicised recent incidents, in respect of which the standard of service in the health service was below what we might reasonably expect, could be ascribed not to structural faults in the NHS, but to management error and shortcomings? Will my hon. Friend ensure that those who are responsible are brought to account?

**Mr. Malone:** My hon. Friend is right to point out that, in a service as complex as the NHS, delivering increased in-patient activity, day care activity and out-patient activity across the board needs to be properly managed. I remind him that, compared with 12 years ago when 60 per cent. of those who worked within the NHS were involved in direct patient care, the figure is now 66 per cent. That is an increase. On the specific point that my hon. Friend made, I remind him that most health service management is subject to performance-related pay. If performance does not come through and if there are shortcomings, that will be taken into account when determining remuneration.

**Mr. Nicholas Brown:** What estimates does the Minister have of the administrative costs of introducing local pay bargaining into the NHS? To which groups in the NHS does he intend that to apply?

**Mr. Malone:** As the hon. Gentleman well knows, it is the Government's policy that local pay be introduced for health service clinicians in the long term, and in the short and more immediate term, to nursing staff and midwives. The reason for that is important. It is to give them the benefits of local pay, so that trusts can configure pay and conditions packages appropriately in respect of local conditions. It is far more appropriate that that is done on a local rather than a national basis. A large number of trusts already have in place extremely well developed and refined systems; others will be making across-the-board packages, which they have already been doing. It is in the long-term interests of nursing staff that they pick up the offers which are on the table and ensure that they get fair pay and local pay and conditions.

**Mr. Forman:** How many of the senior managers referred to in the original question are experienced former nursing and clinical staff? Is it not rather important to recognise that many people are promoted from the wards into managerial positions?

**Mr. Malone:** My hon. Friend makes an extremely important point. That is one of the strengths of the new NHS. There are far more clinicians and people with qualifications in nursing involved at senior levels in NHS trust management. That is highly significant, and there has been a large amount of reclassification of those who were previously solely involved in clinical duties who are now involved in management as well. That is broadly welcomed by the professions, and I never understand why it is constantly sneered at by the Labour party.

### Water-borne Diseases

7. **Mr. Dalyell:** To ask the Secretary of State for Health what representations she has made to the World Health Organisation about water-borne disease in the valley of the Tigris and Euphrates. [17577]

**Mr. Sackville:** My right hon. Friend has made no specific representations to the WHO about the water-borne diseases in the valley of the Tigris and Euphrates. However, I would like to make it clear that this country is a large contributor, both financially and in manpower, to World Health Organisation programmes and overseas aid programmes, including those benefiting the people of Iraq.

**Mr. Dalyell:** Do Ministers accept the horrendous statistic given in the report of Riad el Taher, to which I drew the Minister's attention, that, since the end of the Gulf war, 500,000 infants have died in one way or another from malnutrition and disease? What was the role of the

WHO in those circumstances? Do the Government think that, whoever's fault it is, at least it is not the fault of the infants who are in such horrendous conditions?

**Mr. Sackville:** I have the greatest sympathy with the suffering of the people of Iraq, but I must remind the hon. Gentleman that medicine and other humanitarian aid are outside the sanctions that have been applied. Saddam Hussein has yet again turned down another offer of substantial aid in return for limited sales of oil. His record does not suggest that, if there were a total relaxation of the sanctions, the health of his people would benefit. The only thing that would happen would be the rebuilding of his arsenal, which would do nothing for the welfare of his own people or of his neighbours.

### Pharmaceutical Exports

8. **Mr. Amess:** To ask the Secretary of State for Health what was the total level of exports secured in the latest year for which figures are available by pharmaceutical companies based in Britain. [17560]

**Mrs. Virginia Bottomley:** The latest year for which complete figures are available is 1993, when total pharmaceutical exports from the United Kingdom were £3,685 million. That was an increase of nearly a quarter over the previous year. Provisional figures suggest that pharmaceutical exports continued to rise steadily in 1994.

**Mr. Amess:** Does my right hon. Friend agree that, when it comes to the pharmaceutical industry, Britain is best? In the light of that, in our own strong industry, together with the international excellence of the research industry in the NHS, does my right hon. Friend agree that we could benefit further from inward investment? In that context, is there anything further that she can add about her recent trade visit to Japan?

**Mrs. Bottomley:** I support my hon. Friend. The pharmaceutical industry is one of our strongest industries. Britain is a magnet for inward investment, not least because of the strength of our research base; not least because of our comprehensive health service; not least because English is the international language of business; and not least because we have now secured the European Medicines Evaluation Agency.

My recent visit to Japan was extremely productive, not only in further developing Japan as the second largest market for pharmaceutical exports but, above all, for encouraging Japanese inward investment in the pharmaceutical industry here, which I hope soon will be as commonplace as it is in the motor or electrical industries.

**Mr. Bayley:** Does the Secretary of State agree that the main reason why the British pharmaceutical industry does so well is that the pharmaceutical price regulation scheme guarantees a 20 per cent. return for pharmaceutical companies, which they may invest in research? Will she guarantee that she will reject the siren voices of her Back-Bench colleagues who want free market prices for pharmaceutical products in the United Kingdom, and stick by regulation through the pharmaceutical price regulation scheme?

**Mrs. Bottomley:** The hon. Gentleman is right to say that the PPRS has served the NHS and the industry well. We have 3.5 per cent. of the world market. We have 5 per cent. of the production but 8 per cent. of the research and development. We continue to review the PPRS. The hon. Gentleman will know that we cut prices by 2.5 per cent. on the previous review. Before taking any further steps, we will make sure that we continue to balance the interests of good-value products for the NHS and recognition of an industry which has created jobs, employment and exports for this country.

**Mr. John Marshall:** Does my right hon. Friend agree that one reason that exports rose so markedly in 1993 was that we had adopted a competitive exchange rate? Will she remind our right hon. and learned Friend the Chancellor of the Exchequer that interest rate policy should be designed to ensure that that competitive exchange rate remains, rather than to please the Bundesbank?

**Mrs. Bottomley:** My hon. Friend will know that I have frequent discussions with the Chancellor on many subjects. I will bear my hon. Friend's suggestion in mind in my next discussion, but I will also remind my right hon. and learned Friend the Chancellor—and, indeed, my right hon. Friend the Foreign Secretary that one reason that Britain is so successful in terms of inward investment is because we have a deregulatory culture and that we have not adopted the social chapter. Therefore, firms that invest here have the advantage of being part of the European Union without all the burdens on industry and employment that are so common elsewhere.

### Mental Illness

10. **Mr. Jim Cunningham:** To ask the Secretary of State for Health if she will make a statement on the Audit Commission's recommendation that access to help for mentally ill people should be available outside office hours. [17562]

**Mr. Bowis:** The recent Audit Commission report did not make a specific recommendation on the subject. Nevertheless, we encourage health authorities and social services departments to provide access to out-of-hours services.

**Mr. Cunningham:** That is the Minister's interpretation of the Audit Commission report, but is not the Audit Commission really saying that care in the community, particularly for mentally ill people, is grossly underfunded? Is it not suggesting that the Government, who have boasted about their achievements this afternoon, are following the same policy as California, which is to remove mentally ill people from mental homes and institutions as that saves money? Are not the Government being heartless towards homeless people, who also need after-hours services? What does the Minister plan to do about it? Will the Government put more resources into the scheme?

**Mr. Bowis:** Had the Audit Commission referred to resources, it would have referred to the £2 billion that is put into the health service year on year. The hon. Gentleman's question is about 24-hour crisis care services. He will know that the Government have issued guidance to encourage the provision of 24-hour crisis services. He will also know that exactly those services are being provided in his own health district. Coventry, which already has a community psychiatric nurse on call and a 24-hour assessment service emergency night care team, is

spending £200,000 in the coming year on a more comprehensive crisis service, and has made that its highest priority.

**Mr. Illsley:** Is it not clear that most organisations involved in mental health care have endorsed the call for 24-hour emergency services? The Government say that they are doing all they can to encourage such services and there was cross-party support for a recent private Member's Bill that dealt with the issue of 24-hour emergency services, but could not the Government do more to enable patients to gain access to care when they need it, rather than concentrating on legislation, which deals with compulsory conveyance for treatment? Should not the user benefit?

**Mr. Bowis:** I do not see that those are in conflict. We want to improve discharge arrangements for patients from hospital, which is the purpose of the Mental Health (Amendment) Bill and the supervised discharge arrangements. We also want to ensure that money is spent on 24-hour care and access to services; that is the purpose of our guidance. We do not issue prescriptive directions from the centre about specific services, but we make it clear that we expect services to have crisis accommodation, crisis assessment and intervention teams, help lines and access to care teams, including the general practitioner and key workers.

### Hospital Operations

11. **Mr. Cyril D. Townsend:** To ask the Secretary of State for Health what percentage of operations carried out in NHS hospitals may be unnecessary. [17563]

**Mrs. Virginia Bottomley:** The need for an operation for a particular patient is a matter for clinical judgment. Research evidence is leading doctors everywhere to question the frequency of some interventions. The United Kingdom is leading the world in generating that evidence and in helping doctors and patients in the NHS to use it in treatment decisions.

**Mr. Townsend:** Is some internal NHS study being conducted? Bearing in mind the high speed of medical science, is not detailed national research required? Can my right hon. Friend assure the House that she will not be dilatory in ensuring that, if possible, savings are made in such a crucial area?

**Mrs. Bottomley:** I can assure my hon. Friend that it is a priority for the NHS that was set out in the planning guidance last year. There is progressive information about clinical effectiveness and outcomes, and a major NHS research programme is under way that supports that work. We work very closely with the professionals to ensure that we take forward understanding about effectiveness, monitor our work and improve practice.

**Mr. Enright:** Is the Secretary of State aware that Pontefract hospital mistrust proposes to privatise people who enter its accident and emergency unit by asking whether they have insurance and, if they have, to put them into a special ward that is to be constructed, with champagne in its rooms and scent in its corridors?

**Mrs. Bottomley:** The hon. Gentleman will know that the standard of care in A and E departments has been further improved not only by the patients charter standard, but by the progressive move to a consultant-led service. There has been a bigger increase in A and E consultants than in almost any other group in recent years, and we are determined to ensure that it continues. I am aware that the Opposition are conducting a vendetta against the private sector. We have no such feelings, and we wish to have the best possible NHS for all the patients who use it.

**Mrs. Roe:** Is my right hon. Friend aware that the recent report by the Health Select Committee on priority settings welcomed the Government's initiative to improve the spread of information throughout the NHS on the effectiveness of different clinical procedures? Does my right hon. Friend agree that such information is vital when making decisions about priorities? Will she assure the House that the Government will continue to support that important work?

**Mrs. Bottomley:** I can give my hon. Friend that clear assurance. In commending the Select Committee's report, the Government greatly appreciate its recognition of our work on effectiveness. The report mentioned the Cochrane centre in Oxford, and next week my hon. Friend the Minister for Health will open the Cochrane database for systematic reviews. That is a remarkable achievement, whereby information can be updated electronically so that clinicians and health authorities throughout the country—and in other parts of the world—can have the latest knowledge about the effectiveness of different clinical procedures.

**Madam Speaker:** I call Mr. Wray on Question 13.

### Domiciliary Care

13. **Mr. Wray:** To ask the Secretary of State for Health what safeguards exist to ensure proper standards of domiciliary care. *[Interruption.]* [17566]

**Mr. Tony Banks:** Come on—one of you answer.

**Mr. Bowis:** I apologise; the hon. Member for Glasgow, Govan (Mr. Wray) has moved.

There are codes of practice and contract terms for the independent sector, and there are complaint procedures for council-run services. These are supported by social services inspectorate guidance on standards, and from next April by local community care charters.

**Mr. Wray:** No. 13—unlucky for some.

Does the Minister agree that nursing and residential care are covered by the Registered Homes Act 1984 but that domiciliary care is a licence for abuse? Why will not the Minister implement the proposals made by my hon. Friend the Member for Wakefield (Mr. Hinchliffe) to bring domiciliary care under local authority control?

**Mr. Bowis:** The hon. Gentleman is a shadow of his former self.

Considerable safeguards apply to domiciliary care. When local authorities contract for such care, they can include in the terms of their contracts the conditions and standards that they wish to see. There are many voluntary inspection and regulation systems and codes of practice for independent agencies and groups of contractors around the country. We have issued standards for domiciliary services which we will review in the overall review of inspection to be undertaken this year.

**Madam Speaker:** I call Jane Kennedy for Question 14. *[Interruption.]* The hon. Lady is not present. I call Mr.

O'Hara for Question 15. *[Interruption.]* The hon. Gentleman is not present. I call Mr. Streeter for Question 16. *[Interruption.]* The hon. Gentleman is not present. I hope that Whips on both sides of the House will note that those hon. Members are absent, and that the Ministers concerned and I will receive an apology from them before the day is out.

### Pharmaceutical Industry

18. **Mr. Waterson:** To ask the Secretary of State for Health what benefits she expects to flow to the British pharmaceutical industry from the location of the European Medicines Evaluation Agency in London. [17578]

**Mrs. Virginia Bottomley:** The British pharmaceutical industry will have the advantage of easy access to the agency, which will be working in its language and will offer its products quicker access to the European single market, all of which means that there will be increased inward investment in the UK, more exports and more jobs.

**Mr. Waterson:** Does my right hon. Friend accept that many people will congratulate her and her colleagues in the Department on their work in ensuring that the European Medicines Evaluation Agency located in this country? Does she also accept that major pharmaceutical companies based in this country—such as Rhône-Poulenc Rorer in my constituency—will be encouraged to make further investment in this country following that landmark decision?

**Mrs. Bottomley:** Safe and effective medicines are vital to the health and well-being of the country. A productive industry is excellent for the wealth of the country. Our success in winning the European Medicines Evaluation Agency has already resulted in major companies deciding further to expand their activities here—not least the further expansion by Bayer to locate its regulations centre here to take advantage of this new opportunity. Such companies greatly welcome the economic climate in this country, the strong economy and the deregulatory approach to industry.

### Old People (Care)

19. **Mrs. Anne Campbell:** To ask the Secretary of State for Health what steps she is taking to develop alternatives to the institutional care of older people; and if she will make a statement. [17579]

**Mr. Bowis:** The community care changes include among their objectives the development of alternatives to institutional care. The "Caring for People Who Live at Home" initiative, which began in 1992, and the guide, "Diversification and the Independent Sector", which was issued in October 1993, are specific examples of our encouraging local authorities to work with the independent sector to develop non-residential care services.

**Mrs. Campbell:** Is it not disgraceful that Rose Robinson, who was mentioned in last week's *Sunday Express*, has had to spend £45,000 of her nest-egg on care in a council home—care that previously would have been available to her on the national health service? What are the Government going to do about the lottery in health care for elderly people?

**Mr. Bowis:** The hon. Lady knows perfectly well that, if health care is required, it is provided free at the point of delivery by the health service. If doctors decide that health care should be provided in a nursing home, they will provide it and the NHS will pay. If doctors decide that a person's needs are no longer for health care but for social care, then, as Gordon Borrie's Social Justice Commission—the proposals of which will perhaps be adopted by the Labour party—says, it is a question of finding a suitable package of care for an individual. That has always been the case, and it is the case now. The hon. Lady should stop frightening people, and welcome the progress that has been made for care in this country.

## PRIME MINISTER

### Engagements

Q1. **Mr. Mandelson:** To ask the Prime Minister if he will list his official engagements for Tuesday 18 April. [17590]

**The Prime Minister (Mr. John Major):** This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

**Mr. Mandelson:** Will the Prime Minister endorse Labour's condemnation of the minority of militants who behaved so badly at the National Union of Teachers conference in Blackpool last weekend? Does he agree that the best way to isolate those individuals is for the Government to start listening to what governors, teachers and, above all, parents across the country are saying—that it is madness to trade cuts in the education of our children this year for tax cuts next year?

**The Prime Minister:** I certainly share in the condemnation of the behaviour that we have seen at the National Union of Teachers conference in the past few days. Millions of parents would have been concerned about the behaviour that they saw. It was, frankly, disgraceful. It was loutish. If I may say so, Labour's Front-Bench education spokesman was appallingly treated by those militants.

I am happy to share in the hon. Gentleman's thorough condemnation of the behaviour of that minority of teachers. I also very much regret the fact that their conference has decided today to ballot on strike action, against the advice of their executive committee. I strongly hope that wiser counsels will prevail and that teachers will decide that their job is to be in the classroom teaching their pupils, not outside teaching bad habits to their pupils.

Q2. **Mr. Clappison:** To ask the Prime Minister if he will list his official engagements for Tuesday 18 April. [17591]

**The Prime Minister:** I refer my hon. Friend to the answer I gave some moments ago.

**Mr. Clappison:** Is my right hon. Friend aware of the massive boost that he gave to British prestige by his decision to use Concorde for his recent visit to meet

President Clinton in Washington? Will he take this opportunity to declare his pride in travelling in that magnificent advertisement for British technology?

**The Prime Minister:** Although the technology is now 25 years out of date, it is a magnificent aircraft, it is unequalled across the world and I congratulate all those with the wisdom to travel in it.

**Mr. Blair** *rose—[Interruption.]*

**Madam Speaker:** Order.

**Mr. Blair:** I see that the recess has not improved Conservative Members, Madam Speaker.

On education, I agree that strike action would be wrong and misguided, but the Prime Minister's Secretary of State for Education admitted last week that, as a result of the Government's refusal to fund the teachers' pay award, some schools would face hard choices and might be unable to absorb the pressures put upon them. What does the right hon. Gentleman say to those schools?

**The Prime Minister:** The fact is, as the right hon. Gentleman knows, that this Government have consistently made education a priority, benefiting parents, pupils and teachers. We have given parents more choice over their children's education and more information about how they are progressing. Even this year, with the funding levels about which the right hon. Gentleman complains, we are spending record amounts on education, as he will know. We are spending almost half as much again per pupil as when we first took office. We are on top of inflation and we now spend more per secondary pupil than Germany and Japan and more per primary pupil than Germany, France and most of the European Union. I hope that the right hon. Gentleman will agree that we are dealing fairly with education now, as we have in the past.

**Mr. Blair:** I do not. Perhaps the right hon. Gentleman will confirm that the pupil-teacher ratio has worsened under his premiership. The actions of a few extremists in the teaching union should not obscure the hard work and professionalism of the vast majority of teachers; nor should it allow the Government to escape their responsibility for their own brand of extremism, which is forcing education cuts on schools the length and breadth of the country.

**The Prime Minister:** Our extremism has been to give people more choice and more information, to put far more of our young people into further and higher education than ever before, to increase spending on pupils by 50 per cent. and spending on school books by 50 per cent. over and above inflation, and to increase some areas of ancillary spending by more than 130 per cent. since we have been in government. If that is extremism in education, it is extremism that every other budget in Whitehall would have been happy to have.

### European Legislation

Q3. **Mr. Steen:** To ask the Prime Minister what steps he is taking to monitor the implementation by other EC countries of European Community legislation passed by their legislatures. [17592]

**The Prime Minister:** I refer my hon. Friend—no, I do not. My right hon. Friend, the President of the Board of Trade—*[Interruption.]* I see that the recess has not improved Opposition Members, either, Madam Speaker.

My right hon. Friend the President of the Board of Trade and his Department work actively on behalf of British firms. We remain ready to intervene when we feel that other member states have failed to fulfil their obligations and to take the Commission to court if we believe that it has failed in its responsibility to monitor implementation and enforcement of European Community legislation.

**Mr. Steen:** Since the European Community has a poor and inconsistent track record of enforcing directives and regulations, will the Prime Minister consider employing some of our own people in our embassies to do a little detective work to find out whether other countries gold plate and over-zealously interpret regulations as we do, at a cost to the consumer, our industry and our people? As deregulation is a cornerstone of this Government's policy—one that I wholly support—will he take a look at the activities of the Deregulation Committee, whose first deregulation proposal was on greyhound racing?

**The Prime Minister:** On the first part of my hon. Friend's question, we have successfully pressed the Commission to increase its efforts to improve member states' compliance with Community law. I assure my hon. Friend that our embassies already actively monitor the position so that action can be taken quickly when shortcomings are identified. The single market compliance unit in the Department of Trade and Industry also helps firms disadvantaged by other member states' failure to implement.

The greyhound racing proposal is one of a large number. On the same day as it was put forward, we also started consultation on proposals to give friendly societies and credit unions more flexibility and to streamline procedures under the Building Act 1984. We shall continue to pursue deregulation.

### Engagements

Q4. **Mr. Wray:** To ask the Prime Minister if he will list his official engagements for Tuesday 18 April. [17593]

**The Prime Minister:** I refer the hon. Member to the answer I gave some moments ago.

**Mr. Wray:** Does the Prime Minister agree that my constituency has the worst unemployment figures, health record and infant mortality rate in Britain? Why is it costing £34 million to keep my constituents unemployed? Does not the Prime Minister agree that he and the Government have been a failure? When will he do something? Should he not resign?

**The Prime Minister:** Let me reassure the hon. Gentleman about unemployment in particular. Although he may not have noticed it in his constituency, during the period when I have been Prime Minister, unemployment in Glasgow, Provan has dropped by 28 per cent.

**Mr. Nicholls:** Will my right hon. Friend confirm that the Royal Navy will maintain its policy, which goes back some centuries, of curbing Spain's maritime pretensions,

and that the Royal Navy will go to the assistance of any British fishing boat that is prevented from going about its legal business by Spanish action?

**The Prime Minister:** I can confirm that for my hon. Friend. We believe in strict enforcement, and the fisheries protection vessels of the Royal Navy will ensure that rules and agreements are respected.

Q5. **Mr. Turner:** To ask the Prime Minister if he will list his official engagements for Tuesday 18 April. [17594]

**The Prime Minister:** I refer the hon. Member to the answer I gave some moments ago.

**Mr. Turner:** Will the Prime Minister confirm that almost 800 candidates in the forthcoming elections are calling themselves Conservatives? Does he agree that it is understandable that they do not want to knock on doors as Conservatives in those elections? Will he confirm the rumour that he intends to stand as an independent in Huntingdon at the next general election?

**The Prime Minister:** I am sure that that question was very carefully thought out, but I fear that there was a little problem in delivery at the beginning. I think that I know what the hon. Gentleman had in mind. He might have had in mind some Labour councils: for example, in Berwick Labour is fielding four candidates out of 28; in Craven, three out of 12; in Forest Heath, 17 out of 25. There are a large number of other illustrations that I might give the hon. Gentleman. Perhaps they have their concerns about Labour policy.

Q6. **Mr. Nicholas Winterton:** To ask the Prime Minister if he will list his official engagements for Tuesday 18 April. [17595]

**The Prime Minister:** I refer my hon. Friend to the answer I gave some moments ago.

**Mr. Winterton:** Is my right hon. Friend aware that, in my opinion, his personal beliefs and instincts command the overwhelming support of the people of this country on such issues as the economy and taxation, the national health service, education and the European Community, including fishing? Will he assure me and the country today that his personal instincts will be translated into Government action and policy during the next 12 months?

**The Prime Minister:** I am grateful to my hon. Friend, and I am happy to give him that assurance. We have a very clear agenda of core beliefs: prosperity for all, extending opportunities, common-sense, decent values, first-class public services, the lowest credible level of taxation, pride in our nation and protection of our interests, both at home and abroad. I assure my hon. Friend that that is our programme, not just for the next year but for the rest of this Parliament and the next Parliament.

Q7. **Mr. Pike:** To ask the Prime Minister if he will list his official engagements for Tuesday 18 April. [17596]

**The Prime Minister:** I refer the hon. Member to the answer I gave some moments ago.

**Mr. Pike:** Does the Prime Minister recognise that many former employees of the Bellings Group, which went bankrupt three years ago, lost a great deal as a result of abuses and fraud relating to that company's pension fund? Will he give an undertaking to those former employees that they will receive at least equal treatment to that given to members of the Maxwell pension fund?

**The Prime Minister:** The scale of the Maxwell crisis and the large number of parties involved justified the exceptional action taken at that time by the Government. I do not think that we can necessarily adopt that model for general application. I understand that the independent trustee appointed to the Bellings pension fund is still continuing to pursue the recovery of assets missing from that fund. I think that we should better await the outcome of that investigation.

Q8. **Mr. Marlow:** To ask the Prime Minister if he will list his official engagements for Tuesday 18 April. [17598]

**The Prime Minister:** I refer my hon. Friend to the answer I gave some moments ago.

**Mr. Marlow:** Does my right hon. Friend agree with me that the single most important factor affecting our children's education is whether our teachers, as a body, wish to be looked upon as a respected, ethical profession or a primeval Scargillite rump?

**The Prime Minister:** I am entirely happy to agree with my hon. Friend upon that proposition. Although a minority of teachers have let down the profession in which they serve, I believe that the majority of teachers will strongly disagree with their behaviour. I hope that they will show their disagreement within their teacher unions, as well as publicly.

## Fishing

3.31 pm

**Sir Teddy Taylor** (Southend, East) (*by private notice*) asked the Minister of Agriculture, Fisheries and Food if he will make a statement on the agreement concluded between the European Union and Canada on fishing and on the subsequent representations made by the Spanish Government to the United Kingdom.

**The Minister of Agriculture, Fisheries and Food (Mr. William Waldegrave):** The British Government welcome the agreement reached on Sunday between the EU and Canada, which settles the recent conflict over fisheries in the north-west Atlantic.

After protracted negotiations between the European Commission and Canadian officials, an agreement was reached, which is being ratified by written procedure by the Council of Ministers. It will then be applied provisionally with immediate effect, pending full agreement by the contracting parties to the North-west Atlantic Fisheries Organisation.

The agreement is in four parts. The first element is a tough new control and enforcement regime for the high seas of the NAFO regulatory area. Neutral observers will be placed on board all vessels fishing in the area, with the task of monitoring compliance with all internationally agreed conservation measures. They will have powers to alert inspection vessels to any apparent infringements. When major offences are detected, the vessel will be boarded and directed into port for enforcement action. Every vessel will also be subject to exhaustive checks on returning to port. Infringements will be subject to enforcement by the flag state. That system will be complemented by the introduction of a satellite surveillance system, applicable initially to 35 per cent. of vessels in the area.

Secondly, new conservation measures for Greenland halibut will be proposed to NAFO, including a minimum size of fish—for which there is currently no provision—and tougher by-catch limits.

Thirdly, quotas have been agreed. Hon. Members will recall that a total allowable catch of 27,000 tonnes for Greenland halibut was set for the first time last year. Agreement has now been reached on the share-out of that total allowable catch for the remainder of 1995 and future years.

Finally, Canada has agreed to delete Spain and Portugal from the scope of her legislation governing international waters, and to repay the bonds lodged for release of the Estai and her master, and to return the catch or its value to the owner.

This agreement has required both sides to make important compromises. It is a victory for good sense and negotiation, the course that the British Government have been urging throughout the conflict. Reasonable quota shares have been agreed for both sides, together with control measures which will ensure that the stock is conserved and rules are respected.

Throughout the negotiations, the United Kingdom has been determined to play a full part in using its role as a member of both the EU and the Commonwealth to further a successful outcome. There have been frequent contacts between the UK and the parties directly concerned. Her Majesty's ambassador in Madrid, David Brighty, was asked to call on Carlos Westendorp, State Secretary for European Affairs, in Madrid yesterday to discuss the EU-Canada fisheries dispute. Media reports of that meeting bear little relation to what transpired. Mr. Brighty used the opportunity to make it clear that we had throughout the dispute tried to promote a negotiated settlement favourable to conservation, involving effective enforcement of rules and acceptable to both the EU and Canada. That has now been achieved.

**Sir Teddy Taylor:** Will the Minister convey his congratulations to the Government in Canada on securing that excellent agreement by showing courage and determination against overfishing and illegal fishing, which threatened to destroy fishing stocks? Will he further urge the Government of Spain to wake up to the fact that the fishermen of Britain, and indeed of Southend-on-Sea, consider that there will never be peace and co-operation in fishing until there are effective controls of the behaviour of irresponsible fishermen, many of whom are Spaniards, which includes illegal net sizes, false storage areas and inaccurate catch returns?

Will the Minister of Agriculture, Fisheries and Food take the message from this happy outcome that we need to be tough and determined in securing the same benefits as the Canadians have secured by their approach?

**Mr. Waldegrave:** I am sure that my hon. Friend meant the United Kingdom including Southend-on-Sea; there was no question of UDI in that matter.

I believe that my hon. Friend is right, and that the much tougher enforcement that has been the major gain out of the agreement that has been achieved is an achievement in itself for that fishery, but also sets a powerful precedent for other fisheries. I believe that it gives a warning to the fishermen of all nations who are tempted to breach the rules that that will not be tolerated in future in any other waters.

**Mr. Matthew Taylor** (Truro): Is it not the case that, if we are to avoid a diversion of further Spanish fishing effort into our own waters, not least the Irish box, we need at least to try to negotiate in Europe a far tougher new control and enforcement regime, as has been an outcome with Newfoundland? Is it not time to turn our efforts to protecting our fishermen now, following the course set by the Canadians?

**Mr. Waldegrave:** The hon. Gentleman is right. Her Majesty's Government will take the necessary steps this year, as they have in previous years, to enforce the law in the fisheries. Of course, most of the Irish box, as its name, would imply, is in Irish waters, and the hon. Gentleman will have noticed that Irish fishery protection vessels have also been active in recent days.

**Mr. David Harris** (St. Ives): May I congratulate my hon. Friend on the role played by the United Kingdom Government in trying to broker, as far as they could, a reasonable outcome in the dispute, which has gone on for far too long? The only way to settle it, as we have said right from the beginning, is by negotiation.

Does my right hon. Friend agree that there is a golden opportunity, now that world attention literally is focused on the problem of the overfishing of stocks, and that it is up to Heads of Government, including our Prime Minister, to take the lead in trying to obtain a sensible

policy that really pays attention to conservation? Does he agree that, unless we do, we shall have a repetition, time and again, of incidents similar to those of recent weeks?

**Mr. Waldegrave:** My right hon. Friend the Foreign Secretary, my hon. Friend the Minister of State and I have benefited throughout from the advice of my hon. Friend, who has been sensible, wise and practical throughout. What he says now is also right. I believe that the attention of Heads of Government, of politicians and of conservation organisations throughout the world has been focused by the dispute and that we should take advantage of that to widen it. The matter is not simply about Greenland halibut. It is about the conservation of fish throughout the world's oceans.

**Mr. Peter Shore** (Bethnal Green and Stepney): Recalling the initial stance of the European Union five weeks ago, when the dispute began, and the words of the Fisheries Commissioner, Mrs. Bonino, that Canada was behaving as an international pirate, and recalling also that Britain, together with the other member states, backed the European Commission's stance by saying that we would have to reassess our relationships with Canada, is not the changed position of the Government and the satisfactory outcome of the negotiations a victory not only for conservation but for public opinion in this country?

Is it not a victory for the fishermen in Newlyn and elsewhere who have campaigned so vigorously against European threats against Canada and for parliamentary opinion that has been announced on a number of occasions in the House? Does the right hon. Gentleman agree that one of the many lessons to be learned from the dispute is the crucial importance of retaining the British veto so that we are not bound to follow European sanctions policies, carried out by qualified majority voting, which might be exercised against Canada?

**Mr. Waldegrave:** I am sorry that the Leader of the Opposition has not benefited from the sensible advice contained in the last part of the comments made by the right hon. Member for Bethnal Green and Stepney (Mr. Shore). The Leader of the Opposition is no longer in his place, but I am sure that he will study that point. As for the first part of what the right hon. Member for Bethnal Green and Stepney said, a crucial moment in the dispute came when my right hon. Friend the Foreign Secretary, speaking on behalf of the United Kingdom and, I believe, both sides of the House, made it clear that we would not allow the dispute to escalate into sanctions or action against Canada.

The dispute had to be settled by negotiation and in a way that met some of the Canadians' legitimate demands, with which we sympathise. That has been British Government policy throughout, and it has been the right policy. I believe that the generous words of thanks that we have received from the Canadian Government will find an echo in the House.

**Mr. Toby Jessel** (Twickenham): Did our ambassador in Madrid remind the Government of Spain that this House has been overwhelmingly on the side of the Canadians in the matter and that, in a traditional parliamentary democracy, Government answer to Parliament?

**Mr. Waldegrave:** I am sure that the ambassador certainly made that point clear. Spain is also a parliamentary democracy and also has her public opinion. Spain has the highest unemployment in the European Community. None of that is any excuse for overfishing or disobeying proper fisheries rules, but hon. Members should remember that there are also pressures on democratic politicians in Spain.

**Mr. Tam Dalyell** (Linlithgow): As the Minister of State has, I think, conceded in helpful and constructive letters to me, we do not know very much about either the breeding habits or the oceanic habits of fish such as turbot, bream and halibut. Before we impose quotas in future, is it not a matter of priority to set up some sort of international research organisation to study the quantities and habits of those increasingly rare fish?

**Mr. Waldegrave:** The hon. Gentleman is right. One of the sensible things to come out of the dispute has been a proposal for joint European-Canadian research work on the stocks in the north-west Atlantic—but that only scratches the surface. There must be more international work on such matters, and we should work on a precautionary basis. There are now proposals to use the technology available for much deeper sea fishing. We must be careful about such proposals while so little is known about what happens under the ocean's surface.

**Mr. Christopher Gill** (Ludlow): The British fishermen who met in Plymouth last Thursday were most anxious that I should convey to you, Madam Speaker, a flag presented to them by Canadian parliamentarians. I will do so at a suitable stage after Question Time.

In the meantime, will my right hon. Friend the Minister note that the west country fishermen who met in Plymouth last Thursday were of the unanimous opinion that there was no future for the British fishing industry while we remain a member of the common fisheries policy? Does my right hon. Friend further agree that it is all very well to talk about solving such problems in the name of conservation, but the reality is that a billion dead fish are being dumped back into the sea every year? Many of those fish are capable of being sold to provide meals for hungry mouths. We must stop pretending that every problem can be solved by a further conservation measure. Will my right hon. Friend and his officials take much more notice of the practical men who go down to the sea in ships and fish instead of taking so much notice of Eurocrats, bureaucrats and people with no experience of the practical and technical matters?

**Mr. Waldegrave:** If my hon. Friend had attended meetings—for example, in some parts of Scotland—he would have found a different answer. The industry is not united on the idea of withdrawing from the CFP; nor in real life is it practical. As other of my hon. Friends present at the same meeting said honestly to those anxious fishermen, that is not a practical proposal. I do not believe that it displays the right sort of leadership to say to people things that will not come about in real life.

We need not to scrap the common policy, but to have a common policy that works better and more efficiently, and that conserves and is enforced better. All the real anxieties and anger that I too have experienced from those fishermen arise from the fact that they know that the rules are not being properly enforced. They must be

*[Mr. Waldegrave]*

strengthened. They must not be weakened by trying to go back to an imaginary free-for-all that might be worse for conservation in the end.

**Mrs. Margaret Ewing** (Moray): While the Minister has rightly placed strong emphasis on the importance of enforcement, will he elaborate on whether the NAFO area penalties will be translated into UK fishing industry limits? As he has said that this will be a precedent, will he advise me on whether he regards the renegotiation of the common fisheries policy as a critical factor in the intergovernmental conference in 1996? I am sure that that would be welcomed by fishing communities' representatives and by the fishing industry, from the point of view of conserving both jobs in the industry and fishing stocks?

**Mr. Waldegrave:** The last two items, if one is to be honest, are often in conflict. That is exactly the problem faced by Spain. She has tried to meet the problems of high unemployment in Galicia by building a huge new fishing industry to employ those unemployed people, thereby increasing her fishing power and causing problems. If fishing power is to be aligned to stocks, we cannot guarantee that every job in the fishing industry will be preserved. Anyone who makes such a guarantee is not telling the truth. It is better, therefore, to say to people, as we said to the House a few months back, "Yes, we will provide decommissioning money, so that we can get the fleet to the size that stocks can maintain in the long term." That must be the right way forward.

In a sense, the CFP is in constant renegotiation. This very year, whole new regimes for enforcement and control are under discussion. In the negotiations, we have an opportunity to consider how many fish are caught every year. We must get tougher on those quotas and on the share-out of those quotas.

**Mr. John Wilkinson** (Ruislip-Northwood): Had it not been for the brave, determined and unilateral action of our Canadian friends, we would not have had the improved conservation measures that my right hon. Friend has been able to announce today. Is not the lesson that the common fisheries policy is basically a farce, as land-locked nations such as Luxembourg and Austria, Mediterranean nations such as Italy and Greece, and Baltic nations such as Sweden and Finland have a say in north-west Atlantic fisheries, which are nothing to do with them?

**Mr. Waldegrave:** It is ironic that, on the very day that we are welcoming the establishment in the north-west Atlantic of a common regime with much tougher enforcement, total allowable catches and agreed share-outs of quotas—exactly the mechanisms of the common fisheries policy—people should argue that that proves that there is something fundamentally awry with such a policy. The exact opposite is shown: that what is needed is common action, but common action backed by real enforcement, quotas and total allowable catches that are set at a level that stocks can, in the long term, maintain. That is what has been established for that one fishery after tough action, which we have applauded, by the Canadians and after negotiation with the European Union. We must be equally tough elsewhere.

**Mr. Nick Ainger** (Pembroke): Does the Minister accept that the only way to conserve the fishing stocks is to ensure that those who seek to break the rules in order to improve their catches do not profit from their illegal action? While the various fishery protection vessels of many different nations can catch the occasional miscreant, the answer to the problem is to ensure that nobody profits in their home ports by the sale of small fish or juvenile fish that have not yet bred, or by fishing over quota.

Is not the new agreement an opportunity for the European Union to establish some sort of universal or Europe-wide enforcement agency so that we would have British fishery inspectors operating on the north coast of Spain or in Brittany and perhaps Spanish enforcement officers operating in Newlyn in Cornwall? Would not that be one way of ensuring that those who break the rules do not profit?

**Mr. Waldegrave:** The House will sympathise with the thought behind the hon. Gentleman's comments. If there is a common policy, it must be enforced in a common way so that there is confidence in each of the different fishing areas that it is being enforced properly. The Commission is taking steps to strengthen its inspectorate capacity, but there is much more to be done. There is much to be done by the deployment of new technology such as satellite surveillance and so on which the European Community is developing. As I have said, I sympathise with the hon. Gentleman's comments in a way, but I am not sure that there would be many volunteers from the Spanish side to be deployed in Newlyn at the moment.

**Mr. Tony Marlow** (Northampton, North): Does my right hon. Friend agree that it is just possible, to say the least, that the Spaniards might make it rather hot for our tuna fishermen when they go about their lawful business later in the year? Will my right hon. Friend give an undertaking to the House that whatever resources are needed to ensure that our people can fish legally and in peace will be provided by Her Majesty's Government?

**Mr. Waldegrave:** The same thought had occurred to me and to my hon. Friend the Minister of State. As my hon. Friend the Minister of State said last week, we will deploy the necessary resources.

**Mr. John D. Taylor** (Strangford): I welcome the new agreement between the European Union and Canada and the new regime for the enforcement of rules. It has been suggested that that could be a precedent for that part of the Irish box into which the Spanish boats will be gaining access. As the rules are devised for enforcement in that part of the Irish box, will the Minister ensure that, in practice, they will not be more damaging to home-based boats than to boats that come from a long distance?

**Mr. Waldegrave:** We will certainly endeavour to meet the right hon. Gentleman's legitimate concern. We are closely in touch with the authorities in the Republic of Ireland, who, as the right hon. Gentleman must have seen, have been having their own problems in the past few days. We will need to work closely with them to ensure that there is proper enforcement and a proper exchange of information.

**Mr. Roger Knapman** (Stroud): I congratulate my right hon. Friend on the settlement—game, set and match, as they say, to the Canadians, the conservationists and common sense. Will my right hon. Friend assure the House that, having paid so many millions of pounds to

help set up the overblown Spanish fleet, British taxpayers will not now be asked for further millions of pounds to decommission part of it?

**Mr. Waldegrave:** The Spanish fleet is subject to the same decommissioning targets as the rest of the European Community, and that is right. I am sure that we will need to return to those in the years ahead. My hon. Friend is right that this is a good outcome and I genuinely believe that the British Government have played a key part in restraining some of the earlier rhetoric and in keeping the negotiations on the rails at a critical time. I pay tribute also to the negotiators on both sides who have made concessions to bring about a mutually satisfactory future regime.

**Mr. Dennis Skinner** (Bolsover): Is not the truth of the matter that there is an agreement at this time because the Canadian Government had the guts to stand up against the common fisheries policy and Spain in particular and that the British Government caved in a few weeks ago?

**Mr. Waldegrave:** No. The hon. Gentleman may not have noticed that Canada is not a member of the European Union and is therefore not involved in the common fisheries policy. Spain took action when it saw its long-term interests threatened. That is what we will do when necessary. The hon. Gentleman may have seen that, only last month, an illegal British-registered, Spanish-owned ship was fined more than £300,000 for breaches of the fisheries regulations. Where rules are to be enforced, they will be enforced.

**Mr. Nicholas Winterton** (Macclesfield): I congratulate the Government on the role that they played in reaching this very desirable settlement, but is it not a pity—I hope that my right hon. Friend will comment on this—that the European Community does not seem to recognise that the United Kingdom is also part of the Commonwealth and that our membership of the Commonwealth long preceded our membership of the European Community? Should not the European Community bear that in mind? Does my right hon. Friend feel that the remarks of the Fisheries Commissioner from Italy on "The World at One" today were highly partisan and extremely unhelpful, because what we have achieved through the courage of the Canadians is a real conservation policy that has some meaning and some teeth?

**Mr. Waldegrave:** We have said several times that less rhetoric from that quarter might have advanced matters more quickly. In such negotiations, in the end both sides have to make concessions. Both sides did so, and produced a sensible regime. I believe that it was Britain's membership of the Commonwealth, to which I referred in my statement, and our long-standing connections of friendship and trust with the Canadians which enabled us, not for the first time, to fulfil a valuable transatlantic role in the relationship between the European Union and the North American continent.

**Mr. D. N. Campbell-Savours** (Workington): Is not the lesson of this whole affair the fact that, when one has justice on one's side and one knows that everyone in the world believes that one is right, a little bit of brinkmanship does not go amiss? That is what the Canadians have been involved in. With that in mind, would not the people of Brightlingsea now like to think that the Government might adopt a more provocative stand on issues of animal welfare?

**Mr. Waldegrave:** I am grateful for the hon. Gentleman's endorsement of an approach to foreign policy more usually associated with my party than with his. We shall remember his words when next we have to take tough action overseas and when Opposition Members are, as usual, saying that everything should be referred to the United Nations, that nothing should be done or that everything should be subjected to some committee or other. I accept that, when one is right, one has to take tough action, and we shall do so if necessary to protect our own fishermen.

**Mr. Tony Banks** (Newham, North-West): On the back of this agreement, what action will be taken by the European Union against illegal fishing by the Spanish off the west coast of Africa, where, of course, there are no fishery protection vessels such as those in Canada?

**Mr. Waldegrave:** I know, because the hon. Gentleman has referred to this before, that there have been allegations—indeed, there were further allegations in the newspapers this weekend—but I am not sure that the European Community has any legal standing in such cases. However, I shall pursue the matter and write to the hon. Gentleman. I suspect that these matters are, unfortunately perhaps, between the sovereign state—Spain, in this case—and the littoral state, but I shall look into it and write to the hon. Gentleman.

**Dr. Gavin Strang** (Edinburgh, East): Is the right hon. Gentleman aware that the Opposition welcome the agreement, and does he accept that, if it is a victory for Canada, it is also a victory for the European Union because it is in the interest of the fishing communities of Canada and Europe that we should have long-term, effective conservation? As for the immediate impact on employment in Spain, will the Secretary of State say whether the common fisheries policy will restrict the opportunity that the Spanish Government have to use their own money to help cushion the effect of any cut in employment?

While it is true that British fishermen have welcomed the agreement, it is also true that they do not welcome the prospect that the Canadian Government may be able to conserve turbot stocks outwith their 200-mile exclusive economic zone more effectively than Britain will be able to conserve our fishing stocks within our economic zone, following the agreement reached by the Secretary of State at the Council of Ministers in December in respect of our western waters.

As for that agreement, will the Minister confirm that a great deal of negotiation has still to take place on the implementation of any effective conservation measures which may have to be put in place as a result of additional Spanish vessels in those western waters? If it is true that the Irish Government supported the British Government's stance on this occasion, will the Minister explain to the House why the Irish Government did not support the British Government when it came to the crunch over additional access to western waters in December?

**Mr. Waldegrave:** On the last point, the hon. Gentleman should perhaps address his questions to the Irish Government. That was a decision for them, not for

*[Mr. Waldegrave]*

me. On the other points that he raised, any plans that the Spanish may have for investment or subsidy in relation to their fishing communities must be submitted to the European Commission for approval, but there are structural funds of one kind or another available, as there are in some parts of the United Kingdom as well. The hon. Gentleman is perfectly right to say that more negotiations have to be completed. The Minister of State in my Department has been closely involved in those negotiations, which are about the regime which will be needed next year. The overall position, of course, of enforcement within our waters is exactly the same as that of the Canadians within their waters. We are responsible for enforcement within our 200-mile limit and we shall enforce rigorously. As I said to my hon. Friend the Member for Northampton, North (Mr. Marlow), we shall deploy the necessary resources to enable enforcement.

## Business of the House

4.1 pm

**The Lord President of the Council and Leader of the House of Commons (Mr. Tony Newton):** With permission, Madam Speaker, I should like to make a short business statement. The business for Thursday 20 April will now be a debate on a motion arising from the first report of the Select Committee on Privileges on a complaint concerning an article in *The Sunday Times* of 10 July 1994 relating to the conduct of Members. That will be followed by a debate on a motion relating to withdrawal of Members from meetings of Select Committees arising from the first special report from the Select Committee on Members' Interests. The remaining stages of the Criminal Appeal Bill, which I had previously announced for Thursday, will now be taken on a later date.

**Mrs. Ann Taylor** (Dewsbury): I thank the Leader of the House for that statement. It is right that the House should discuss the report of the Privileges Committee at the earliest possible opportunity. While some hon. Members may have wished to have had more notice of the debate, it will not come as a surprise to many, and will be welcomed by the House as a whole.

Will the Leader of the House clarify three points? First, will he say how much time is likely to be allotted to the debate and ensure that it is appropriate to the matters under discussion? Secondly, will he confirm that the motion that he will table for Thursday will include the exact wording of the report of the Privileges Committee? It is extremely important that the House is able to vote on the exact and detailed recommendations made by that Committee. Thirdly, will he say when the remaining stages of the Criminal Appeal Bill will be taken and will he give an assurance that the re-timing of that day's debate will not interrupt matters and mean the loss of the expected Supply day in the next week or so, for which we have been pressing?

**Mr. Newton:** To take the last point first, I cannot at the moment indicate the total reorganisation of business that we shall consider in the next two or three days, but, of course, I take note of the hon. Lady's point, which is in some ways more appropriate to my normal business statement. The answer to her second question is yes. I expect that the motion will include the exact wording of the report of the Privileges Committee. I understand—I hope that it is in order for me to say this—that there is an agreement between the usual channels that the time allotted will be two hours for the first debate and one and a half hours for the second. I expect to table the appropriate business motions.

**Mr. Peter Bottomley** (Eltham): May I put it to my right hon. Friend that the debate on Thursday would not be the best time to deal with some of the media behaviour in the case to which he has referred and other cases in detail? Would it be possible to have a debate not with the threat of legislation, but on the various standards that the media, press and broadcasting set for themselves, and to provide the opportunity—

**Madam Speaker:** Order. That is very wide of the mark. As the Leader of the House would say, that is more a question for his normal business statement.

**Mr. Bottomley:** I was asking for confirmation that Thursday's debate would not be the most appropriate time for that kind of fuller debate.

**Mr. Newton:** If my hon. Friend is asking for my personal view, the answer is that I agree with him. However, at the end of the day, it would be for you, Madam Speaker, to determine the scope of speeches in the debate.

**Mr. Simon Hughes** (Southwark and Bermondsey): We welcome the announcement made by the Leader of the House, but can he clarify whether, in setting this Thursday which is obviously an early opportunity for resolving a matter which should not be left hanging around, he is following a principle in terms of time delay between a report from the Privileges Committee and resolution by the House? Secondly, will there be Government-whipped votes in support of both motions to be tabled by the Leader of the House?

**Mr. Newton:** On the first question, the honest answer is no. I was not seeking to establish a principle. If the hon. Gentleman wants me to go further, I would have preferred it to be possible to deal with the matter before the recess, but frankly it was not, with the notice that we could have given at that stage. This is the earliest practicable moment after the recess. But for the recess, I would have hoped to deal with it quicker.

On the latter point, the hon. Gentleman will know that the question of whipping is a matter for my right hon. Friend the Patronage Secretary, but he will also know that, by convention, House of Commons matters of this kind are not the subject of whipped party votes.

**Mr. Patrick McLoughlin** (West Derbyshire): Will my right hon. Friend confirm whether the second debate on Thursday, that in relation to Members' interests, will be sufficiently wide to enable us to have a debate on some of the allegations made in the press at the weekend, because those are wide allegations and they follow a trend in respect of allegations that have been made about other hon. Members which the Select Committee on Members' Interests is investigating?

**Mr. Newton:** Once again, my hon. Friend is inviting me to take over your privileges, Madam Speaker, in respect of deciding what is and what is not in order during the debate. However, I would have thought that the debate was fairly narrowly drawn.

**Mr. Kevin Barron** (Rother Valley): Are the motions to be tabled for Thursday amendable? If so, will they be tabled in time so that hon. Members can amend them if they feel that that is necessary?

**Mr. Newton:** They will be amendable. I hope that they will be tabled tonight. Whether amendments are selected is a matter for Madam Speaker.

**Mr. Toby Jessel** (Twickenham): As this is a short week, can my right hon. Friend say when he might be in a position to indicate next Monday's business?

**Mr. Newton:** I very much hope to be in a position to indicate next Monday's business on Thursday. Indeed, I suspect that I will be in terrible trouble if I cannot do that.

**Mr. David Trimble** (Upper Bann): While the urgency of the privileges business is appreciated, will the Leader of the House bear in mind, when he is rearranging the remaining stages of the Criminal Appeal Bill, the fact that the Bill has wide support throughout the House and is regarded by many hon. Members as one that should be expedited as quickly as possible?

**Mr. Newton:** I am grateful for that supportive offer.

**Mr. David Winnick** (Walsall, North): Would not it be unfortunate if the procedure adopted on Thursday did not allow us to vote if we so wished—and as I do—in favour of the recommendations of the Privileges Committee in respect of the two hon. Members, but at the same time to dissociate ourselves from the recommendation about *The Sunday Times*? Will the Leader of the House give an assurance, in so far as he can, that there will be an opportunity for an amendment to be tabled and a vote to be taken accordingly?

**Mr. Newton:** Once again, Madam Speaker, we are in your territory rather than mine. I expect that it would be possible to devise an amendment to achieve what the hon. Gentleman wants if he wished, but whether the amendment would be selected and in order would be a matter for the Chair.

**Mr. D. N. Campbell-Savours** (Workington): I recognise that the usual channels determine the length of debates, but, with regard to the first debate, I believe that the time allowed is far too short. If that debate were longer, some of us might have the opportunity to set out our reservations about the Privileges Committee report in so far as it has failed to address what we believe is the central issue in the whole affair. There is a danger that Privy Councillors and senior Members of the House of Commons will dominate the debate, which should be contributed to by many more than those few.

**Mr. Newton:** I cannot add to what I have said in good faith and in being as open as I could with the House a few moments ago, but no doubt the usual channels, who seem to be present in force, will have heard what the hon. Gentleman said.

**Mr. Paul Flynn** (Newport, West): Does the Leader of the House recall that, when this matter was originally debated and referred to the Privileges Committee, one of the amendments that was accepted for inclusion on the amendment paper but not subsequently selected for debate stated that all moneys received by hon. Members for their parliamentary work should be deducted from their parliamentary salaries? Will the motion on Thursday be wide enough to include such an amendment for discussion?

**Mr. Newton:** Once again, I am being invited to tread into territory beyond what would be proper for me, as whether an amendment is in order would be, of course, for the Chair. I hope that the hon. Gentleman will forgive me if I am not drawn into that deep water into which he is trying to entice me.

**Mr. Tony Banks** (Newham, North-West): As the Leader of the House has now reorganised the business for Thursday, could he find time on that day also for a

*[Mr. Tony Banks]*

statement from the appropriate Ministers with regard to the resumption of the export of calves for the veal trade on the continent? Perhaps we could then ask a Minister—

**Madam Speaker:** Order. That question is not in order.

**Mr. Bill Michie** (Sheffield, Heeley): Although there will be two debates, they might be interlinked. Will the Leader of the House assure us that, during those debates, there may be a link that is relevant to both Committees?

**Mr. Newton:** Once again, Madam Speaker, I am tempted to think that you should have made the statement, not I. Again, we are in the territory of what is and what is not in order in debating a certain motion. If such links are clearly demonstrable, I am sure that, as always, the Chair will take a characteristically reasonable view.

## Points of Order

4.11 pm

**Sir Cranley Onslow** (Woking): On a point of order, Madam Speaker. During Question Time you let fall a comment on the absence of some hon. Members who had tabled questions for oral answer. I am not sure that what you said was fully understood by the House, and I wonder whether you could clarify it.

**Madam Speaker:** I am grateful to the right hon. Gentleman for raising that matter as a point of order. It has become a regular occurrence that some Members are not in their place when their questions are called. When Members' questions appear on the Order Paper and they are not able to be here, I would expect their questions to be withdrawn and for my office and the ministerial office to know in advance. In some cases, Members do not let me know and they do not let Ministers know. That is very bad behaviour.

The Whips, perhaps through the 1922 Committee, of which the right hon. Gentleman is a respected Member, and through the parliamentary Labour party, should call to the attention of Members the fact that Ministers and the Chair need an apology when Members are not in their place. [HON. MEMBERS: "Hear, hear."] It seems that I have the support of the House on this matter, and I am grateful to the right hon. Member for Woking (Sir C. Onslow) for allowing me to make it clear.

**Mr. Derek Enright** (Hemsworth): On a point of order, Madam Speaker. Has the President of the Board of Trade or the Secretary of State for National Heritage offered to come to the House and make a statement in defence of rugby league against the depredations of the American mogul Murdoch? Is it not crucial that they do so now?

**Madam Speaker:** I understand the strong feelings of some hon. Members about this matter in those parts of the country from which I hail. No Minister has let me know that he wishes to make a statement at this juncture on the matter that the hon. Gentleman seeks to raise.

## Criminal Justice (Amendment) Bill

4.13 pm

**Mr. Michael Stephen** (Shoreham): I beg to move,

That leave be given to bring in a Bill to prohibit payment directly or indirectly to any person convicted of an offence in the United Kingdom (or in any country with which the United Kingdom had diplomatic relations at the time of the offence if the offence would have been an offence if committed in the United Kingdom at that time) or to any person associated with that person in respect of any book, play, film, newspaper article or other publication relating to that offence; to confer anonymity upon men accused of sexual offences unless and until convicted of them; and for connected purposes.

The first part of my Bill would make it an offence to pay a criminal for his story. It makes a mockery of our system of criminal justice and causes justified public outrage when a person is convicted of crime and then is seen to profit from that crime by selling his story to a newspaper or from being paid for his co-operation for a book, film, play or some other publication. It would, for example, be intolerable if Mrs. West were convicted of the Gloucester murders and received any financial benefit from selling her story.

My Bill would apply to direct payments and also to indirect payments via friends, relations or business associates. It would also apply to payments made here in respect of offences committed not only in Britain, but in any country with which we have diplomatic relations.

The second part of my Bill would give men accused of sexual offences the same protection from publicity as enjoyed by complainants since 1976, unless and until the defendant is convicted. There have been many cases and I shall remind the House of some of them, without naming the men concerned and thereby adding to the distress that they have already suffered.

The House will remember the case about a year ago involving an undergraduate accused of rape by a female undergraduate. More recently a television actor and comedian was accused of rape by a Soho stripper. Only last week, a gynaecologist was accused of sexual offences against two nurses. The jury found that the allegations by the nurses were no more than malicious lies. All those men were acquitted, but they will never be completely free of the stigma that attached to them by reason of the publicity attending the case.

Last week, a young man was acquitted of rape at Exeter Crown court. He did not have to live with the stigma for long, because he hanged himself last week. Commenting on that case, Lord Denning, the distinguished former Master of the Rolls, said:

"This case is a tragic example of the importance of amending the law. Confidentiality should be extended to the man and the woman until after the verdict."

The House may remember that men did have that protection from 1976 to 1988. I am well aware of the reasoning of the Heilbron committee which reported in 1975 and of the Criminal Law Revision Committee which reported in 1984. I do not agree with their conclusions. The general rule is that the identity of all defendants should be published, but in 1976 Parliament made a special exception for rape cases, which was extended in 1992 to other sexual offences. Parliament took that action because of the special character of sexual offences.

If an exception is made for complainants in such cases, it must also, as a matter of common fairness and justice, be made for defendants. It may well be that in a particular case the police have a compelling reason for wishing to publicise the name of the suspect and the Bill would permit a judge, on the application of the police, to grant the right to publicity, but in most cases it would be sufficient to say that the suspect was wanted for serious offences without specifying the nature of those offences.

It is said that anonymity for complainants is necessary so that women will not be deterred from reporting sexual offences. I agree with that proposition, but under the cloak of anonymity it is more likely that malicious complaints will be made for the purpose of destroying the reputation of a man whose anonymity the complainant knows will not be protected. The answer is not to remove the anonymity from women, but to grant similar anonymity to men.

*Question put and agreed to.*

Bill ordered to be brought in by Mr. Michael Stephen, Dame Elaine Kellett-Bowman, Lady Olga Maitland, Mr. Patrick Nicholls, Mr. David Evans and Mr. Bernard Jenkin.

CRIMINAL JUSTICE (AMENDMENT)

Mr. Michael Stephen accordingly presented a Bill to prohibit payment directly or indirectly to any person convicted of an offence in the United Kingdom (or in any country with which the United Kingdom had diplomatic relations at the time of the offence if the offence would have been an offence if committed in the United Kingdom at that time) or to any person associated with that person in respect of any book, play, film, newspaper article or other publication relating to that offence; to confer anonymity upon men accused of sexual offences unless and until convicted of them; and for connected purposes: And the same was read the First time; and ordered to be read a Second time upon Friday 14 July 1995, and to be printed. [Bill 99.]

# Orders of the Day

## Environment Bill *[Lords]*

*Order for Second Reading read.*

**Madam Speaker:** Before I call the Secretary of State, I must announce that I have put a ten-minute limit on all Back-Bench speeches today.

4.19 pm

**The Secretary of State for the Environment (Mr. John Gummer):** I beg to move, That the Bill be now read a Second time.

The Government are committed to a high level of environmental protection. That is what the people of Britain want, and that is what we are determined to continue to give them. But, sometimes, when we talk about the environment, we use high-falutin' language which removes what we are discussing from the lives of most of us. The facts ought to be interpreted and presented in a more down-to-earth way.

It is not surprising that many were pleased to see that—for the first time in a long time—a salmon was caught in the Thames at Canary wharf. That is a more eloquent statement about the cleanliness and the quality of the river than any of the figures which can be put forward or the arguments which can be expressed. So often, the dense numbers, complex science and abstruse concepts we use pass people by. But that example is one of a series which show how much the countryside, the rivers and the urban environment have been improved and can be improved.

That has been particularly noticeable on the international stage in previous weeks. The Government's subjecting of energy policy to the disciplines of the market has meant not only that we are now confident of meeting our Rio commitment—unlike many who made a lot of noise at the time and presented all kinds of arguments about what they were going to do—but that we are able to go further than we promised.

I was able in Berlin to call upon other industrialised nations to join us in making a commitment to reduce carbon dioxide and other greenhouse gas emissions by between 5 and 10 per cent. by 2010. The fact that we were able to do that in advance of the conference ensured that we were able to play a central role in ensuring a succesful outcome to the conference.

Those successes, and many others like them, are a result of the Government's environment policy which has set Britain on a course for sustainable development. But we have not been content simply to chart a course and sit idly by, waiting for progress to occur. To ensure that we attain the goals we have set ourselves, we have put in place perhaps the most comprehensive machinery of government to manage the environment to be found anywhere in the world.

I will not rehearse the details today, but it is necessary to see the Environment Bill not as the only part of the policy, but as part of a continuing programme to improve the environment at home and throughout the European Union, and to ensure that we lead the rest of the world in the direction in which all of us seek to go.

Many Members on both sides of the House have the same demands and desires, and this is an area where we ought to be trying to create as great a consensus as possible, so that the demands which we shall make upon all the people of Britain are willingly accepted. If we are to do that, we must give support not only to the high-level panel on sustainable development which Sir Crispin Tickell chairs, and the sustainable development round table which has representatives from business, academia, local authorities and environmental organisations, but also to the Going for Green initiative, which was welcomed by all parties when we launched it earlier this year.

The machinery of government issue is of considerable importance, because the centrepiece of the Bill is a further and significant strengthening of our mechanisms for protecting the environment and delivering sustainable development.

**Mr. Ronnie Campbell** (Blyth Valley): Will the Secretary of State give way?

**Mr. Gummer:** In a moment, if I may.

The new environment agency will give us opportunities to proceed much faster and in a more holistic way than we have so far been able to do. The whole idea is that we look at the environment much more in the round. We must recognise that we cannot deal only with water, as air and land pollution must be seen together with water pollution. The work of Her Majesty's inspectorate of pollution and that of the local authorities in their waste management role needs to be brought together with what the National Rivers Authority has so excellently done in the past few years.

**Mr. Ronnie Campbell:** Could I raise the question of gas or stythe in Northumberland, which I raised some time ago in the House of Commons? What does the Secretary of State intend to do specifically about that problem in Northumberland? One man in the constituency of the right hon. Member for Berwick-upon-Tweed (Mr. Beith) has lost his life, and some housing estates have been badly affected. It seems to me that everyone is burying his head in the sand.

**Mr. Gummer:** That was a sad occurrence. Of course, the Coal Authority is at the centre of those concerns, but the hon. Gentleman will find that, when I come to deal with the matter in general later, he will see what the Government seek to do. In the specifics, we are looking carefully at what has happened. We join the hon. Gentleman not only in sending condolences to the family of the man concerned, but in wishing to ensure that, so far as possible, there is no recurrence of what is universally seen as a tragic case.

The Government believe that, if we are to deal with such matters, not least the sort of occurrence which the hon. Gentleman has raised, we have to start with an attitude towards growth that is best expressed by the phrase "sustainable development". There is no doubt that hon. Members on both sides of the House want to see a growing economy, but that they do not wish to see that growth bought at the price of the next generation. In the past, the profits of one generation have been paid for in costs to the next generation. We are all seeing that today, not least in the sort of incident that the hon. Gentleman has just raised.

We are paying now the costs of what produced wealth in the past. We can certainly accept that responsibility today, but it is also our responsibility not to lay similar costs on future generations if we are to proceed with the growth

which all of us want to achieve today. That is why sustainable development lies behind all that we do in the environment. That is why sustainable development and the concept that it encapsulates needs to be borne in mind in all that we do when we discuss the new environment agency.

**Mr. Chris Mullin** (Sunderland, South): Why does the Bill exempt coal mines from any consequence of polluted minewater until 1999? Why does it apply only to pits that are still open after 1999, and not to the large number of pits which have closed? Does that not speak more about the interests of the Government in creating a sustainable environment than all the lofty sentiments expressed at international conferences?

**Mr. Gummer:** The hon. Gentleman cannot have read what my noble Friend said in the House of Lords. He made clear the responsibility that the Coal Authority would take on its shoulders until 1999. When the hon. Gentleman looks at the facts, he will see that we have protected people. I hope that he will not spread a misreading of what the situation will be.

A proper balance has been introduced. It has been discussed in great detail in their Lordships' House, and it will undoubtedly be discussed here, too. We are clearly protecting the environment in a sensible way and making sure that people have proper notice of the responsibility which will lie on their shoulders after 1999. Up to that time, clear responsibilities will lie on the Coal Authority. The Coal Authority has accepted those responsibilities.

**Mr. Christopher Gill** (Ludlow): My right hon. Friend mentioned a moment ago the legacy that previous generations have left to future generations. I presume that he had in mind very much the question of contaminated land.

Will my right hon. Friend assure the House that he has consulted on his proposals with those who might develop such land, that he has satisfied himself that he has made it possible for them to do so commercially and economically, and that his proposals will not have the opposite effect to that intended, and prevent such redevelopment?

**Mr. Gummer:** My hon. Friend is right to point to the need for balance, but detailed consultation is under way, and we are consulting all those interests. The issue he raised is crucial. We must ensure that decontamination is carried out to the level necessary for the purpose to which the land is to be put. If we try to ensure that all land has to be cleaned up to the highest possible standard so that it could have any use, then frankly, we will not get much land cleaned up. It is much better to ensure that the land is cleaned up to the level suitable for the use for which it is intended, and in that way we will get the balance right.

**Mr. Llew Smith** (Blaenau Gwent): Will the right hon. Gentleman give way?

**Mr. Gummer:** I really must get on for a moment.

Balance is at the heart of sustainable development. The two words, sustainability and development, need to be held together if we are to get a sensible answer. We need to grow if we are to provide the resources our people need, but at the same time we need to grow in a sustainable way. It is not easy to keep those two words together. When people talk about sustainability but fail to talk about growth, they are talking about the destruction of society, for a society without the resources for improvement, change and betterment is not one in which we would wish to live.

Those who talk about growth without giving any indication of how to make it sustainable are betraying the next generation. The two words must be kept permanently together. That means reconciling the needs of the environment and of economic development, rather than pursuing one at the cost of the other. It means placing the concept of the environment at the centre of decision making, rather than as an add-on extra.

When I was Minister of Agriculture, one of the issues associated with the common agricultural policy was putting the environmental concerns of farming at the centre, instead of their being an add-on extra that some nations would take on their shoulders but some would not, and about which some farmers were concerned while others were not. Environmental concerns must be part and parcel of the agricultural process and, indeed, of other processes.

To do that, we must take proper account of costs and benefits. Only in that way can we ensure that environmental priorities are central to the way in which we make up our minds about what we do, and are not something that one bothers about only when one can afford it.

Costs are important. We cannot deliver on environmental demands unless we take into account the costs and ensure that they are proportionate to the benefits that we gain. We can all give a list of desiderata, but we also need a list of priorities for we must ensure that we do not do the least important things first, or we will find that there are no resources left for doing the things that really matter. That means that we need a well focused and well managed series of bodies that will offer practical ways of ensuring that holistic approach to environmental protection and effective planning.

For example, one of the reasons why the change in the structure of the national parks is necessary is to ensure that they are run by bodies that are more able to take in the wider interests that they ought to represent. We must avoid festooning those new organisations with additional tasks and duties, covering everything with some environmental connection. They need to be properly focused, but they also need to ensure that they can cover the range of environmental demands that will be made of them.

**Mr. Anthony Steen** (South Hams): I was one of the members of the Select Committee on the Environment when Sir Hugh Rossi recommended that environmental agency. I expressed my concern at the time, and I do so again now. The idea of the environmental agency is second to none, and my right hon. Friend the Secretary of State is selling it to the House very well, but he has not stated the cost implications. The Select Committee was concerned about the fact that 10,000 paid civil servants would be involved.

Our second concern is the agency's effect on industries and consumers, and whether this country would be at a disadvantage compared with other European countries that do not have all those high standards. Will my right hon. Friend say something about the on-costs to the nation as a result of the environmental agency?

**Mr. Gummer:** I thank my hon. Friend for that question. The figures he quotes could apply to people currently doing

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those jobs. They happen to do them under different hats, either as members of Her Majesty's inspectorate of pollution, working for local authorities in their waste management function, or as members of the National Rivers Authority. If the numbers are added together, the figure is similar to what my hon. Friend quoted.

I hope and believe that, by bringing those resources together, we shall reduce the number of people involved in the agency. Indeed, the agency will have failed if it cannot make its operation as lean as humanly possible. It must also use contractors to involve the private sector in as wide a range of activities as possible. It must get the best value for money, and all those measures can be taken effectively by such an agency.

My hon. Friend knows that I am entirely on his side on that matter, as I am a late convert to the concept of an agency, on precisely those grounds. It was necessary to build an agency that did not end up being a juggernaut—so large that it could not see its priorities clearly. My hon. Friend is right to remind the House of that, and I assure him that, with the balance in the Bill, we seek to make it absolutely clear that the agency will be effective and as lean as possible. By bringing together those responsibilities, it will ensure that its work can be done better and more effectively with fewer people.

**Mr. Patrick McLoughlin** (West Derbyshire): I welcome the Bill in terms of what it will do for the national parks, but I am concerned that the schedule says only that it is desirable to appoint councillors from wards. Will my right hon. Friend look at that and consider whether we should direct councils to appoint to national park authorities councillors who represent national park areas?

**Mr. Gummer:** I have great sympathy with my hon. Friend's point, as, in some cases, national parks have given the impression that they have not been as understanding of the people who live in them as they have been about certain other matters outside. I want to ensure that people who live in national parks feel properly represented by those national park bodies.

I have tried hard to think of ways of doing that precisely as my hon. Friend suggested, but there are real reasons why, in a number of national parks, one could not direct that matter quite as he thought. We have some ideas about how we might give specific support to local people who live within national parks and ensure that they are represented on the relevant national park body, and I hope that we can talk those ideas through in Committee.

**Mr. A. J. Beith** (Berwick-upon-Tweed) *rose—*

**Mr. Llew Smith** *rose—*

**Mr. Gummer:** I shall give way to the right hon. Member for Berwick-upon-Tweed (Mr. Beith), who represents an important national park.

**Mr. Beith:** Will the Minister include among the ideas that he considers the direct election of at least some members of the national park authority by residents of a park? Will he bear in mind the concern in areas like Northumberland, where people feel that the national park is, in some way, inimical to the continued presence of the Army, which has been a good conservator in the area, and has worked effectively and successfully with the park over many years?

**Mr. Gummer:** I have been impressed with how the Army has dealt with a number of issues, particularly in the right hon. Gentleman's area, and I am concerned about the attacks that have been made on it, unnecessarily and wrongly. However, we are looking at all sorts of ideas, and I rule out none that are put forward.

I have considered some radical proposals, and hope that we can have a consensus on the matter, because it will be better for the environment. If people who live in national parks feel much more closely allied and committed to how their national park is run, they are more likely to do, often voluntarily, things that it would be impossible to ask them to do statutorily. There is a real prize to be gained here if we can get that right.

**Mr. Llew Smith:** Will the Minister give way?

**Mr. Gummer:** May I just complete this point? I apologise to the hon. Gentleman for missing him.

I hope that the right hon. Member for Berwick-upon-Tweed accepts that we have sought to take that tone in the Bill, which was put into the public domain as a draft Bill in the first place. We have sought to listen carefully in another place. We have changed the Bill in a number of important areas where we believe that the case for change has been made.

I should certainly like the Bill to command as much consensus as possible. I do not want people to feel that we will not be as flexible as possible. Hon. Members must appreciate, however, that, on many of the issues involved, two genuine sides exist, and that both are seeking the best answer environmentally. That does not necessarily mean a battle between one side that considers sustainability most important and the another that is concerned only about growth. People are genuinely trying to bring those concepts together to get the balance right. The national parks are a good example of that.

In their Lordships' House, people argued on both sides about exactly how to offer the best mix of powers and responsibilities to the national parks authorities. They did so in order to achieve an end that they hold in common. I cannot promise that we will necessarily reach an answer that is universally acceptable, but all I can say is that we will seek one that carries the greatest consensus and the best balance between elements that are often diffuse and contrasting.

**Mr. Llew Smith:** The right hon. Gentleman said that environmental issues should be the centre of all decision making. With that in mind, would he care to comment on the development of the nuclear industry, and the legacy of nuclear waste that we will pass on to future generations?

**Mr. Gummer:** I am a strong supporter of nuclear power, because I believe it is one of the cleanest and most environmentally friendly ways of producing power. The hon. Member for Blaenau Gwent (Mr. Smith) may laugh, but there is genuine disagreement between environmentalists about that.

What I have found most interesting recently is that many of the people who opposed the opening of a second nuclear power station in my constituency, and demanded that we should use wind power, are precisely the same people who now oppose any granting of planning permission for wind power generation anywhere in the country. A peripatetic anti-power group exists, which is

opposed to any type of development, whatever it is, as long as it is the one that it is on about—every other alternative is better than that one.

The hon. Member for Blaenau Gwent should recognise that respectable grounds exist to argue that nuclear power plays an important part in ensuring that we can save the planet for future generations by reducing the amount of carbon that we emit into the atmosphere. Were we, France and other countries not to generate as much nuclear power as we do generate, we would have little chance of meeting the obligations laid before us.

The Labour party should remember how little nuclear waste is generated, and compare it with the damage done by sulphur and carbon dioxide. In those circumstances, the Opposition should take more seriously the case for nuclear power.

**Mr. Iain Mills** (Meriden): On the national parks, does my right hon. Friend realise how strongly concerned motor rallyists are about what is meant by "quiet enjoyment" in country parks? Many people have spoken to me, as chairman of the all-party motor industry group, about the difficulty of defining that term.

**Mr. Gummer:** I am sure that you have noticed, Madam Deputy Speaker, that we have moved from nuclear power to motor rallying with one short step. That shows the range of issues that the Bill is bound to cover.

I am perfectly aware of the concerns that my hon. Friend the Member for Meriden (Mr. Mills) has raised. I have received a most helpful and direct letter from the Royal Automobile Club about them. We must ensure that we recognise the range of activities in which people have every right to feel they can be involved in the national parks. We need to find a way to get that balance right.

One of the difficulties is that we are often faced by single-issue groups, which are only concerned about one particular aspect of the countryside. Somehow or other, we need to bring those interests together. That is, once again, part of the consensus that we must find in the debate.

The core of the Bill will be the establishment of the environment agency and the Scottish environment protection agency, SEPA. As I have already said, I was a late convert to the need for those new bodies. I am convinced of them primarily because of the nature of sustainable development.

I do not see how one can ensure that sustainable development lies at the heart of our decision making unless pollution can be controlled. A single agency can make that possible. We cannot ensure such sustainable development unless it is possible to deal with the way in which pollution affects all the elements and not just water. For that reason, the agencies will be more than the sum of their parts.

Those agencies will take forward the key aims of providing a more integrated approach to environmental regulation and management and improving the efficiency of regulation. We hope that that integrated approach will ensure that, by bringing management and regulation together, we can, in most cases, deal with such matters by management rather than by regulation. It is better to organise by the most voluntary means the best way of achieving our ends. If possible, the agencies will seek to foster such management, but they will have strong powers to back up those efforts at management.

**Mrs. Anne Campbell** (Cambridge): If we are to mean what we say about sustainable development, the public need to be aware of all environmental information, which may not be available to them now. I refer in particular to industrial operators' data on emissions from cement kilns, which affect areas near my constituency. Does the right hon. Gentleman agree that it is important that the public should be aware of that information?

**Mr. Gummer:** Of course. The tests that we are conducting in that respect are about to be completed and then all the figures will be available in the normal way. We are open about offering such information, but if the hon. Lady can point out to me any areas where we could be more open, I would be happy to look at them.

There is no question of wishing to restrict information. The only issue of concern is information of great use to us, but made available on a commercial basis, which makes it impossible to share. One must strike a balance, but wherever possible I shall certainly make the relevant information available.

**Mr. Keith Mans** (Wyre): My right hon. Friend has just mentioned the aims of the agencies. Does he agree that, in order to promote good environmental practice, those agencies should have the ability to insist on clean technology, or at least to promote it as a way forward, not only to provide jobs, but to ensure that best practice is adopted when considering new techniques?

**Mr. Gummer:** I am sure that my hon. Friend is right. The work that he is doing as a member of the all-party environment committee is helpful. It is not only a question of clean technology, but of ensuring that we use the most efficient and cost-effective way of delivering our ends.

One of the dangers is to insist upon a particular mechanism, rather than being concerned to reach those aims. By introducing the concept of cost-effectiveness, I hope that the new environment agencies will be able to encourage best practice, to be achieved at the most reasonable cost. That is vital to ensuring that we use our resources to their best effect to improve the environment.

We must accept that there is a good deal of green posturing. For example, people demand that we should make reassuring general comments about the environment without being prepared to count the cost. They are not prepared to accept that, to improve the environment, we must take some tough decisions.

I exempt the current Opposition spokesmen from that charge, because they were not in place at the time, but I remember how difficult it was to follow an Opposition argument that we had to do much more to deal with $CO_2$ emissions, but that the source of 30 per cent. of them—the homes of Britain—should not bear the cost. The Liberal party is keen on green taxation, but not on any that might lose it a single vote in any by-election. That type of green posturing must stop, because it will not help any of us. I hope that we will be able to get rid of it.

No doubt the Opposition will ask for various assurances, but I hope that they will not demand sustainable development as well as a system that does not offer the means to meter any resources to make people pay for the cost of those resources. If we do not have a mechanism that puts the cost upon the resource rather than on employment, we will not achieve our ends. We will

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run contrary to the propositions to which the Government—and, I understand, the Opposition—signed up, not only at Rio but in the European Union.

In the Environment Bill, the Government are squarely tackling those issues. The creation of the new agencies will simultaneously benefit the environment and the wider economy, because they will be able to look more broadly across all the environmental media. However, those agencies will also be confronted with difficult judgments—there is no doubt about the difficulty of many of those judgments. We are giving those agencies a principal aim based on the precepts of sustainable development and a duty to take account of costs, including costs to the environment and benefits in carrying out their functions.

**Mr. Alan W. Williams** (Carmarthen) *rose—*

**Mr. Gummer:** I will give way in a moment, but I think I have an idea about what the hon. Gentleman might ask me, so in advance I shall say to him that, unless the concept of cost-benefit analysis is at the heart of our approach to the environment, we shall never bring home to business, local authorities and Governments the importance of the environment.

If one does not undertake cost-benefit analysis—if one does not make it necessary to express the importance of the environment in the imperative language that will appeal to bankers, as well as those who are naturally enthusiastic about flora and fauna—one will not give the environment the importance that it should have. Cost-benefit analysis is a crucial way of raising the profile of the environment, not only through the agency but elsewhere.

**Mr. Williams:** The Minister anticipated quite well the subject that I had in mind—it was the issue of cost-benefit analysis. He spoke earlier about carbon dioxide emissions, and the great importance worldwide of limiting those $CO_2$ emissions. It is difficult to calculate the benefits of that. How does one calculate the cost of global warming? It is an enormously complicated calculation. When considering that cost-benefit analysis, should not the Minister adopt the precautionary principle that the environment is sacrosanct, and that any benefit of doubt must be in favour of the environment?

**Mr. Gummer:** If the hon. Gentleman says that, why was he not in the same Lobby as the Government on VAT on fuel? How does the hon. Gentleman come to the House, as usual, to say, "Let us make sure that someone else pays the costs as long as it is not someone who might vote for me in my constituency. Let us simply ensure that the cost falls on someone else"?

The hon. Gentleman is right to say that the environment should be at the centre of our decisions, but I cannot understand his argument that it is difficult to judge the extent of the benefit of avoiding the dangers of global warming. The benefit is obvious. That is why Britain has taken the lead. That is why we persuaded the other Organisation for Economic Co-operation and Development countries to follow us instead of dragging their feet.

The decisions of the EU were almost word for word written by this country, because we are determined to ensure that we face up to the damaging costs of global warming, and do so on the precautionary principle, even at a stage at which, although the science seems to me to be pretty conclusive, there remain people who consider that perhaps it is not quite right. On the precautionary principle, it is sensible to take the measures we wish to take.

I hope that the hon. Member for Swansea, West (Mr. Williams) will convince his party before he seeks to convince the House. Perhaps he would like to have one or two words with some of his friends in the coal mining districts, who did not seem to me to be entirely enthusiastic about the reality of what needed to be done to ensure that we met our Rio commitments. If he converts his own side first, we shall be pleased to allow them to join us on the environmentally friendly side of the House, because that would be an extremely beneficial thing for the nation as a whole.

**Mr. Peter Hardy** (Wentworth) *rose—*

**Mr. Frank Dobson** (Holborn and St. Pancras) *rose—*

**Mr. Gummer:** I give way to the hon. Member for Holborn and St. Pancras (Mr. Dobson).

**Mr. Dobson:** For fear of any confusion, will the Secretary of State tell us, in view of his most recent remarks about VAT on fuel, whether the Government have abandoned the proposal to increase VAT on fuel to 17.5 per cent. or simply postponed it to a better day?

**Mr. Gummer:** The House of Commons made it quite clear that it was not prepared to accept it. I was merely drawing attention to the fact that it was interesting to notice how ungreen the Labour party was about that issue when it thought that it might win a vote or two.

The Government have made it quite clear that we are not reintroducing any such question. I am merely drawing attention to the fact that that means that we must find a different way of delivering what the Labour party is always talking about but is never prepared to put its vote behind when difficult decisions need to be taken.

That is the problem with the Labour party—it is all talk, but never prepared to take the big decisions. We notice that in every aspect of life, and that is a great sadness. If the hon. Member for Holborn and St. Pancras had been on the side of the environment, he would not have been in the Lobby that he was in on that night. That is very sad.

We have yet to tackle many issues.

**Mr. Hardy** *rose—*

**Mr. Tim Yeo** (Suffolk, South) *rose—*

**Mr. Gummer:** I want to continue, but I will give way to my hon. Friend the Member for Suffolk, South (Mr. Yeo).

**Mr. Yeo:** While my right hon. Friend is on the subject of the Labour party, is he aware that, right on the doorstep that he and I share, we have an example of what happens when the Labour party has been in power for two years, propped up by its Liberal allies? So great is their contempt for the environment that they have produced lunatic schemes for a northern bypass in Ipswich. They have produced a lunatic traffic experiment scheme, disfiguring villages in my constituency such as Brantham, in a way that shows a complete disregard for the opinions of local residents and for the environment.

**Mr. Gummer:** My hon. Friend tempts me down a line that I shall be careful about, but I shall say that it is odd

that I have had to spend most of the Easter weekend dealing with my constituents who have been affronted by the fact that the Lib-Lab coalition in the Suffolk county council is pressing forward with plans for a north Ipswich bypass, although it has been told by the Department of Transport that there will be no money for it, it has been told by the Department of the Environment that it cannot put it in its plan because there is no likelihood of it being built, and I have told them that it is wholly contrary to any sensible environment policy.

A bypass would pollute a series of villages, blight the houses in those villages and cut into the very attractive, unspoilt countryside. A perfectly proper southern bypass has been built, and there is no need for that northern bypass. The Liberal party especially, the chairman of the transport committee being a Liberal, is promoting the idea of that bypass, although it knows it to be environmentally unfriendly.

That is the type of double-talk we hear throughout the country. Once the Liberals are in power, they become as unenvironmental as it is possible to be. Outside power, they are very environmental for those from whom they believe they might obtain support as a result, and very non-environmental for those from whom they suppose that they might obtain the odd vote or two in that respect.

I hope that the hon. Member for Truro (Mr. Taylor), who will speak for the Liberals—

**Mr. Andrew Mackinlay** (Thurrock): What about this Bill? What has all this got to do with the Bill?

**Mr. Gummer:** The hon. Gentleman might wait for one moment, because I shall have a thing or two to say about Thurrock in a minute.

I hope that the hon. Member for Truro will be able to explain to us why the Liberals, to advance the environment, busily want to build new roads in my constituency and to drive a new lorry route right through some of the smallest and most distant villages in Suffolk. Perhaps he would like to explain that in his speech. I shall listen carefully.

I shall come to Thurrock in a minute—after I have dealt with contaminated land.

There are balances to be struck in tackling such major environmental problems as contaminated land. My hon. Friend the Member for Ludlow (Mr. Gill) rightly argued that we need to clear up as much contaminated land as possible as quickly as possible, and we must ensure that in future we do not leave land contaminated by today's industrial processes. However, we cannot possibly make the position such that people will not dare to take on the responsibility of contaminated land because of the huge costs that would inevitably be involved. We need to obtain the right balance, and I believe that our provisions in part II achieve that aim.

There are important choices to be made: choices about how best to deal with environmental matters such as water pollution from abandoned mines. The hon. Member for Sunderland, South (Mr. Mullin), who mentioned that issue, is not in the House at the moment, but I believe that it is important to ensure that industry's responsibilities for the environmental consequences of its actions are brought home to it.

That includes packaging waste and old minerals permissions. It also includes the protection of valuable hedgerows, in relation to which the agricultural industry needs to balance its responsibilities properly with the need to produce the food that the country demands.

As far as abandoned mines are concerned—

**Sir Trevor Skeet** (Bedfordshire, North): Will the Secretary of State give way?

**Mr. Gummer:** I shall give way in a moment, if I may first discuss abandoned mines.

Statutory protections in cases where a polluting discharge is permitted to flow from an abandoned mine will apply until 1999, but after 31 December 1999, those protections will no longer apply to the owner or operator of a mine, so the agency will be able to regulate discharges. In the meantime, we have made an absolutely clear commitment that the coal authority will take on the responsibilities delineated by my right hon. Friend the Minister for Construction and Planning.

**Sir Trevor Skeet:** The Secretary of State has mentioned mining, and has tried to put forward a balanced case. There is a barytes mine in the United Kingdom which is perhaps one of the largest in the world for producing drilling mount, which is required for the North sea. Permission for the mine was rejected by the Department of the Environment, and now all the material has to be bought abroad. Is that the way to maintain the balance of which my right hon. Friend has spoken?

**Mr. Gummer:** When I deal with planning permission—I understand that is what was involved in this case—I have to take individual circumstances into account. The planning decision will have been made entirely on the basis of the facts relating to that mine and the circumstances surrounding it—those involved will have tried to weigh the facts properly.

A balance has to be struck—my hon. Friend has put one side of it and said how important it is to produce that material, but there will have been a range of other issues to take into account. One has had to try to get the balance right, and that is not easy. I cannot guarantee that, in every case, his decision would be exactly the same as mine, but I try to take such decisions in the most balanced way.

**Dame Elaine Kellett-Bowman** (Lancaster): My right hon. Friend referred to hedges and farmers. It will be crucial to the good running of agriculture for the definition of hedges to be clearly drawn up. Who decides whether a hedge is important? It could be difficult.

**Mr. Gummer:** My hon. Friend is right to say how difficult such decisions are. A modern agricultural industry certainly cannot be run with farm fields as small as they were in the days when everything was carted by horse. There are a large number of ancient hedges, which are important to the environment and which need to be protected.

The Government are introducing proposals that are not dissimilar to those introduced earlier by my hon. Friend the Member for Surrey, East (Mr. Ainsworth). I hope that they will commend themselves to the House as part of the Bill, and provide us with the necessary balance. The balance enables the farmer to continue his role and job, and the countryside to be properly looked after.

Producer responsibility is also necessary to ensure that the industry takes fuller account of the environmental consequences of its action. Up to now, that has operated

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by means of a challenge from the Government to the key industries—seven separate waste streams have so far been involved. The response has shown that industry is prepared to take up its responsibilities.

Concerns have been raised, most notably by the packaging industry, about the potential problem of free riders—those companies that might seek to gain a competitive advantage by refusing to accept their share of the responsibility. In response, we have agreed to introduce framework legislation in the Bill to provide the minimum necessary to ensure that the freeloaders will not be able to get away with their practices. That seems to be the proper balance—to get the industry to make cost-effective decisions, while ensuring that those who do what is right are not undermined by those who seek to make profits by doing what is clearly wrong.

I have already mentioned hedgerows. I hope that clause 80 will be seen as a sensible and balanced approach to a difficult decision. We also have to establish clear priorities. If we continue to deal with such issues in the customary way—choosing what happens to be popular or fashionable at one time and placing emphasis on a policy because it seems to be convenient—we will not strike the right balance. Therefore, we must establish priorities. The Bill will clearly help considerably in certain sectors.

Clause 75 requires national waste strategies to be drawn up in England, Wales and Scotland. I believe that that has been widely welcomed. There is an air quality strategy. In January, I launched "Air Quality: Meeting the Challenge", which set out our strategic proposals for air quality management. We intend to table amendments in Committee to give effect to those proposals.

From what we have heard from the Opposition parties, the general view seems to be that the sort of ideas we have will be valuable, not only in the centres of big cities, but in many of the urban areas surrounding them. Many people who have known and loved areas such as Grays and Purfleet will know that the air quality strategy involves not simply Westminster, Lambeth and Wandsworth, but areas which, although possibly of smaller import in the great national scheme of things, are important to the people who live there. I hope that the proposals we introduce will commend themselves to the House.

Further provisions will be made to provide for countryside grants, and fisheries and flood defence. In terms of countryside grants, the Bill will enable my right hon. Friend the Minister of Agriculture to operate the countryside stewardship scheme when it is transferred to him from the Countryside Commission at the end of its pilot period. It will benefit farmers and land managers by ensuring that all the schemes that make up England's agri-environment programme are administered by a single body.

I was conscious when I was Minister that it was not possible under the legislative framework for the Minister of Agriculture to run such a scheme. Clearly, it should be run by the Agriculture Minister, which is why the Department of the Environment is, through legislation, giving the Ministry of Agriculture the opportunity to carry forward such a scheme in future.

The Bill transfers to the agency all the existing functions of the National Rivers Authority in respect of fisheries and flood defence, but with some limited changes. It provides for the introduction of a fixed penalty scheme for offences under salmon and freshwater fisheries legislation. It transfers to the agency responsibility for approving the design and installation of fish passes and gratings. It enables the agency to expand the remit and membership of its fisheries advisory committees to include recreation, conservation and navigation instruments.

That last example shows just what we are seeking to do—to bring together a myriad of different interests to create the proper balance in countryside and town. We want to ensure that the environment takes into account all the interests of growth and sustainability, of those who want to walk, fish and participate in field sports, and of those who want to farm and participate in the myriad of countryside activities. We do not want one group, whether the ramblers or the Country Landowners Association, to have a monopoly on countryside interests. We want everyone to have a fair share in a limited resource, which we need to protect for the next generation.

The Bill is only the latest in a long line of Bills to protect the British environment from pollution. Those Bills date back more than 100 years, to the legislation to protect our water and air from the worst effects of the industrial revolution. They include the clean air Acts of the 1950s, the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Bill now before the House.

It is no mere accident of grammar that "Conservative" and "conservation" have the same root in our language. The legislation to conserve our environment has a common feature: it was introduced by Conservative Governments. All those great landmark Acts are Conservative Acts proposed by Conservative Governments. That is because we are concerned not just for this generation, but for future generations. Our concept of continuity and of passing on to the next generation something better than we have received in the past is uniquely understood and supported by this country's oldest political party, the Conservative party.

It is not surprising that, when other Governments turn to see where the innovative ideas for conservation are coming from, they look to this Government. They look to us throughout the European Union and beyond. In Berlin only 10 days ago, the United States, the Canadians, the Australians and the New Zealanders had to face the fact that the British Conservative Government were leading the pack and setting the pace in international environmental control.

We face a new century and a new millennium, in which sustainable development will be the watchword of well-being for all our people. The Bill puts in place a key instrument for preserving and enhancing the quality of life for the British people as we enter a new era. It will be of importance not only to us, but to the rest of Europe and beyond.

We are setting the trend. We are creating a way in which, by a balanced approach to the environment, other countries can also ensure that the next generation has reason to be glad that this sort of legislation was introduced by a Government committed to its future.

5.9 pm

**Mr. Frank Dobson** (Holborn and St. Pancras): Many of the Bill's proposals are in line with Labour party policy and we welcome them. We do not, therefore, propose to vote against the Bill at this stage.

As the Secretary of State for the Environment has explained at some length, the Bill brings together in one environment agency the National Rivers Authority, Her Majesty's inspectorate of pollution and the waste regulation functions of local authorities. That integration is intended to make overall environment protection more effective. That is right and welcome. However, the Bill has many shortcomings and I hope that the Secretary of State will forgive me if I concentrate on the shortcomings rather than on votes of welcome for the provisions of which we approve.

The Bill weakens the conservation obligations of the National Rivers Authority, and makes all the new agency's functions subject to challenge in the courts on the ground of cost. We believe that that is wrong and should be changed. The Bill proposes the establishment of a separate agency for Scotland but not for Wales, which presumably accounts for the absence of any Welsh Tories in the Chamber today. We believe that that omission is wrong and should be changed.

**Mr. Roy Thomason** (Bromsgrove): Will the hon. Gentleman give way?

**Mr. Dobson:** No. Clearly, a large number of hon. Members want to speak. The Secretary of State has spoken for the best part of an hour and I should like to be brief.

The Bill abandons the present statutory obligation on local councils to keep a register of contaminated land. That is wrong and should be changed. The Bill rightly repeals the law that permits contaminated water from abandoned mine workings to pollute rivers, streams and lakes. That repeal, however, will apply only to mine workings abandoned in the next century. That postponement is wrong and should be changed. We will seek to amend the Bill to put right those and other significant shortcomings.

Our other major criticism of the Bill is what it leaves out—the opportunities that are missed. The Bill could have placed on all Government Departments and public bodies a general duty to further the protection and enhancement of the environment; it does not. It could have enshrined in law the precautionary principle that could be applied to new materials and processes; it does not. It could have taken action to deal with growing public concern about air pollution, especially from vehicles; it does not, although this afternoon the Secretary of State has made the welcome announcement that the Government intend to amend their own Bill to do something on those lines.

The Bill proposes no action to tackle noise pollution. The Government have not taken the opportunity provided by the establishment of the new agencies to end the present confusion over responsibility, which is holding back an integrated and effective effort to reduce marine pollution, especially in the North and Irish seas. In short, the Bill is welcome in general, but it falls short of what is needed if the environment is to be given proper priority as we approach the 21st century. However, we do not intend to vote against the Bill at this stage. We will not oppose it for the sake of opposing it.

The Secretary of State claims to be deeply concerned about the environment. He claims to be committed to sustainable development and conservation. We propose to give him the opportunity to make good his claims. We will table amendments to strengthen the Bill's provisions and to extend its scope. We look forward to their being accepted by the Government. If they are rejected and the major shortcomings of the Bill are not corrected, we will vote against it on Third Reading.

Some people cast doubts on the Secretary of State's commitment to the environment, but I suggest, if only for the sake of argument, that we accept that he is sincere in the concerns that he expresses. His problem is not lack of concern but lack of influence. He cannot get his Cabinet colleagues to accept what is really needed. He knows as well as anyone in the House that tough and effective regulation is necessary to protect and enhance the environment, but the rest of the Government do not believe in such regulation. Quite the reverse is the case—they regard all regulation as a burden on business. Instead, they glory in deregulation. That attitude dominates everything that the Government do, and it shows in the Bill.

Most people would agree that the aim must be to make the environment agency more effective than the various organisations that it replaces—that it should add up to more than the sum of its parts. Surely that is the object of the whole exercise, but that is not what the Bill proposes.

Under the Bill, the new agency will be in a weaker position than the present National Rivers Authority. The NRA has worked well and effectively. In all its activities, including pollution control, it was required to further conservation. That will not be the case any more. That obligation was to be removed all together. It is now to be retained, but the Secretary of State has excluded the agency's pollution control functions from its scope. That is simply not good enough. The agency should be required to promote conservation in every aspect of its work, including pollution control, which is one of its major functions. If a proposal on those lines is not accepted, the agency will be weaker than the NRA.

My next major concern is about the agency's general aims and objectives. Those require the agency to take into account the likely costs and benefits of its actions. No such requirement was placed on the NRA, yet I know of no public criticism of the NRA for exercising its powers unreasonably or for imposing excessive costs on water companies or on any other bodies whose activities it has supervised. That requirement must place the new agency in a weaker position than the NRA by leaving its actions wide open to challenge in the courts. I am sure that the Secretary of State realises that, but he has had to give way to the deregulators in the Cabinet, who do not seem to understand the role of the new agencies.

The new agency is there not to adjudicate between polluters and green pressure groups, but to protect and enhance the environment. It is not for the agency to act as a referee or umpire; it must be a player. To do its job properly, it must take sides. It must be on the side of the environment and against pollution.

Under the Bill, the new agency would not even be a strong referee. It would have to think twice before showing a polluter the red card, in case he challenged the

*[Mr. Dobson]*

decision in court. As one of my hon. Friends has already said, we all know that it will be much easier in court for a polluter to present a case against the immediate identifiable cost to his business than for the agency to present a case that demonstrates and quantifies the long-term benefits to people, animals or plants that may be harmed by the pollution.

We understand that the Government's lawyers have advised that that proposition will not leave the agency open to challenge in the courts. I suggest to the Secretary of State that the Government's recent sad record in the courts suggests that he should be wary of complacent advice from Government lawyers. If the Council for the Protection of Rural England, at one end of the spectrum, and Greenpeace, at the other, both say that the provision will make it easy to challenge the agency in the courts, the Secretary of State had better take notice.

Concern about the new emphasis on the cost of regulation is heightened by the Bill's failure to place on the agency a countervailing duty to achieve specific objectives in terms of environmental quality. If the agency were set quantifiable targets for air or water quality, that would go some way towards counter-balancing the cost-benefit obligation, and it would be a great help if the agency were to be challenged in the courts.

Many other questions about the agency's powers and duties will need to be thrashed out in Committee, but I want to emphasise that, for the agency to work effectively, it must have the right structure, the right regional boundaries and the fullest involvement with local authorities in the regions concerned. Some people seem to think that, once the various separate agencies are brought together in one agency, everything is bound to be more effective. That is simply not true. Things could get worse.

For a start, the new agency will be a bigger and more complex organisation. One of the merits of separate organisations is that they know that they have to liaise with one another. It is sometimes assumed that communications within one organisation are bound to be easier than between separate organisations. Effective liaison within an organisation does not happen by chance. Information does not flow by a process of osmosis; it has to be arranged, worked for and managed. In Committee, my hon. Friends will want to ensure that the best arrangements are made.

**Sir Cranley Onslow** (Woking): I do not wish to press the hon. Gentleman too hard on this matter, but he mentioned the importance of the right to regional boundaries. Can he give us some idea of how he thinks those boundaries should be set?

**Mr. Dobson:** My view is that the boundaries that roughly coincide with the watershed boundaries to which the NRA works now would probably be the best. There may have to be variations at the margins where some local authority boundaries do not coincide with them, but, with the limited knowledge at my disposal now, that would seem to be the best arrangement.

We welcome some of the proposals in the Bill that deal with contaminated land. However, we do not support the proposal to repeal the requirement on local authorities to prepare and maintain a public register of contaminated land. That requirement was introduced by the Government as recently as 1990, but they now propose to get rid of it. It has been suggested to me—not by the Government—that such a register would blight certain areas of contaminated land. In my view, it is the contamination, not the register, that causes the blight.

People resent the way in which some landowners, developers and councils think that it is okay for them to have the facts at their disposal but want to keep local people in the dark. A good example of that arrogant attitude was the refusal of British Gas to disclose details of the 380 contaminated sites that it owns. It will disclose the information to property speculators, but not to local people or even to their Members of Parliament. The chairman of British Gas has admitted to me in a letter that the sites "need closer inspection". Indeed they do. He refused to disclose details because it is, as he describes it,

"material which is extremely complex, publication of which might only serve to lead to an exaggeration of the actual risk".

Not so much an example of big brother is watching as one of big rich brother knows best.

The Government seem to approve of that approach. The Bill obliges councils to inspect their area and to identify contaminated land and some landfill sites. The agency and the Secretary of State will have access to the information that the councils put together and so, presumably, will potential developers. The only people who are to be kept in ignorance are the general public. So much for open government.

The Bill proposes to repeal the law that permits the pollution of watercourses by water escaping from abandoned mine workings. That problem has become much worse recently because, in the past, pumping from operational mines has kept the water low in abandoned mine workings and there has not been a great deal of polluted water flowing out of them. Now that there are so few mines left in operation and a big reduction in pumping, the threat from minewater pollution is increasing.

The Government, quite rightly, propose to repeal the statutory exemption. That is welcome, but it will take effect only in mines closed in the next century. That postponement is not just unwelcome; it is plain unacceptable. The repeal was postponed because the Government feared that it would reduce their takings from the sale of the coal industry. It is no good the Minister frowning and looking puzzled, or the Secretary of State attempting to dispute it—although to be fair, he is not. It is set out clearly in the explanatory and financial memorandum to the Bill, which says:

"Since these proposals are coming forward in parallel with the privatisation of the coal industry, there could be some adverse effects on proceeds to the Government. Accordingly, the removal of the statutory protections is being timed to reduce any possible effects."

Whatever the claims of any Conservative Members, nothing could better illustrate where the Government's priorities lie. Given a choice between money for the Treasury and protecting the environment, the Treasury wins every time.

The Government have it in for the coalfield communities. They close the mines and then fail to prevent them from polluting rivers, streams and lakes in the former mining areas. When the pit closure programme was being pushed through the House, they promised

enterprise zones in quite a few of the coalfield areas. Nothing has yet happened. They have treated the coalfield communities with contempt.

The national parks were introduced by a Labour Government and have been a brilliant success. However, the increasing intensity of use of the parks, the uncontrolled development of noisy activities in some of them and the non-tourist economy of the parks have been a source of growing concern to all sorts of people.

The Bill proposes the establishment of separate park authorities for each park, and we welcome that. However, consideration should be given to the membership of each authority. It should include representatives not just from the local authorities within the boundaries of the park but from the towns and cities neighbouring the national parks whose people depend on it for relaxation.

For example, that could include representatives from Plymouth or Exeter on the Dartmoor authority. There are currently people from Plymouth and Exeter on that authority because, until the local government reorganisation, they are part of that county.

**Mr. McLoughlin** *rose—*

**Mr. Dobson:** Before the hon. Gentleman intervenes, I should say that I believe that the people of Sheffield and Derby should have some representation on the Peak District authority, which is a great source of relaxation for them.

**Mr. McLoughlin:** What is proposed in the Bill is an important step forward. People from Sheffield are appointed to the national park. The hon. Gentleman is missing the fact that, even in the Bill as drafted, the Secretary of State will be able to appoint people who can bring national significance to the parks. The Opposition should think carefully about this matter. I believe that people who are supposed to represent local authorities should be elected members of the national park authorities. As I have said, in the Bill as drafted, the Secretary of State will be able to appoint people to improve national significance. We need to protect those who live and work in the park.

**Mr. Dobson:** My views do not differ from those of the hon. Gentleman. I believe that people who live in the national parks should have a say in who represents them on the park authority. I am saying that, when the Secretary of State considers who else should be on the authority, he should bear in mind the contribution that the Peak District authority makes to the lives of people in Sheffield and round about.

Against the votes of the Government, the House of Lords voted to restrict noisy activities in national parks by making quiet enjoyment one of the statutory purposes of the parks. It may be that the wording of the Lords amendment will cause difficulties in legal interpretation, but I hope that the Government will accept the principle of quiet enjoyment. If they introduce amendments that improve the wording but retain the principle that there is a presumption in favour of quiet enjoyment, they will be supported by my hon. Friends in Committee and on Report.

The Bill proposes some new protection for hedgerows, but it does not go far enough. It is confined to what Ministers are to conclude are important hedgerows. The mind boggles at the thought of how that great adjudication will take place. It does not include drystone walls or other important threatened rural features such as ponds. We will press the Government to extend the coverage to drystone walls and ponds, and we will propose the extension of hedgerow protection to Scotland.

As I have already explained, the Bill as drafted does not provide for any attempt to secure improvements in air quality. Such provisions were promised in another place and have just been promised again by the Secretary of State, so we hope that they will be forthcoming. However, to be satisfactory, such proposals must include the setting of air quality standards or targets because, without standards or targets, the Government would be reduced to trying to combat air pollution with pious hopes.

In the time available, it has not been possible to deal with even all the important aspects of the Bill, but I have tried to highlight the improvements that we believe need to be made if the Bill is to achieve what the Government claim for it. Without these changes, the Bill will amount to little more than a technical consolidation of the existing statutes.

In addition, we believe that, if they are to achieve what they want, the Government must reverse the cuts that they have made in the resources devoted to maintaining and enhancing the environment, and equally important—perhaps more important—they need a change of heart. They have to abandon their headstrong opposition to regulating business in order to protect the environment.

No one believes that regulation alone will achieve what is needed. Regulation alone is not sufficient, but it is necessary. Without tough regulation and tough enforcement, we shall not make the necessary progress. In the long run, it is simply not true to say that environmental regulation is a burden on business. Regulation can raise standards of performance, clean up industrial processes, reduce engine emissions and increase energy efficiency.

In this way, regulation can give companies that take up the challenge a competitive edge, an edge we need if we are to compete in world markets to supply plant, equipment and industrial techniques that abate pollution. Beyond that, we need to develop plant, equipment and processes that, through the use of clean technology, do not harm the environment in the first place.

If we can secure a share of world markets for pollution abatement and clean technology, we can provide jobs for our people—jobs in research, design, development, manufacture, construction, installation, operation, maintenance and repair. We can provide good-quality, high-tech, well-paid jobs so that our people compete with the best in the world on quality and are not reduced to competing with the cheapest on price.

There needs to be a change of heart, not only by the Government but by some people in business. Many are changing their views, but others still need to recognise that protecting and enhancing the environment are good not only for the air that we breathe or the water that we drink but for trade, prosperity and jobs.

Tough environmental standards are not in conflict with industrial and commercial success—they go hand in hand with it, as has been seen in Germany, the United States and Japan. Those countries have far tougher regulations and a far better success rate in selling their pollution control equipment and their clean technology around the world. It may be that the Secretary of State understands that but has not managed to convince his Cabinet colleagues who are

*[Mr. Dobson]*

still worshipping at the shrine of deregulation and still cutting funds for environmental protection. They still worship the market—so, for that matter, do the people they have appointed to quangos.

The person they have appointed to regulate the gas industry believes that energy conservation must take second place to her crackpot idea of a free market in gas. The Government appointed her, but she is lousing up the Government's efforts to promote energy saving.

The Government continue to cut funds for environmental protection and energy conservation. They have insisted in the Bill that the new agency must be weaker than the NRA whose functions it is intended it should take on.

**Mr. Gummer:** I should not like the hon. Gentleman to mislead the House. I am sure that he will remember that I have announced a series of considerable increases in the money devoted to insulation for the purposes of energy efficiency, and I have protected that part of my budget that is to be spent on environmental protection against the cuts to which he refers. He may be able to attack me in other respects, but in this case he cannot say that the Government have cut the funds available—they have increased them. The hon. Gentleman has only to ask Neighbourhood Energy Action, whose funds have been increased considerably. Indeed, this year we are insulating the homes of 600,000 poorer people.

**Mr. Dobson:** Let me take the right hon. Gentleman back to the gas regulator. The Energy Saving Trust is certainly being trussed by her. It was intended that it should receive public funds and funds from the gas industry, but it is not receiving the funds that it expected from the gas industry because she objects.

The Secretary of State says that he has protected spending of environmental protection, but I hope that he is better at protecting the environment than he is at protecting his budget because, according to the Department of the Environment's annual report, he will be cutting spending on environmental protection by £86 million over the next four years. If he wants to quarrel with that figure, he had better quarrel with those who wrote the report. The Government have got their priorities wrong.

As I said at the outset, we shall not vote against the Bill at this stage, because we support the basic principles behind it. However, its principles have been watered down and its scope is limited. It needs to be improved, and neither we nor the people of this country will be satisfied unless it is.

5.34 pm

**Sir Cranley Onslow** (Woking): This is an important, welcome and wide-ranging Bill, but, conscious of the 10-minute limit on speeches, I hope the House will forgive me if I concentrate on matters of interest in respect of the river environment, and issues of particular concern to anglers. I do not claim to speak for all anglers, but I have many friends in the angling community and I am a member of one or two organisations that are active in that sphere.

As chairman of the fisheries committee of the British Field Sports Society, I recently chaired a meeting attended by representatives of angling bodies. They discussed the state of the Bill when it left another place and identified the subjects on which it would be important to focus in this debate and in Committee. Some of the points that I shall make would no doubt be more appropriate to the Committee stage but I shall mention two general issues.

The job of the agency—*[Interruption.]* It would be helpful if I could have had the attention of one or two of the chatterers on Labour's Front Bench. The job of the agency will not be easy. What it is able to do will depend largely on the resources and funding available to it. I congratulate the National Rivers Authority on what it has achieved under the leadership of Lord Crickhowell. Much progress has been made, but much remains to be done. We cannot pretend that the job of the combined body will be easy, but it is important that adequate funds should be available, especially in the context of angling, which I think is the only water sport whose participants make a substantial contribution to their own recreation.

It would be helpful if we could have a reassurance from the Government that the present levels of funding can at least be maintained, if not increased. If the Government are looking for ways to increase funding, it may be possible in Committee to consider a public levy along the lines of an environmental services charge to contribute to general work on rivers and waterways.

Before I deal with the structure and functions of the authority, I should like to ask my right hon. Friend the Secretary of State a question. Will he define exactly what is meant by sustainable development, which I do not see defined in the Bill? At least one of the bodies that has made representations—the National Farmers Union—says that the term has been left deliberately undefined. That may be the Government's intention, and the word "sustainable" may be a term of art not unlike another familiar term of art, the definition of the word "reasonable". That definition is subjective and, in my experience, varies from case to case. If the word "sustainable" has to vary from case to case, so be it.

I was encouraged by what my right hon. Friend the Secretary of State said about the need to put right the mistakes of the past, because, without an element of retrospection in what is intended in the concept of sustainability, we shall not make much progress.

I do not suppose that I need remind my right hon. Friend that a number of rivers are in great danger of running dry and, indeed, do so at various times of the year. For example, the West Beck in Yorkshire, the Piddle in the west country and the Darent in Kent have from time to time been reduced to bare beds. The only success so far has been the remedial work on the Darent.

The over-abstraction of past years will not be put right unless some action is taken to put licensing back on an even keel. In some rivers, total abstraction licensing already exceeds the maximum flow of the waterway, and that clearly will not do. I hope that the agency and the Department will take a very strong line on, for example, the River Stour to ensure that such rivers are not literally pumped dry by water abstraction.

I know that many anglers would like some individual to be designated as a fisheries representative on the shadow board, or whatever its proper title may be. I know that anglers' representatives who met Lord de Ramsey recently were encouraged to discover that he is a keen angler. That is a great advantage, but there is a feeling

that there needs to be some assignment of functions to an individual, so that fisheries interests may feel able to relate to one particular member of the board.

I was interested in the comments of the hon. Member for Holborn and St. Pancras (Mr. Dobson) on regional boundaries. I do not wish to be unkind to the hon. Gentleman but I think that he tried to have it both ways. I understood him to say that he was in favour of river catchment boundaries being modified according to the varied boundaries of local authorities, with which the river catchment boundaries do not always coincide. So that he should not be in any doubt, I remind him—I shall quote from a letter from the Angling Governing Bodies Liaison Group—that:

"river catchment boundaries have never impeded full interface with local authorities on such matters as planning liaison".

There seems to be no reason why they should do so in future. I understand that the definitive solution on that matter may not be determined in the Bill. Perhaps the agency will sort it out. I assure my right hon. Friend the Secretary of State, however, that the river catchment boundary management system has the full support of the angling community and I hope that that system will remain.

**Mr. Dobson:** I should make clear my view that the present NRA watershed boundaries should be the dominant boundaries. The only point that I was making was that there may be places where some minor modifications would be of no consequence but would fit in with local government boundaries. I do not think that we should go crazy about it—that is all.

**Sir Cranley Onslow:** I am glad to join the hon. Gentleman in not going crazy about it, but it is rather crazy of him to advocate a separate agency for Wales. The existing system seems to have worked pretty well.

In referring again to structure, I should put on record the fact that the present proposal of regional fisheries advisory committees, as set out in clause 13, broadly meets with the approval of anglers, who do not think that it would be helpful if the interests of recreation, conservation and navigation were by statute subsumed into the responsibilities of the same committees that would deal with fisheries interests. If a voluntary arrangement could be agreed, that would be a different matter. It would cause a good deal of difficulty, to say the least, if recreation, conservation and navigation matters were compelled to be the subject of regional fisheries advisory committees.

I now turn to another matter on which the hon. Member for Holborn and St. Pancras touched: abandoned mines, which have concerned hon. Members of all parties for some time. I am not at all sure that the answers given in the House of Lords and the proposals in the Bill are as easy to justify as my right hon. Friend suggested. I say that in the knowledge that the recent news sheet of the National Rivers Authority contained an article headed

"Pit disaster waiting to happen",

which opened:

"Durham faces an environmental disaster if the Coal Authority stops pumping water from mine workings.

The NRA has warned that within months of the pumps being turned off there would be massive pollution of the River Wear, which could last for years.

The cost of the damage would run into many millions of pounds and there would be unquantifiable environmental costs. This compares with the £1 million annual price of running the nine pumping stations."

It is good to know that the situation has been resolved in the interim by the Coal Authority having taken over responsibility for pumping.

The problem does not apply only in Durham. It applies in south Wales, and may apply in other areas where abandoned mines are no longer being pumped out to the standard to which we have become accustomed. It is an extremely important matter, and I endorse the view expressed in the Coalfield Communities Campaign leaflet.

The matter must be clarified and if there are reasons why the exemptions should not terminate until 1999, they need to be spelt out carefully and in detail because, on the face of it, there seems to be no good reason—

**Madam Deputy Speaker (Dame Janet Fookes):** Order. I am afraid that the 10-minute rule has come down on the right hon. Gentleman.

5.46 pm

**Mr. Peter Hardy** (Wentworth): Although I agree with some of the points made by the right hon. Member for Woking (Sir C. Onslow), I hope that he will forgive me if I first refer to the claim made by the Secretary of State about the Conservatives' pedigree in environmental concern.

Conservatives have long had an interest in the environment. They were hanging and transporting poachers who were seeking to add a bit of meat to their diet 200 years ago. Many of us who have sought to enhance the environment by private Members' legislation in recent years have, on numerous occasions, been blocked and thwarted by Conservatives, either those on the Treasury Bench or their minions on the Back Benches.

It was a pity that the Secretary of State sought to claim some monopoly of virtue because hon. Members from all parties have a genuine concern for the environment. The attitude adopted by my hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson), in welcoming the broad principles of the Bill and saying that we shall not vote against it tonight, should have encouraged the Minister to take a rather more constructive and less partisan view.

The right hon. Member for Woking quite properly referred to a source of grave anxiety to many of us who live in coalfield areas. Abandoned mine workings and the effect of inadequate pumping and so on merit rather more consideration than has so far been given. We face the prospect of an orange, ochreous legacy in many former mining areas. There is a real danger to the quality of water supplies and of an adverse effect on streams, rivers and wetlands. There is certainly a risk of rising levels of groundwater, which could contribute to serious subsidence, and there is also, of course, the problem of the contamination—or worse—of methane. The part of the Bill that refers to such problems needs to be urgently reconsidered.

I hope also—because of the time limit I shall rush through a number of points—that the Minister will reconsider planning permission for ironstone working, enhance the protection afforded to limestone pavements and reconsider the Government's approach to peat bogs. If the Government are to pursue a policy of sustainable

*[Mr. Peter Hardy]*

development, too lax an attitude to the safeguarding of our peat areas would certainly be inconsistent with their claim.

I endorse the point made by the right hon. Member for Woking about excessive abstraction of water, which affects not only anglers. Those of us who are interested in conservation and wetland areas must accept excessive abstraction can have very serious consequences. There may also be serious consequences if we continue to grant permission for people to discharge unspecified materials into the water courses of our country.

The Minister will probably be aware—I have corresponded with him recently—that for many years I have been trying to ensure the protection of hedgerows. I first tried to introduce measures under the Wildlife and Countryside Act 1981. The hon. Member for Dumfries (Sir H. Monro) will recall that the Government were not prepared to accept my attempts. I presented a Bill on the subject in 1982. The Government then took the view that the problem had ended and that hedgerow destruction had virtually ceased. We have lost about 150,000 miles of hedgerows since then.

I presented another Bill in 1987 on the very day when the then Prime Minister called for hedgerow protection at the centenary celebrations of the Royal Society for the Protection of Birds. On that very morning, she called for Parliament to enact legislation to protect hedgerows. I presented my Bill that very afternoon, but it was blocked on the instructions of the then Prime Minister, who said that we had many other things to think about as well as conservation. That hardly fits in with the pedigree of which the Secretary of State reminded us.

Subsequent attempts were made to introduce legislation about hedgerows, including a distinguished attempt by the hon. Member for Surrey, East (Mr. Ainsworth). He was greatly assisted by Opposition Members, but his attempt was blocked and ruined by the antics of a small number of Conservatives in 1993.

The same fate befell the Bill that I presented again last year. The Government were not going to block that Bill, and I was grateful for that, but a small number of political gangsters from their Back Benches called out "Object" at the wrong time.

We now have a promise of reguiation. The Minister will understand that it is very important that regulations are valid and meaningful. The Secretary of State referred to agricultural change and the need to produce food. If we had not seen the grubbing of hedgerows on the scale that has occurred over the past 40 years, we would not have needed to set aside land at great cost to the taxpayer because we would be in agricultural balance. We simply released areas once covered by hedgerow into agriculture, the removal of which subsequent experience has shown was utterly unnecessary and uneconomic.

I want to refer to another aspect of my current correspondence with the Minister. Many thousands of miles of hedgerow in Britain are sometimes called parliamentary hedgerows. Common land was enclosed by those hedgerows, and landowners were given the land on condition that it was perpetually surrounded and protected by thorn fences.

I want to be sure that any regulations introduced under the Bill will not weaken the protection provided under the enclosure legislation. We are talking about 4,000 parishes in England and 4,000 private Acts of enclosure before 1840. Those who were given the common land were given a considerable and historic advantage. They were also given a considerable condition of ownership—the maintenance of the hedgerow.

As the legislation has been forgotten, the Minister may feel that these matters can be fobbed off by regulations. However, no law has been repealed and no obligation has been removed. When I pointed out to the Minister that successive Governments had given taxpayers' money to people to grub out hedgerows, and that sometimes they gave taxpayers' money to people to grub out hedgerows that were already protected, the Government decided to stop providing taxpayers' money for grubbing out hedgerows. Shortly afterwards, they commendably decided to provide grants to plant new hedgerows. The difficulty is that a new hedgerow may take 100 or 200 years to reach the ecological value of the hedgerow that was grubbed out. Such a proposal is not entirely helpful.

The national parks authorities should have some say in relation to footpaths. My next comment may not be particularly fashionable, but I believe that the works of man are sometimes disadvantageous, if not always vile. It may be necessary for us to ensure that our conservation interest is made secure even at the cost of limits or inhibitions on the access of the general public.

I have been dealing with a constituency case in which people are clamouring for a footpath to be established not far from a footpath for which I called a long time ago. A new footpath which would, in certain circumstances, disfigure the quality of wildlife and perhaps turn the area into a wildlife desert, is hardly likely to be advantageous. At some point, authorities will have to be asked to look carefully at the consequences of unfettered or uninhibited access.

The need to protect the natural heritage is such that that interest should have a higher priority than it currently enjoys. I hope that there will be constructive consideration of the Bill in Committee, and that we shall secure from the Government an attitude to amendments which is necessary if the Bill is to be as valuable as it should be.

5.54 pm

**Sir Kenneth Carlisle** (Lincoln): This is the right Bill at the right time. The Bill is important and it is right that it responds to genuine concern in this country and elsewhere about the environment. It is responding to the feeling that we should do more to protect the environment and that we should do everything possible to control pollution.

I am glad that the Government are responding in this way to genuine concerns. My right hon. Friend the Secretary of State and the Minister have made considerable progress over the past year or two in giving us the lead in this country and elsewhere with regard to promoting the environment.

One of the themes of the Government's environment policy is sustainable development. I agree with my right hon. Friend the Member for Woking (Sir C. Onslow) that it is not always easy to know what that means, but I believe that it means leaving the environment in better heart for the next generation. Sustainable development will be a key issue in environmental policy.

I am glad that another theme of the policy is integrated pollution control. It is right that we should control pollution in the round. The Government have taken on

board the need to enhance nature conservation. There have been a number of measures to improve the diversity and the richness of wildlife and to build on achievements which have occurred over the past 10 years. We must also consider the vital aspect of the control of industrial pollution. All those general and important themes are picked up by the Bill.

When I read the Bill and prepared for the debate, I was very struck by the widespread welcome for this diverse Bill. The general view is that the Bill is taking us in the right direction. With that in mind, when the Bill enters Committee, the Government should be confident that the Bill is correct and they should be confident enough to accept that its detail may have to be amended. Given the general understanding that there is overall support for the Bill in the House, I hope that the Government will look sensibly and practically at proposed amendments.

I have also been struck by the fact that, among most groups, there is support for the unity of direction in respect of pollution control which the Bill will provide. The Bill will provide clarity of purpose and it will concentrate control and policy in one agency. It will give a clear focus. However, we must also accept that there will be problems with regard to the reorganisation.

The Bill brings together the National Rivers Authority, Her Majesty's inspectorate of pollution and the waste regulation authorities. They all employ people and pursue important functions in local areas. We do not want reorganisation to create more chaos so that the focus and intention are taken off the proper control of the environment. We do not want the reorganisation to be muddled and costly.

We do not know yet what route the Government are taking, but it must be a practical way forward and it must take into account local feelings, local wishes and the need to pay attention to local problems. In addition, as the Environment Agency will be a very powerful body, it is absolutely crucial that what it decides is transparent. We should understand the reasons for its decisions, and we should also be able to look at the costs of the actions upon which it insists.

One reason why I welcome the Bill is that it is practical. Clause 7 contains one of the central themes of the Bill, and it describes the duty to further conservation. That matter is at the heart of the Bill and it should be pursued. However, I am concerned that, in respect of pollution control, the duty is weak—the Bill imposes on the agency only the need to have regard to the desirability of the conservation of flora and fauna of special interest. One must ask the Government why, in that aspect of pollution, they have chosen a weaker imperative than for general conservation.

On conservation, there are two aspects of action that I can welcome. We now have hedgerows legislation. I warn the Government that no one should expect the Bill to produce too much. Many people may be disappointed by the result, but I do not want to see a mass of hedgerows being put under special protection. That simply would not work. We must be very selective. We must select only those hedgerows which are truly of local and national importance.

I fear that, by going too wide, we will create an industry of seeking grants to preserve and manage hedgerows throughout the country. That would be unwieldy and expensive and it would not work. Those who are involved in maintaining hedgerows know that they can do so only by proper management and care. In the end, that is the responsibility of those who work the land.

I welcome clause 81, on grants for conservation in the countryside. That might help us towards a better balance of agricultural support.

It is always difficult to find a balance between conflicting interests. Clause 37 is important in that it helps to underline the practical nature of the Bill. It is always essential to take costs into account. The same applies to national parks. We cannot have beautiful national parks unless we create within them a balanced environment in which people can work effectively. Again, we must consider cost benefits, but I ask the Government to emphasise the need to protect the environment. I ask, too, that strong guidance be given that environmental benefits must form part of any cost-benefit analysis.

In any conservation policy the reclamation of contaminated land must form a central part. I am glad that the Government have consulted widely on that matter in their "Framework for contaminated land" and have introduced the very practical principle of "suitable for use". That principle will help to bring contaminated land back into positive use. Those who are involved in environmental matters want wastelands—brown lands—brought back into proper development. Certainly in Lincoln, we are doing our best to develop city centre areas that have been part of our industrial heritage. Indeed, I am glad to say that we are building a university on some of that land. It must be right to pursue the principle of bringing polluted land back into use.

In all that, much depends on the guidelines and instructions that the Government send out. We do not know enough about them yet, but, in all their instructions, I expect the Government to insist on giving the environment very high priority. Hon. Members will seek to know more about their views on that matter in Committee.

I greatly welcome the Bill. My right hon. Friend the Secretary of State spoke about clear priorities for the environment. To date, his policies have delivered them. The Bill takes those priorities a step forward. They have to be put within a practical framework. In general, the Bill does that. Above all, we must ensure that, as it leaves the House, the Bill continues to give clear priority to conservation and to the enhancement of the environment.

6.4 pm

**Mr. Matthew Taylor** (Truro): There is cross-party support for the main tenets of the Bill. I suspect that that is reflected in the fact that there is unlikely to be a vote tonight. Nevertheless, there is a strong turn-out, as reflected in the time limitation on Back-Bench Members' speeches. That shows hon. Members' great interest in several clauses.

Liberal Democrats have argued for a single national environmental protection agency for many years and have emphasised the importance of taking an integrated approach to the environment. The Prime Minister conceded that such a body was needed more than four years ago. In that respect, the only complaint might be that it has taken a long time to be set up, which perhaps is explained by the Secretary of State's comment that he was a late convert to the agency.

*[Mr. Matthew Taylor]*

The Bill presents a big opportunity not simply to integrate the control of pollution to air, land and water but to take real steps to protect and improve our environment—a chance to put action behind the Government's commitment to the environment at Rio and Berlin, and in the 1994 sustainable development strategy. We must ensure that the Bill results in stronger environmental protection than the sum of its constituent parts. My only regret about the Secretary of State's speech was how partisan he chose to make it. I do not think that the Bill's progress will be partisan, although there will be disagreement on individual items.

I agree with the hon. Member for Lincoln (Sir K. Carlisle), who called on the Government to show an open-minded approach to the concerns of hon. Members of all parties, to reflect what has been a relatively positive approach at least to some aspects of the Bill in the other place and, indeed, even the fairly positive approach to the Government's defeats, let alone when they have chosen to accept criticisms.

I am disappointed that the Government have not taken the opportunity to integrate environmental concerns into every aspect of policy making. At present, the mechanisms of environmental integration within Government are limited, weak and, frankly, inadequate. In 1990, the Government introduced a Cabinet sub-committee on the environment and so-called green Ministers in every Department, but there has been little evidence that that has had a significant impact on Government decision making.

The need to integrate environmental considerations into every aspect of Government policy has been acknowledged in Environment White Papers since 1990, with the most recent Department of the Environment annual report stating that a priority is to

"ensure that environmental concerns are reflected in all areas of policy."

At the Rio conference in 1992, the Government agreed to elevate environmental considerations in decision making, but I do not think that that has won acceptance in other Departments. Indeed, some of the very limitations of the Bill are, I strongly suspect, the result of other Departments resisting the environmental measures for which Environment Ministers were calling. With that in mind, the title of the Bill could allow a new clause to be included to give each Department a statutory duty to integrate environmental concerns into its policy making and policy reporting. That would ensure that environmental implications are taken into account by all Departments, Ministers and public bodies. I hope to table an amendment on that matter at a later stage.

I want to raise my concern about four main aspects of the Bill, some of which have been subjected to debate in the House and all of which have been subjected to substantial debate and amendment in the other place. They are: the aim of the agency, the ministerial guidance, the costs and benefits clause and the duty to further conservation.

I turn first to the aim of the agency. After concern was voiced in another place, the Government introduced a new clause 4 giving the agency a "principal aim" to

"protect or enhance the environment".

That principal aim, however, does not apply to the Scottish environment protection agency, and Ministers should explain why not. Moreover, the Bill still fails to give even the environment agency a clearly defined purpose. Furthermore, the aim is qualified, in particular with the requirement to take into account any likely costs, which serves to weaken it and to which I will return later.

If the agency is to be truly the guardian of the environment, its aim should be clear, simple and unqualified. There should be a clear purpose at the beginning of the Bill for both agencies to protect and enhance the environment, and as part of that, a duty to achieve environmental quality objectives should be put on the face of the Bill. Without such a duty recognising the importance of non-financial environmental quality objectives, the agency will fall short of the intentions that the Minister said were behind the Bill.

It is good news that the Government decided to produce draft ministerial guidance in another place and allow Parliament to scrutinise it, but the present definition of sustainable development in the guidance, as was mentioned earlier, is open to many interpretations and can mean all things to all people. To be meaningful, the guidance has to adopt an accepted definition of sustainable development.

Ministers have to clarify the position, and they should start with the accepted definition of sustainable development in the Brundtland report:

"sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.".

I do not believe that the Secretary of State has a problem with that, but the fact that he has not put it in the Bill suggests that others in other Departments may have, and such a change would be a test of his ability to deliver on his fine words.

In addition, the ministerial guidance should stress the importance of clear and ambitious targets for the improvement of environmental quality. Unless targets are set, the success or otherwise of the Bill and the Minister's fine words will be impossible to measure.

Thirdly, I want to address costs and benefits—a subject that was raised on a number of occasions in the other place and, I suspect, will be discussed in great detail in the House. The impact on mainstream industry and competitiveness and the issue of costs and benefits have been central to political debate on the environment in the 1990s. Estimates of the cost of environmental improvement have won headlines in the press and have scared off some policy makers.

Costs, however, are not the whole picture. They have to be offset by countervailing benefits of creating markets for the environmental industry and jobs. Environmental regulation can save pollution-related costs incurred by third parties, such as the NHS. For example, treating asthma, which is exacerbated by air pollution, cost the NHS £350 million in 1993.

The emphasis that the Bill places on costs and benefits threatens the agency's role in protecting the environment. I question not the desirability of costs and benefits being taken into account, but a statutory duty being placed on the agency without proper definition or explanation of how it can be implemented. The clause on costs and benefits will make the agency vulnerable to judicial review, which may stop it carrying out its functions for

fear of expensive reprisals and for fear of losing. Perhaps, even when it believes it is likely to win a case, it may not be prepared to embark on the long and costly process of defending judicial action.

The statutory duty to take costs and benefits into account should be removed from the face of the Bill and left to ministerial guidance. The Government responded to concerns voiced in another place as to the definition of costs and benefits by clarifying in the Bill that costs include environmental costs, but the question remains unanswered.

There is no explanation of what "environmental costs" actually mean and no mention of how non-financial targets are to be given equal priority or comparability with financial targets. Frankly, until the methodology is in place, costs and benefits cannot be made a statutory duty on the agency in any meaningful way. Even those who take a different view on the record of the NRA and the costs that some of its actions have imposed on industries and others, have every reason to be suspicious of its place in the Bill as when the legislation is tested in the courts, it may move in a direction that they do not like. They have as much to fear as anyone else from the lack of clarity in the Bill.

Lord Crickhowell, with his expertise as chairman of the National Rivers Authority, raised just such a concern, saying that there must be

"a mechanism for discovering what those costs are and for putting values on the environmental benefits. If that mechanism is not provided, there is a real risk that almost all the Agency's decisions will be challenged to appeal, or worse in the courts."

By setting targets for biodiversity, for example, environmental benefits could begin to be measured, though not in any easy cost-benefit way. The Royal Commission on Environmental Pollution recently suggested that an effective way of costing the environment would be to set targets for the protection and enhancement of certain aspects of the environment, but as yet Ministers have little or nothing to say about that. While I understand the politics of clause 37, I do not believe in the practice of it, even for meeting Ministers' objectives, let alone those of people concerned about the environment.

My fourth point raises our misgivings about the duty to further conservation set out in the Bill as it does not apply to the agency's pollution control functions. The NRA has had a duty to further conservation when formulating or considering any proposals relating to any of its functions, including pollution control. That duty has been especially important in the protection of sites of special scientific interest.

When more than 80 river and lake SSSIs are known to be threatened from pollution, a specific duty to further conservation must include pollution control. By excluding pollution control from the duty and saying there must just be regard to it, the new Environment Agency is being given powers substantially weaker than those of the NRA. We have to ask why, if we are to believe the Secretary of State's fine words about his commitment to the environment.

I have highlighted my major concerns about the Bill which have been echoed by others. There are other misgivings about the Bill and areas about which hon. Members will be seeking assurances or changes in Committee. They include national parks, contaminated land, abandoned mines, hedgerows, accountability and freedom of information.

Before concluding, I shall touch on a couple of those points. On national parks, much of what is in the Bill is to be welcomed, but for national parks to be capable of meeting both national and local objectives, those who run them must be accountable to both levels. Clearly, the present arrangement causes confusion and we shall be seeking to strengthen the representative character of those responsible for national parks and tabling a amendment to that effect, particularly in relation to the local community within the national parks.

From my own perspective as a Member of Parliament representing a Cornish constituency, I welcome the hedgerow provision, provided that it includes the traditional Cornish hedges or banks which have been excluded in the past. I shall return to the subject in Committee in far more detail, as I am quite happy to speak on it at great length.

I am also concerned about the provisions relating to abandoned mines. I am probably the only hon. Member recently to have had a major pollution incident affecting their constituency. I refer to the closure of the Wheal Jane tin mine and the subsequent major pollution of the Fal estuary. That pollution is on-going and the costs of tackling it have escalated out of all proportion compared with the money saved from the original Government withdrawal of funding for the continued operation of the mine. Therefore, Ministers should be aware that the costs of not acting early can ultimately very much outweigh the apparent benefits.

Ministers seek to justify the delay—which at least they do openly in the Government's commentary on the Bill—on the grounds that it will help privatisation, and that therefore the postponement is justified on financial grounds. That is in sharp contrast to the Secretary of State's fine words about the present generation meeting the costs for—rather than imposing them on—future generations. Frankly, a failure to act early when mines are abandoned imposes a massive pollution cost on future generations which they must live with or incur greater costs in trying to clear up. The Wheal Jane incident made that clear.

I intend to introduce the Environmental Claims Bill as a new clause to the Bill. Too many misleading, meaningless and unsubstantiated environmental claims are made for products with the aim of inducing consumers to purchase them. As yet, there is nothing in statute to tackle that. I shall give one example. A type of sock is promoted as an ozone friendly sock, and the label states:

"Helps prevent foot odour which is probably a major cause of the destruction of the ozone layer".

I would be quite prepared to donate a pair of these socks to the Secretary of State as an initial effort to tackle this problem were it true, but I am afraid that it is not. While that is a ludicrous example, there are many environmental claims which are more likely than that to mislead the consumer and which ought to be tackled through government, as other misleading claims directed at the consumer are tackled.

I hope to address in Committee our concerns about the Scottish environment protection agency. Scotland has been treated badly in the drafting of this legislation, and it is an example of the gap between the environmental concerns of some within the Department of the

*[Mr. Matthew Taylor]*

Environment and the lack of environmental concerns of Ministers in other Departments. The Scottish agency bears the mark of being an afterthought, and appears to have been tacked on to the Bill. It has been given fewer and weaker powers that the English equivalent because, frankly, Scottish Ministers take even less interest than equivalent Ministers in England.

**Mr. Cynog Dafis** (Ceredigion and Pembroke, North): I must make clear that the other agency is not "the English equivalent", but the English and Welsh equivalent. We in Wales would have been glad to have had something "tacked on" to the Bill if it provided an independent agency.

**Mr. Taylor:** I take the hon. Gentleman's point, and I believe that there should have been a separate Welsh agency. But I do not believe that the hon. Gentleman would have been happy to have had an agency tacked on in the manner of the Scottish agency, as that would have resulted in a worsening of the position for Wales. There is a democratic issue here, but I do not think that the hon. Gentleman would want to see a Welsh agency with the weaker powers provided to the Scottish agency.

**The Parliamentary Under-Secretary of State for Scotland (Sir Hector Monro):** The hon. Gentleman is quite misinformed and out of order in saying that the Scottish section has been "tacked on". After the most careful consultation in Scotland, what the Scottish people want has been drafted in the Bill. As the Minister who took the Wildlife and Countryside Act 1981 through the House, I shall not renege in any way on my commitment to the environment.

**Mr. Taylor:** The great majority of those who represent the people of Scotland in the House do not agree with the Minister about the views of the people of Scotland. If the Minister's commitment to environmental issues is so strong, why does the Scottish agency lack the principal aim to protect and enhance the environment which is given to the English agency?

It is critical that both agencies are given adequate resources to meet the tasks which are ahead of them. The pressure on the new EPA during its start-up will be huge. If the Treasury—a Department which shows less interest in the issue than the Secretary of State claimed for the whole Government—under-resources the agency during that crucial period, the agency will find it hard to fulfil its role of protecting the environment.

There have been cuts at the National Rivers Authority, but the agency believes that it can live with them. The widespread view among all those involved—including those who support what the Government have been doing—is that any further cuts in the resources available to the agency would make it simply impossible to see through this further major change.

The Government have much support for what they are doing, but there are real misgivings which have been echoed across the House. The Bill must and should be a success, and it can be a success provided that Ministers—as the Bill progresses through this place—give a constructive response to the real concerns that have been expressed by hon. Members on both sides.

6.24 pm

**Sir Anthony Durant** (Reading, West): After listening to the hon. Member for Truro (Mr. Taylor) and the intervention from my hon. Friend the Minister, I feel like telling the hon. Member for Truro to put a sock in it, as, frankly, he does not know what he is talking about.

I wish to talk about inland waterways. I am the chairman of the all-party group on inland waterways, and I am president and vice-president of a number of waterway organisations. There is widespread concern about the Bill on the subject of navigation. I was delighted that my right hon. Friend the Secretary of State mentioned the word "navigation" in his opening speech. That shows that there is at least some recognition of the subject, and that is important.

The feeling in the boating and inland waterways industry—including those who use and hire boats and the chandleries—is that, because the National Rivers Authority is being abolished, the concentration on navigation will diminish. There is great anxiety about that. My hon. Friend the Minister for the Environment and Countryside has issued a paper whose purpose is to review navigation functions. It is an interesting document, which the all-party group is studying, and it gives options about what should be done about navigation.

One of the difficulties for inland waterways is that, after years of being in the doldrums, the industry is now going forward. There has been an enormous expansion in the use of the waterways. British Waterways now has 2,000 miles of navigable water, and a large amount of water is available through the Thames and other waterways. All concerned with waterways want some navigation co-ordination.

Those involved in waterways all over the country have asked for greater recognition to be given to navigation in clause 6, because nowhere in the Bill does the word "navigation" appear. Now that the Secretary of State has mentioned it, however, perhaps it will appear later in the Bill. I hope that members of the Standing Committee will discuss that subject. It was debated in the other place at some length, where it was said that the subject should be included in the Bill. I wish to press the point that those who use inland waterways want recognition of the subject of navigation in the Bill.

6.27 pm

**Mr. Andrew F. Bennett** (Denton and Reddish): I welcome the Bill as far as it goes, but the jury must be out as to whether its epitaph will be "Better late than never" or "Too little, too late". In his opening speech, the Secretary of State said that he had been a late convert to the idea of a protection agency. It is sad that the Government did not listen to the Environment Select Committee in 1986 when it recommended the setting up of one agency. When the Government reorganised the National Rivers Authority in 1989, they insisted on not carrying out the recommendations of the Select Committee, in spite of the fact that the Opposition had, pressed them to set up a single agency.

Having said that, I welcome the fact that the Government presented the Bill originally in consultation form, which allowed the Select Committee to have a series of hearings on the Bill. I also welcome the fact that the Government made concessions in the other place. The

Government listened, and I hope that they will go on listening. I also hope that, by the time we come back for Third Reading, the Bill will be further improved.

I will particularly press the Government on clause 7 and the question of the extension of the conservation duty of the National Rivers Authority. I received a letter from English Nature—I am sure many other hon. Members received such a letter—which set out the way in which 17 areas of water have benefited from that power. The areas include Bassenthwaite in Cumbria, Malham Tarn, the Wye river, Slapton Ley and the Mere in Cheshire. The letter went on to list a further 50 sites where English Nature believes that a failure to extend the duty of further conservation may hinder and damage conservation. I see no reason why the Government cannot concede the point and put back into clause 7 the duty of further conservation.

The Government were challenged in the other place to provide examples of where they believed there could be a conflict if those words were included. As I understand it, the Government have not been able to come up with any examples, so I hope that they can make that concession in clause 7.

It is important that the Government include in the Bill environmental quality standards, particularly for air. I welcome the proposals on hedgerows, although I believe that the Government are taking very wide powers in statutory instruments. I particularly press the Government to consider the problem that is being created with set-aside land. Clearly, if a farmer sets aside land, he has no reason to maintain the hedgerows between the fields, or the walls for that matter. I hope that the Minister can give us assurances that he will carefully consider introducing some mechanism that will encourage the farmer to continue maintaining the hedgerows and walls between set-aside land.

The hedgerow is important for conservation so long as it is a well-maintained hedge. It ceases to be of much conservation value if the hedge grows out and becomes a clump of trees along the edge of a field. There is a problem here. I hope that, in Committee, we shall be able to pursue with the Government how to prevent stock hedgerows being removed and ensure that they are maintained and laid back every 10 or 15 years, so that they continue to be not only stock-proof boundaries but good habitats for wildlife in general.

I press the Government to consider how they can introduce protection for walls. It worries me that on many occasions I see farmers allow someone to come along with a bulldozer, scoop up a wall and stick it in the back of a lorry. Sooner or later, it ends up being sold off in a garden centre at an exorbitant price as a rock garden wall. That is a deplorable practice. We ought to find some ways in the legislation to stop that happening.

I give a general welcome to the proposals in the Bill on the national parks, but I wish to place a question mark on the proposals that they should take over responsibility for footpaths. The boundaries of the national parks were drawn up carefully to exclude an awful lot of towns and their immediate environment. In Glossop, Buxton and one or two other areas, the footpaths leading out of town suddenly cross a national park boundary. It is important that there should be proper agency arrangements between local authorities, so that we do not have anomalies around some of the towns.

Although some national parks have a dynamic record, others do not. I should be worried if we handed over footpath powers to them and found that one or two of the newly constituted national parks did not pursue footpaths with vigour. The Countryside Commission has proposed that, by the year 2000, all footpaths should be free from obstructions and signposted where they leave the highway. I wonder whether the Government could insert a clause in the Bill saying that footpath powers will be transferred to the national park provided the national park gets on with the job. They could say that if, by the year 2000, the national park has not carried out its footpaths function with vigour, those powers will revert to the councils.

I accept the argument that national park boards ought to include elected representatives, but it is important that most of the Secretary of State's appointments should be consumers, so to speak, from outside the area. There has been a tendency recently to appoint people to national park boards from within the board area. That seems to be a disadvantage. They are not elected, but their neighbours tend to think that they should represent their views. I stress that people who come from within the board area should, wherever possible, be elected but that the Secretary of State should balance that by appointing people who represent the national interest of people in the country at large who come in to use the park.

The Environment Select Committee will publish a report tomorrow on air pollution and volatile organic compounds. I obviously cannot anticipate what will be in the report. The Secretary of State said at the beginning of his speech that he would consider the whole question of air pollution. I hope that that undertaking will be fulfilled as we go through the Committee proceedings, and that we can build some air quality standards into the legislation.

Increasingly, people in Britain think environmentally. The trouble is that they do not act environmentally. It is still important that we turn the rhetoric into practical proposals. I hope that, during the passage of the Bill, we can ensure that it is a practical contribution to fulfilling that vague commitment to sustainable development.

6.35 pm

**Mr. Henry Bellingham** (Norfolk, North-West): I should start by declaring my interests. I am a parliamentary adviser to the National Association of Waste Disposal Contractors. I am also on the board of two companies that run recycling operations and a member of the National Farmers Union and of Lloyd's. Those organisations may well want to raise points with my hon. Friend the Minister, and I shall not make any detailed comments during the next 10 minutes or so on their behalf.

I welcome the Bill. I particularly welcome the decision to set up an environment protection agency. I was a member of the Environment Select Committee that produced the report under Sir Hugh Rossi in 1989, which recommended that the best way to pursue integrated pollution control was to create a one-stop shop based on an environment protection agency. It is not necessarily a matter of regret that the Government have taken so long to introduce the Bill. They have listened, consulted and taken their time and, as a result, we have an excellent Bill. I only wish that the Government had adopted the same approach when setting up other agencies. They have taken a great deal of time. I believe that they have got it right

*[Mr. Henry Bellingham]*

on this occasion. I congratulate my right hon. Friend the Secretary of State and my hon. Friend the Minister on the effort that they have put into the Bill.

Concern has been expressed—I know that my hon. Friend the Minister has voiced it himself—that, when a new agency based on a number of existing organisations is set up, there can be a tendency to empire-build, set up new bureaucracies and to build something that is greater than the sum of the different elements. That is one reason why it is welcome that the Government have taken their time. The formula which they have introduced as a result of a great deal of consultation will obviate the need to build something bigger.

I welcome the Secretary of State's commitment to create a streamlined organisation which will lead to a considerable element of saving when taken together with the different organisations. He must be held to his word. The danger is that, if we do not follow the agency closely, we shall have a body that wants to expand rather than become a thoroughly streamlined set-up that is readily identifiable to industry, business and the public as a whole.

I want to say a quick word about the existing organisations. Not enough tribute has been paid today to the National Rivers Authority for the excellent work that it has done or to Her Majesty's inspectorate of pollution and the various local authorities involved in the waste regulation function.

The NRA has a first-class reputation in East Anglia, especially for the control of watercourses. I very much welcome the fact that the Minister in the other place said in Committee that he would

"consider, during the passage of the Bill through Parliament, whether it should be amended to introduce now a duty on water undertakers to promote water conservation."—[*Official Report, House of Lords*, 19 January 1995; Vol. 560, c. 823.]

In Norfolk, we have had a great deal of rain recently, but during the great drought that lasted until about nine months ago, some rivers in my constituency either were reduced to a pathetic trickle or ran dry. At the time, I welcomed the NRA's work and research and its proactive stance. I hope that, under clause 6, the new environment protection agency will have similar powers and influence and a proactive approach and I hope that the Minister will comment briefly on that when he replies.

I also hope that my hon. Friend the Minister will comment on the NRA's recent work on integrated catchment management. I am sure that he read Lady David's speech in another place on Second Reading, when she mentioned the work that has been done in East Anglia on river catchment areas such as those of the Black Bourn, the Thet and the Little Ouse. Much research and a great deal of time has been put into setting up an integrated catchment management policy for that part of Norfolk and Suffolk, and I hope that that excellent work will continue apace.

On contaminated land, one aspect causes me a degree of concern. As I understand it, we are creating a new liability for some landowners, which is a departure from existing liability in common law because, if the person who has caused the problems, the pollution or the contamination cannot be found, the liability will be placed on the landowner, who might not be a farmer or someone who owns an estate but could be a small smallholder, a householder, or a person who owns a bit of rough ground outside a village. It is probably a mistake for the press to portray the measure as affecting only the large landowners.

My hon. Friend the Minister and I have corresponded on the matter, and he made it clear that he did not feel that the Government were creating any new liability or laying down a tighter law. I am concerned that some categories of landowner could be faced with an immense liability and with on-going costs. I must declare an interest as a member of Lloyd's the insurers, although I am not affected by any measures in the Bill. Lloyd's has expressed grave concern that the insurance market could well be faced with considerable claims. It has flagged up what has happened in America, where civil fund legislation has led to expensive cases going backwards and forwards across the Atlantic, leading to nothing more than a good day out for the lawyers. Will my hon. Friend the Minister consider that matter carefully?

In the few remaining minutes, I must say something about hedgerows. My neighbour the hon. Member for Norfolk, North (Sir R. Howell) and I have had a lot of correspondence with farmers in our constituencies who were obviously concerned that, as the Bill was originally drafted, an unfair onus would be placed on them and too much power would be given to local authorities. They are also concerned that it would provide an opportunity for much meddling and scope for some organisations that might not have the best motives to take an intrusive look at everything going on on people's farms. We must bear in mind the fact that the vast majority of farmers are completely responsible. In Norfolk, more hedgerows have been planted in the past few years than destroyed.

I agree with the hon. Member for Denton and Redditch (Mr. Bennett), that more effort and time need to be put into encouraging farmers to manage hedgerows. He rightly pointed out that as many hedgerows have been lost by lack of management as by removal by a bulldozer. I want the scheme to help farmers to improve hedgerows to be beefed up and made much more effective.

The Bill underpins and underlines the Government's commitment to the environment. It is the fifth in a succession of Bills. The previous four have been enacted since I have been in Parliament, but this is the biggest so far. It is extremely ambitious and is really five Bills rolled into one. It shows the Government's total commitment to improving the environment into the next century. Above all else, it proves that the Government represent the party that believes in the environment. The 1992 election was not about the environment and green issues, because the economy was in recession, but the 1987 election was and the next election will focus on such issues. The Bill will put the Government and the party in a very strong position, which is why I welcome it.

6.44 pm

**Mr. Sam Galbraith** (Strathkelvin and Bearsden): It is a pleasure to follow the hon. Member for Norfolk, North-West (Mr. Bellingham). The last time we met was during a debate in the Standing Committee on the Natural Heritage (Scotland) Bill, when his main contribution was a suggestion that we reintroduce wild boar and wolves into Scotland. He was not taken too seriously, but it is an idea whose time might come, as it is gaining more popularity as time goes by.

I shall deal with the Bill only as it affects Scotland, but I do not want people to think that I am dealing with it parochially. I am doing so because of the time limit. I realise that the principles behind these environmental issues do not stop at national borders. The practicalities might alter in different countries, but the principles are inherently the same, so please will hon. Members forgive me for limiting myself to the effects on Scotland?

One of the Bill's functions is to set up the Scottish environment protection agency, which will take over the functions of the river purification boards, Her Majesty's inspectorate of pollution, the hazardous waste inspectorate and the air pollution and waste management functions of local authorities. I welcome the introduction of that agency. The principle is correct, and it is important to have an over-arching body for areas of the environment and pollution that do not respect any boundary based on catchment areas. Pollution from the River Ayr may arise in one local authority, but it spreads to others, so the principle is correct.

There are some general problems, which have been mentioned, such as the cost duty benefit analysis and the fact that the Bill creates a permissive power to take the environment into account, rather than a statutory duty.

I shall deal with the problems for Scotland, because there are some differences there. First, the Scottish environment protection agency will have no control over extraction from rivers. We do not suffer the problem of rivers drying up, which affects hon. Members down here in England. I have never seen any Scottish river even come close to drying up, so we obviously do not have a similar problem, but there are principles involved—for example, pollution and the flow rates in rivers—that we may want to consider in Committee to decide whether the Bill should be extended to cover those areas.

The Scottish environment protection agency will not have any control over river catchment areas, which is another deficiency that we might want to consider in Committee, especially as it relates to nutrition enhancement, acidification and so forth.

Flood control has become important in Scotland recently. It may come as a surprise to hon. Members who represent English constituencies that the SEPA will not have any control over flood control, as it will rest with the local authorities. In Scotland, flooding is not the problem that it is in England. Recently, however, the River Kelvin and various tributaries around the Glasgow area flooded and severely affected my constituency and Kirkintilloch.

We have had previous flooding around the Inverness area, down through the Beauly firth. We have also had trouble in Tayside. We are told that such floods happen once in a hundred years, although historical records show that, in my area, they happen every 25 years. Every year without fail, the flooding of the Kelvin spreads into the gardens of a number of my constituents.

In recognition of that, the Minister introduced into the Bill some late measures giving the SEPA a statutory planning consultation role. That is important, and I welcome it. For the first time, the SEPA will have control over flood warning systems, but the problem of flood prevention is difficult, and I hope that we shall consider it in Committee.

Local authorities currently have only a permissive power; they have no statutory powers to introduce flood prevention measures. The problem with leaving flood prevention to local authorities is that even the River Kelvin, for example, which is just a tributary of the Clyde, runs through three local authorities. We may therefore wish to consider the matter in Committee.

Although I welcome the SEPA, I object to the fact that it is a quango. More than half the Scottish Office budget is disbursed by quangos, and that will happen yet again under the SEPA. I hope that the Minister will consider how we might change the fact that all its members will be appointed, and recognise the need for links with local authorities. Although I do not oppose quangos in principle, there are far too many, and their functions would be greatly enhanced if some of their nominated members came from local authorities by statutory right. In that way, the two areas could work in co-operation rather than in conflict, as has happened in the past.

All hon. Members will have noticed that the Bill does not mention national parks in Scotland. The reason is clear: there are no national parks in Scotland, for good historical reasons. When national parks were set up in England, there was great pressure from the conurbations, with people spreading out into areas of scenic beauty, but that was never a problem in Scotland, where scenic areas were vast and often distant from conurbations.

That has now changed, and areas such as Loch Lomond are bursting at the seams, the environment is being eroded and distant wildernesses like the Cairngorms are undergoing great changes. When I was but a lad, one could climb the north face of Ben Nevis on a summer's day and meet nobody else. Now, in a white-out blizzard and avalanche conditions, one can be run over by other people coming down the hill at a great rate, which shows the significant changes that have occurred.

There has been great pressure to have national parks in Scotland. The Countryside Commission brought forward proposals for the Cairngorms, Loch Lomond, Ben Nevis, Glencoe and Wester Ross. It eliminated Knoydart, on the basis that nobody knows where it is. In keeping with that principle, I shall not say where it is, so that no one goes there. In response to that growing pressure, the Government set up their own committees. The problem is that it is a voluntary scheme, and there is a joint committee for the Cairngorms and Loch Lomond.

The importance of the Bill is that it sets a necessary and important template for Scotland, which we can use and judge when establishing our own legislation, as I am sure my party will enable us to do once we are in government, to set up national parks. I shall watch it with great interest as it develops. The Under-Secretary of State, the hon. Member for Dumfries (Sir H. Monro), was wrongly accused of not being interested in conservation. He has a long record of interest in conservation measures in Scotland and the UK, but he was wrong to condemn the English national parks for not having worked or solved all the problems.

I hope that legislation on hedgerows will apply also to Scotland and that, when we introduce an amendment to preserve dry stone walls, they will be called "dykes", as they are in Scotland, so that there can be no confusion. Dry stone dykes are important, as they last a long time and provide necessary protection for sheep, particularly during the lambing season, which has just started.

I welcome the Bill and the principles behind it. There are problems in it for Scotland; some are general to the UK, and others are specific to Scotland. I hope that we can deal with them in Committee.

6.54 pm

**Mr. Andrew Robathan** (Blaby): Like the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith), I welcome the Bill. I was encouraged by the speech of my right hon. Friend the Secretary of State, who referred several times to the Bill's holistic approach, which I particularly applaud.

Pollution knows no departmental boundaries or national frontiers. I ask the Government to go further in their holistic approach and encourage greater co-operation between Departments. The Bill raises that matter several times, particularly with regard to the Ministry of Agriculture.

Air pollution, for instance, is an environmental issue that also involves the Department of Transport, the Department of Trade and Industry with responsibility for energy, and the Department of Health; and air pollution from cars involves the Department for Education, because of children being driven to school. I recognise the interdepartmental co-operation that exists, but I trust that the approach in the Bill will be taken further, with interdepartmental discussion and joint action.

I am sure that all hon. Members will recall that my maiden speech was on recycling, although I recognise no hon. Member who was there when I made it. I was pleased, therefore, to see that the Bill contains provisions for a national waste strategy.

Producer responsibility is the route to follow, and that can be done without too much disagreement and with a great deal of common sense, and will benefit us all. The saving in landfill is of great benefit and, besides less energy usage, a national waste strategy will mean less litter and a reduction in the profligate use of our natural resources and in pollution.

I welcomed the landfill tax introduced in the last Budget as an example of interdepartmental co-operation and an holistic approach. My right hon. Friend the Secretary of State mentioned VAT on fuel, and a carrot-and-stick approach to energy is essential. Paying more for fuel is a stick, while greater encouragement to save fuel, including such schemes as the home energy efficiency scheme funded by the Government, can be a carrot. Through such schemes, we can encourage a change in attitude.

A change in attitude is also required on air pollution from motor vehicles. Almost all of us use cars. I received a letter today from a Leicestershire cycling group concerned at the police's attitude to a sponsored cycle ride that the group wished to do on lanes around my constituency. The letter from the police suggested that the group cancel the ride because it might interfere with car drivers.

Such attitudes need to be changed. If no hon. Member ever used a car when he could walk, cycle or take public transport, that would be a change in attitude. Few of us, I fear, take that attitude—I am guilty along with everybody else. One of my hon. Friends on the Front Bench recently commented that he would not dream of taking public transport with his red boxes. We are in a position of being able to lead by both example and legislation—by carrot and by stick.

Air pollution from motor vehicles could be curbed by further progress on vehicle emission tests. Westminster city council held an exhibition today in the Jubilee Room about its desire to introduce kerbside emission tests. The Government may also examine that matter in the Bill.

My right hon. Friend discussed energy—nuclear, wind and coal. The environment agency may be able to influence the use of alternative sources of energy, in which the hon. Member for Ceredigion and Pembroke, North (Mr. Dafis) and I share an interest. Combined heat and power currently finds little encouragement from the non-fossil fuel obligation. Moreover, the Energy Saving Trust is not receiving the support it should. We need an holistic approach, so that the left hand and right hand of Government work together.

In common with other hon. Members, I welcome the fact that the provisions of the Bill will help to protect hedgerows. I am also pleased that the importance of close co-operation between the environment agency and the Ministry of Agriculture is recognised in the Bill. The agency should also concentrate some of its work on the common agricultural policy, because it is still encouraging intensive agriculture, which is the greatest threat to our hedges and landscape. Many farmers may disagree about that, but, once again, the carrot and the stick is the best approach.

Conservation grants should be paid towards better hedgerow management, hedgerow conservation and hedge laying, and further legislation should be introduced to protect hedges. To combat the effects of some aspects of the CAP, economic conditions should be created that do not encourage hedge destruction. I believe that the CAP is unreformable, but at least the environment agency may influence the development of the countryside and of agriculture. The Bill will go some way towards that goal.

I hope that the Government's examination of rural policy and the future of the countryside will be tied in closely to the work of the new environment protection agency. Undoubtedly, the NRA will already have made representations about rural policy, so the new agency must work hand in hand with such proposals and not in opposition to them when deciding any future rural policy.

I should like to highlight the importance of wildlife conservation, which is referred to specifically in clauses 6 and 7, as well as elsewhere in the Bill. Although the agency will be responsible for the flora and fauna of the aquatic environment and wildlife habitat, it should be possible for it to adopt an holistic approach.

It could consider conducting a research project on the feasibility of eradicating mink, because no one else seems to be responsible for controlling that pest. I recently introduced a Bill to that effect. I have since been told that, in my constituency, which is intensively farmed, one farmer has caught 36 mink in 20 months in one small stream. In the past year, 17 mink have also been caught near the village where I live in a stream over which everyone in the House could jump with ease.

We must further investigate fixed penalties for fishing offences. The organised poaching of salmon and trout is big business, and it may also pose a threat to life and limb, especially for water bailiffs. Such poaching is treated too laxly by some courts. I hope that the introduction of fixed penalties will not reduce such organised major criminal activity to the same status as a parking fine.

I share the concern of some of my constituents at the Government's intention to revoke some mineral extraction permissions. I applaud their decision to consider some provisions that may have been made before the last world war, and I accept that many are wholly inappropriate.

As a principle, however, the Government should not consider taking assets without some reasonable compensation. If companies or individuals have bought land with mineral extraction permission and invested money in development, research and inquiry, the Government and the House should be wary of taking away such an asset without considering how those individuals and companies should be compensated.

I commend the trends in the Government's environmental policy of recent years—evident from, for example, policy planning guidance note 13 from the Department of the Environment; the Wildlife and Countryside Act 1981; the creation of the NFFO; the establishment of the NRA; and the Government's encouragement of cycling. I applaud those steps in the right direction, but we need to go further.

The Bill represents another welcome step. I accept that it could be improved still further, and I hope that it will be in Committee, but it is designed to protect our environment through sustainable development, and to preserve our countryside for the future. I commend the Bill.

7.3 pm

**Mr. Gareth Wardell** (Gower): This is an important Bill. It disturbs me more than a little to see that neither the Secretary of State for Wales nor either of his Ministers has graced the Chamber during the debate on this fundamental measure, not least because it will have a huge impact on the Welsh environment. I hope that a precedent has not been set when a Bill of such importance does not merit the attention of Ministers of the Welsh Office.

I shall confine my comments to four topics into which the Select Committee on Welsh Affairs, of which I am the Chairman, has conducted inquiries—coastal protection, contaminated land, waste disposal and abandoned minewater discharges.

As for the duties and powers that we will invest in the new environment agency for coastal protection, we must concede background information of the past few weeks, which has revealed further supporting evidence of global warming, with a consequent rise in sea levels. To provide the new agency with the flexibility to plan for and cope with that change, I hope that the coastal zone for planning will be extended to 12 miles, as recommended by the Select Committee on the Environment.

The creation of the new agency offers the opportunity to effect that measure, which would enable integrated planning, involving the conflicting interests of land use, flood defences, coastal erosion, fisheries, conservation, aggregate dredging and discharges from ships at sea, which grossly pollute our beaches.

I should like the new agency to have the power to negotiate agreements with local planning authorities for coastal exclusion zones, where no development should take place because of the risk of flooding. Anyone who saw the flooding of Towyn in north Wales will appreciate the need to strengthen existing practices governing coastal development.

I also hope that the agency will be given powers to determine applications for aggregate dredging licences. It seems absolutely ridiculous that the NRA or the new agency could be busy liaising with local authorities to construct flood defences or coastal protection schemes while at the same time Crown Estates can issue licences to dredge sand and gravel, which could cause coastal erosion affecting long stretches of coastline and strip beaches of sand. Now is the time to invest powers in an effective agency to deal with those long-standing problems with which, for too long, no one has come to grips.

Thanks to our industrial heritage, contaminated land has long been recognised as problematic in Wales. I hope that certain problems with the relevant proposals in the Bill can be addressed. For instance, Swansea city council has practically cleared land in the Swansea valley that was originally designated as the most contaminated in Britain. As a result, that local authority has acquired considerable expertise. When the new agency takes over responsibility for defining remediation standards for every site, that expertise will be lost to local authorities, but the authorities will be responsible for supervising the site and the works.

The effect of remediation notices served on landowners is not clear. I know that the Association of British Insurers is concerned at the implications of claiming on insurance policies the cost of carrying out remediation works. I am not clear how a potential threat or significant harm will be defined by the agency.

If the threat is large and imminent, there is no problem with the serving of a statutory notice, but what happens about long-standing contamination? At what point does it become a potential threat, posing significant harm and to what? Will it pose a threat to plants, fish, birds or people? It seems that the Bill creates new liabilities. Statutory nuisance is, by definition, confined to effects on human beings, but, under the Bill, that nuisance will apply in respect to harm to any living organism and interference with ecological systems.

The Bill also introduces another new liability, because it expands the present statutory nuisance provisions to contamination that has not migrated off site. That means that first party liability is created. At present, statutory nuisance liability for first party damage is wholly confined to health issues and is exceptionally rare.

I am uncertain what will happen when a large development scheme contains a pocket of contaminated land. It appears to me that, if a remediation notice is served on one owner, there might be a real hindrance to developing the site, especially if a landowner is a man of straw.

I hope that some of those matters will be clarified in Committee. I certainly hope that the new agency will be required to liaise closely with other interested parties, to ensure the most effective remediation on a site specific basis, taking into account the nature of the site and the relevant contaminants.

It is vital that the Government reconsider the rationale in clause 54 for singling out some types of closed landfill sites, when they duplicate provisions requiring long-term care of landfills already enacted in the Environmental Protection Act 1990.

On waste management, the Welsh Affairs Select Committee recommended that the functions of the regulation of sites and the disposal of waste should be operated separately. It is widely believed by professions such as the Institute of Waste Management that that has resulted in raising standards in the industry.

The development of a national waste plan, to be incorporated into clause 61, is long overdue and is to be welcomed. However, I would say two things.

*[Mr. Gareth Wardell]*

First, I share the anxiety of the Institute of Waste Management and the National Association of Waste Disposal Contractors that the advisory committees to the agency have no access to a member with direct expertise in waste management. Indeed, I feel that it has been arrogant of the Government not to include NAWDC on the teams established by the Department of the Environment to help plan the basis for the agency. That field is highly technical, and it is vital that the Secretary of State appoints an experienced professional from the industry to the advisory committees and to the board.

Secondly, a strategic framework for waste management will only be as solid, as effective and as well considered as local waste management plans will allow it to be. Waste management and disposal can have a profound effect on local communities. There is a distinct need, therefore, for local consultation and for the inclusion of local knowledge and experience in waste management plans. I hope that the final version of the Bill will contain a mechanism for ensuring that the regional advisory committees are responsive to local opinions.

On discharges from abandoned mine workings, I have no hesitation in saying that, if various guarantees or commitments made in the other place will be honoured in the near future, the Government have the opportunity to amend the Bill to ensure that, between now and the end of the century, the coal advisory body will be able to take over responsibility and do far more than is being done at present.

If the Government are honest about it, what is happening is that many hundreds of miles of streams contaminated by pollution from abandoned coal mine workings from the past are not being dealt with. In Wales, an experiment is under way regarding reed bed technology on the Pelena and Neath rivers. If the Government are honest, it is only at the very early stages of experimentation.

My hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson) put his finger on it. The true nature of what is happening is that, because of coal privatisation, the Government did not want to put the onus on British Coal before privatisation to ensure that the policy was in place and the clean-up was occurring on a massive scale.

I am grateful for the opportunity to make those few arguments, and I hope very much that the Bill will be amended in Committee and take on board some—

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** Order.

7.13 pm

**Mr. Peter Ainsworth** (Surrey, East): This welcome Bill has received a great deal of attention outside the House. To judge from my mailbag, those who by and large represent industry feel that certain provisions are too tough whereas, predictably, those who represent environmental concerns tend to feel that the Bill is too weak in certain parts. That suggests that my right hon. Friend the Secretary of State, who has a well-earned reputation for being adroit, has got matters just about right.

It is not surprising that the Bill has excited a great deal of interest outside the House, from the Confederation of British Industry to Lloyd's, the Royal Society for the Protection of Birds, the Council for the Protection of Rural England and so on. Many of their arguments will be carefully considered in Committee.

I say that that is not surprising because protection of the environment is the preserve of no special interest group; it affects us all. It affects the quality of the physical world around us, which can have an enormous effect on us as individuals, as well as on the cultural and spiritual well-being of the nation. It affects land and water, on which we all depend for sustenance, the air that we breathe and the integrity of the earth's atmosphere, on which all forms of life ultimately depend. It also involves something that should touch us deeply, and that raises most debate on environmental protection, way beyond party politics. That is the mighty responsibility that we carry in our generation for the world we shall pass on to our children and to future generations.

Not even the most hardened of agnostics in matters such as global warming can fail to recognise that, although the aspiration to pass on to the future a healthy and beautiful world has been with mankind since time immemorial, in our age the stakes are higher, the pressures greater, the degradation more widespread and profound and the time perhaps shorter than in any previous generation. Because of that, although usually I yield to no one in my enthusiasm for deregulation, I believe that the Government have not only a right but a duty to regulate to protect the environment. That is becoming accepted throughout the developed world. Put bluntly, there is no point in having a thriving, deregulated wealth-creating economy if the price is to make the world in which we live at best squalid, at worst unendurable.

We must recognise, however, that every regulation has a cost. The measures required to enhance and preserve the quality of our environment do not come cheap, and it is not the Government who pay, as some people would like to think. Parliament makes the law and sets down the regulations in the interests of the citizen, but it is the citizen who ultimately will be asked to pay. That is obviously the case at the moment with the enormous clean-up in the water industry that is going on. The CBI estimates that about 2.5 per cent. of gross domestic product is being spent on environmental protection.

In order to make that investment—it is an investment that will grow, not least as a result of the Bill, in future years—industry must remain competitive and profitable. It will not do so if it is confronted with unreasonable, excessive demands, the costs of which are subsequently forced on to consumers. I am sure that hon. Members would agree this evening that the last thing that we want to do when trying to make progress in environmental protection is to sew the seeds of consumer resistance. That is why, although it has provoked controversy in some circles and has received some opposition today, clause 37, which requires the new agencies to conduct a cost-benefit analysis before exercising their powers in any individual circumstances, is so important.

It would be unrealistic and irresponsible for the legislation to take account only of the environmental aspects of a specific case without considering the cost of putting matters right. The two are indissolubly joined. After all, no one in his right mind would seriously suggest that the Bill should take account only of the costs and disregard the environmental benefits of a specific measure. However, it will be important for my hon. Friend the Minister to assure the House that clause 37 as

drafted will not, as has been suggested by some people, permit a substantial loophole in the legislation and lead to a long series of judicial reviews.

There is much to welcome in the bringing of the National Rivers Authority and Her Majesty's inspectorate of pollution and waste regulators together into a single organisation. I echo what my hon. Friend the Member for Norfolk, North-West (Mr. Bellingham) said about that. That should in itself make for a simpler, less cumbersome, less bureaucratic regime. I particularly welcome the fact that the agencies' principal aim will be to contribute towards attaining the objective of sustainable development.

As a former member of the Select Committee on the Environment, I welcome clause 77, which enables the making of regulations imposing producer responsibility obligations for the promotion of the re-use, recycling and recovery of waste materials on those who, for whatever reason, are not registered under an industry scheme. That is a useful step forward. It is right to pay tribute to the producer responsibility group for the voluntary work that it has carried out towards that important target.

The Government have shown a willingness for action on two matters that are not present in the Bill. I look forward to seeing what is recommended to enact the proposals contained in the policy document "Air Quality: Meeting the Challenge", which my right hon. Friend the Secretary of State mentioned earlier. As concern about children with asthma is rising, surely the time has come for a new national air quality standard, for stronger powers in that sphere to be given to local authorities and, in particular, for the air quality implications of road transport to be effectively tackled.

In another place, the Government expressed their willingness to review and update the law applying to old minerals development permissions. I part company with my hon. Friend the Member for Blaby (Mr. Robathan) over that subject, as I know from a case that is causing concern in Nutfield marsh in my constituency that old permissions can lie dormant for many years, only to emerge unaltered into an environment that has fundamentally changed and moved on. The law could usefully be changed so that, when such revenant consents awake, they can be properly assessed in the light of contemporary circumstances.

Clause 80 deals with hedgerows. My private Member's Bill to safeguard important hedgerows failed for lack of parliamentary time—to use the official euphemism—nearly two years ago. I said then that I still looked forward to a time when effective laws to protect our most important hedgerows would be forthcoming. Clause 80 brings that time nearer. Since the second world war, we have lost nearly half the hedgerows in our countryside. That has happened mainly through neglect, but a large number of them have been deliberately destroyed. That represents an appalling diminution in our landscape heritage and wildlife habitats. The knock-on effect in terms of biodiversity will be felt for many years.

Latest statistics are more encouraging, but, as has already been said, new hedgerow plantings do not provide the quality and biodiversity of ancient hedgerows. There is a clear case for regulation to protect our most important hedgerows—and only the most important. I speak of those which form ancient parish boundaries, those which form a vital part of a local landscape, those which are rich in wildlife and those which date back to medieval or even Roman times.

I know that my right hon. Friend will consult widely on the details of the scheme, which will need to have a light touch on the farming industry, yet be effective in preserving what is best in our national heritage. Here, as elsewhere in the Bill, there is a need for a proper balance of interests to be maintained. Regulation simply will not work if it is felt to be clumsy, burdensome and unnecessarily costly. It is therefore right that proper account be taken of the short-term costs implied by the measures in the Bill. It is important that the interests of environmental protection and sustainable development are promoted and secured. If they are not, in the long term, the cost to all of us may be immeasurable.

The Bill proves once again that the Government are at the forefront of international thinking on environmental protection. I applaud the Bill, which deserves the widespread support that it has received today.

7.23 pm

**Mr. Nick Ainger** (Pembroke): I, too, wish to comment on the absence of the Secretary of State for Wales and his Under-Secretaries, but, when we look at the Bill, we see that that is hardly any wonder. Clause 53 relates to interpretation, and the only Ministers mentioned are the Minister of Agriculture, Fisheries and Food and the Secretary of State for the Environment or the Secretary of State for Scotland. The Bill does not appear to be particularly relevant to Wales, certainly not to the Welsh Office.

In an earlier intervention, the Under-Secretary of State for Scotland, the hon. Member for Dumfries (Sir H. Monro), said that the Scottish environment protection agency had been established because that was what the people of Scotland wanted. Other than perhaps a few Conservative Members, that is certainly what the people of Wales want. All Opposition parties and environmental organisations support the idea of a separate Welsh environment protection agency. It is supported by the Assembly of Welsh Counties as well as by the Association of Welsh District Councils.

Wales may be a small country, but it has three national parks and 42 per cent. of its long coastline has been designated as heritage coast. There is the problem of clashes between areas of outstanding natural beauty and areas of high industrialisation and high industrial dereliction. Large parts of Wales are now decimated by opencast mining. As my hon. Friend the Member for Gower (Mr. Wardell) said, there is a problem because of the large number of abandoned mines.

In Wales, responsibility for health, education and transport—excluding railways—lies with the Welsh Office. Responsibility for local government is vested in the Welsh Office. Industrial development and inward investment is, through the Welsh Development Agency, the direct responsibility of the Welsh Office. But environmental protection and pollution control are the responsibility of an England-Wales quango that will be remote from the people of Wales and will be perceived as yet another quango controlled from England. The advisory bodies, which are presumably meant to have some sort of accountability, do not have to meet more than once a year.

*[Mr. Nick Ainger]*

People in Wales will not have the faith in such an environment protection agency that they should have. That is particularly true of local authorities, which are having their responsibility for waste management and atmospheric pollution taken from them and given to a quango, an agency, that they will undoubtedly say cannot perform as well in terms of small, regular day-to-day problems encountered by every local authority.

Earlier today, I had discussions with representatives from the Association of Welsh District Councils. One of its officers said that, over Easter, members of his staff had been called out because people were complaining about a factory that was emitting black smoke. Can we expect a centralised agency to have the personnel available to deal with such problems on the ground on a day-to-day basis? I have great reservations.

While I want the overall policy and strategy on waste management and atmospheric pollution to be developed by the environment protection agency, I have grave doubts as to whether the quality of service currently provided by local government can be delivered by it. If we accept that we need to take an integrated, holistic approach—there seems to be support for that across the Chamber—and that in Wales the Welsh Office virtually does that, as it covers all aspects except for defence and Treasury functions, why cannot that integrated approach involve the agency? There is an overwhelming case for that.

My hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson) mentioned the problem of designated boundaries between regions and, hopefully, a separate Welsh environment protection agency. Should boundaries be the local authority political boundaries or river catchment area boundaries, which is the strategy followed by the National Rivers Authority? No major problem exists here. The NRA undoubtedly sets itself up on a catchment basis, but let us not forget that, in Europe, countries have joint catchments covering the Rhine, the Meuse and the Maas. If they can come to reasonable agreements, I do not understand how it is beyond the wit of British people to establish a political boundary and joint working arrangements between bordering regions. It is not a particular problem.

It would be wholly unacceptable if large parts of Wales were to be administered on a regional basis from elsewhere. The Severn and the Dee catchments cover a large part of Wales. It would be unacceptable to many people if pollution control and the functions of the NRA were administered from Chester—although I doubt that they would be administered from there—Liverpool or Manchester for north Wales, and Birmingham for east Wales. Those are significant parts of Wales. From a practical point of view, no problem exists in establishing political boundaries that would take account of particular concerns and the need for accountability in Wales.

Virtually all the Pembrokeshire Coast national park is in my constituency. My colleague, the hon. Member for Ceredigion and Pembroke, North (Mr. Dafis), represents the smaller bit of that national park. I know that he and many other people in Pembrokeshire are concerned about representation. I have had a number of letters, as, I am sure, have many other hon. Members who represent constituencies containing national parks, from community and town councils that fear the problem of not having direct access to the national park board, particularly in relation to planning. One of the things that I shall be looking for in Committee is somehow to involve community and town councils. I see that the Secretary of State is nodding. I hope that we shall be able to come to an agreement on that.

Some of us enjoy the national parks but do not happen to live in them. Unfortunately, some national park committees have a reputation among local people, which I do not believe is richly deserved, for acting in a remote and high-handed way in relation to planning, and for not taking account of the real needs of people in their parks.

It is essential that environmental quality objectives are highlighted and improved in the Bill, and that the phrase "to further conservation" is put into the Bill. The NRA has achieved some excellent work in my constituency, particularly around Solva, where a flood control system was introduced to develop ponds, lagoons, bird hides and otter holts, which have radically improved the habitat. As that phrase appears to be missing from the Bill, my concern is that the environment agency will not be in a position to undertake the excellent work that the NRA has done in the past.

7.33 pm

**Mr. Michael Jopling** (Westmorland and Lonsdale): I begin by doing two things. First, I declare my interest in the environment as a farmer and, secondly, I apologise for my absence during the speeches of my right hon. Friend the Secretary of State for the Environment and of the Opposition spokesman. I am afraid that I made arrangements many weeks ago, not knowing that this business was happening today. I apologise for my late arrival.

Like others who have spoken, I welcome the Bill very much. It continues the creditable saga of measures that the Government have taken in the past 16 years to look after the environment. Reference has been made to the Wildlife and Countryside Act 1981. If modesty may get the better of me—or rather, not get the better of me—perhaps I may be allowed to refer to my introduction, when Minister of Agriculture, Fisheries and Food, of environmentally sensitive areas, and to my decision to bring, for the first time, farm chemicals under statutory control.

My principal concern in this evening's debate involves those clauses that deal with the national parks. You will remember, Mr. Deputy Speaker, that, last year, we had before us a Bill that has come to be known as the Norrie Bill. Many of us were utterly opposed to the fact that the Bill, which dealt with the reorganisation of national parks, could have got on the statute book without a single word being said in the House. That would have been intolerable. Now, we have similar clauses in the Bill and we are able properly to debate the matter. That must be the right way of doing it.

As I have parts of two national parks in my constituency, I am especially concerned about national parks. I have the Lake District national park, which is already an independent authority of the sort that the Bill will set up for all other national parks. Over the years, that national park has done a reasonably good job. It has also done rather stupid things that I have made it my business to tell it about, but I shall not go into that now.

I also have in my constituency part of the Dales national park, which for a long time was highly disliked by my constituents, who had to put up with it and who lived in its area. It had appallingly bad public relations and, occasionally, it was guilty of extremely arrogant manners. The Dales has got infinitely better. I receive far fewer complaints than I used to. Its public relations are much improved, and I commend it for that.

The Bill proposes a new structure of national parks. Three issues will need to be discussed and examined as the Bill goes through its stages. First, it is necessary for senior officials in the new national park authorities, which will succeed county council committees, to be competent enough to take on the extra responsibilities that will inevitably arise from the independence that the Bill will give them.

It will not be satisfactory for those authorities to have a sort of Buggins' turn arrangement, whereby individuals who perhaps did their job perfectly competently when serving on a county council committee find themselves totally out of their depth in running an independent authority. Therefore, it is crucial that, before the Bill gets on the statute book, we ensure that we have fully competent officials running the new authorities.

The second issue that I hope will be considered is the need for the Government to reconsider the prospect of securing a separate standard spending assessment for county councils that have national parks within their boundaries. At the moment, the arrangements work in a way that is extremely unfairly to county councils—I think of Cumbria—in bundling in national parks with councils' SSAs. That is unreasonable. The Government have gone rather hot and cold on the issue. They have considered it once or twice and they have not yet agreed to set up a separate SSA. I hope that we can look into that.

Finally, I want to draw attention to the implications of the amendment made in another place to introduce the words "quiet enjoyment". We should not encourage extra noisy activities in the national parks, but at the same time, we must remember the historic business and leisure activities of those who live in the parks. We must ensure that the words "quiet enjoyment" do not clobber those perfectly reasonable and often historic and important activities.

It is not enough for us to listen to what is said by Ministers or by those who propose amendments. They will say, "It does not mean that, it means something else." In the end, it will mean what the courts say. My real anxiety is that if we are not careful, over-zealous litigators in the future could make totally unacceptable decisions in the courts. What could be at risk are some of the traditional business and leisure activities of those who live in the parks.

Reference was made in another place to chain saws. Their use is essential for forestry and for many farming activities that take place in national parks. Grouse shooting brings a vast amount of money each year—whether through keepers or hotels—into Swaledale in the constituency of my hon. Friend the Member for Richmond, Yorks (Mr. Hague). If some over-zealous litigator said that grouse shooting was illegal because the Bill requires "quiet enjoyment", that would be devastating for a place such as Swaledale.

I declare an interest as I have the honour of being president of the Auto-Cycle Union, which is the governing body for motor cycle sport in this country. There are many motor sport activities which do not upset people and which are admirably policed and controlled. For instance, there is the Royal Automobile Club rally which attracts hundreds of thousands of people and which often takes place in national parks. Those people do not do any damage to the environment. The rally lasts a short time and then all the people go away. In the motor cycle world, we have the famous Scott trial in the north of England, which is enjoyed by a huge number of people.

While ensuring that we stop the cowboys—I have no patience with the idiotic cowboys who ride noisy motor cycles over the open land and moors upsetting all the local people—we must be sure that controlled activities which are properly organised and policed are not unnecessarily truncated by the words "quiet enjoyment". I want to see something in the Bill to clarify the meaning of the words "quiet enjoyment".

I hope that the Bill will be successful, but those matters should be looked at.

7.43 pm

**Mr. Alan W. Williams** (Carmarthen): I am glad to have an opportunity to make a few comments about this important Bill. I am pleased to see the establishment of an environment agency, which will take over all the functions of the National Rivers Authority. I know that there has been some debate about this, but the NRA has the Opposition's strong support and is doing an effective job. It will be the senior partner in the agency, together with Her Majesty's inspectorate of pollution and the local authority waste authorities. I hope that the agency will serve the environment well for decades to come.

For many years, the Opposition have advocated the establishment of an agency. I was a member of the Standing Committee that considered the Environmental Protection Bill in 1990. We moved amendments to establish the agency. The idea was taken up a year later, and has been promised year after year by the Government: here it is at last.

We should like to see an agency with wider powers to take over responsibility for the drinking water inspectorate and carbon dioxide emissions, energy efficiency, pesticide safety, nuclear waste regulations and perhaps the nuclear installations inspectorate. At least we are now to have an agency on which we can build in the future.

Reference has already been made to clauses 4 and 37. Clause 4 mentions "sustainable development", and I am pleased to see that. The Government have a mixed record on the environment. Whenever I see the phrase "sustainable development" I think of the dash for gas and wonder how we can possibly consider that part of the Government's energy policy as sustainable development. However, at least the principle is in the Bill.

My hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson) drew attention to our concern about clause 37 and the cost-benefit discussion. The clause is waffly and unclear and injects an element of doubt into the agency's role. As my hon. Friend pointed out, we want somebody to fight for environmental protection, not a referee. We want somebody to point out and work for all the benefits that environmental protection could bring. Those benefits are sometimes difficult to quantify and my strong feeling is that we should operate the precautionary principle and always judge in favour of the environment rather than in any other way.

*[Mr. Alan W. Williams]*

I draw attention to clause 6. I understand that an amendment was moved in the other place to introduce a provision dealing with the efficient use of water. Of course we all want the efficient use of water, especially in East Anglia and the south-east, where there have been historic problems with water supply. Too strong an interpretation of that could be seen as a green light to the water regulator—Ofwat—to introduce compulsory metering. The Opposition would oppose that fiercely. In Committee, I hope that the meaning of that term is spelled out. If it means that water authorities should do something about the leaks in the system, which affect about 25 per cent. of the supply, that is fine, but we do not want widespread water metering.

Clauses 11, 12 and 13 are disturbing. The structure involved in setting up the committees gives great powers to the Secretary of State and to the Secretary of State for Wales to decide who sits on them. The committee will become a super-quango with regional mini-quangos. The danger is that there will be no accountability to the local electorate. Today, I met members of district councils in my area and other parts of Wales—I have met them two or three times before—who told me of their concern at the loss of the responsibilities that they now hold once the agency is set up. They are concerned about the loss of accountability. People want to be able to go to their local council or to telephone their local councillor or the relevant officers so that they can make a complaint and have it seen to. I hope that the meaning of those clauses will be examined carefully as the Bill passes through all its stages.

Contaminated land, abandoned mines and national parks are also important topics that require legislation. There will, of course, be differences in emphasis between the parties and between individual Members in Committee but, broadly speaking, we welcome the relevant parts of the Bill.

I welcome clause 80, which deals with hedgerows, but I am puzzled about how one should define "important" hedgerows. All hedgerows are important to wildlife. As the amount of existing hedgerows has halved over the past 10 or 15 years, what remains is even more important.

Clauses 81 and 82, which provide the powers for conservation grants to be made by the Ministry of Agriculture, Fisheries and Food, are extremely important, and I should like a whole Bill to develop the content of those two clauses because they contain the future direction for agriculture. I look forward to an agricultural system that supports not production but environmental protection. In any event, we shall need wide-ranging legislation in the future.

I shall confine my remaining remarks to what I regard as the big gap in the Bill—the control of air pollution. It has struck me for decades that we regulate water effluent quite well—we now have the NRA and previously we had the water authority structure. We also regulate solid waste disposal quite well through local authorities and other bodies. However, there is very little regulation or monitoring of what is pumped into the atmosphere and there are now major problems with atmospheric pollution. We have become aware of acid rain, the depletion of the ozone layer and the greenhouse effect, which are all major planetary problems caused by air pollution.

Increasingly, we have become aware of problems relating to transport. We now face an environmental crisis. Much thought needs to be given in the next few years to the problems caused by the motor car and exhaust emissions and their effects on the environment. The Bill provided an opportunity for the Government to do something; they could have devoted several clauses to the monitoring of air pollution.

I understand that in Britain we have only 19 monitoring stations whereas there are 400 in Germany and 2,000 in Japan. In other words, the extent of our monitoring is feeble and pathetic compared to that of other countries and, indeed, compared to our monitoring of water pollution and solid waste disposal.

I understand that in another place Lords Lewis and Nathan tabled amendments that would have committed the Government to introducing a national strategy to improve air quality. The Secretary of State said earlier today that the Government would table similar amendments or new clauses, and I look forward to that. We need strong legislation not only to monitor but to tackle the serious problem of air pollution.

7.52 pm

**Mr. Peter Atkinson** (Hexham): There is consensus about the Bill in which I shall join. It is an important and welcome Bill, and the fact that it has achieved such consensus is a great tribute to my right hon. Friend the Secretary of State and the Government who, once again, are at the forefront of sensible conservation.

It is a weighty Bill, and a weighty Bill containing so much detail is bound to raise a number of concerns, some of which have, quite properly, been mentioned by other hon. Members on behalf of various interest groups, not least farmers, landowners and fishermen. To that list I shall add the quarry operating companies, which fear that their future viability might be affected by the Bill. That is especially true of those operating quarries in or near national parks. I shall say simply that such companies are important employers in remote upland areas and their views should be taken into account. However, the main force of my remarks is directed at those parts of the Bill that deal with national parks.

I have the honour to represent a constituency that contains a large part of the Northumbrian national park and the large military training area at Otterburn. Sadly, I have to report that relations between the people who live and work in the Northumbrian national park and the national park committee have broken down. There is a considerable sense of alienation. I believe that the same is true in other national parks. Indeed, I have spoken to people who live and work in the Brecon Beacons national park who are also concerned about their relationship with their park authority. That authority has acquired 13 per cent. of the land in the park and is endeavouring to alter traditional farming practices.

In the Northumbria national park, the matter came to a head because of plans outlined by the Ministry of Defence which, responding to the end of the cold war and "Options for Change", wanted to develop the Otterburn training area. The plans provoked howls of outrage from a number of environmental groups that are utterly opposed to the training of troops in the area. The locals are very supportive of the military training area at Otterburn, which they regard as an important asset. Like me and, I

am sure, all Conservative Members, they believe that military training is vital. Our soldiers need to be properly trained if they are to be sent to areas of conflict. Increasingly, Otterburn will be where that training is undertaken.

As I said, there were howls of outrage from environmental groups and a demonstration was mounted by the Council for National Parks led by Chris Bonington who turned up one day with a placard to protest at the Army's plans. For the first time, the council was greeted by a counter-protest by local people. Local people, especially country people, are not prone to such politics but, when Bonington turned up, he was met with banners saying, "Bonington go home". I have great sympathy with people who believe that outside interests are affecting their ability to earn a living. The Otterburn training area makes an enormous contribution to the local economy in the Rede and Coquet valleys. It helps the hotel trade, local services and craftsmen, and is a vital part of the local community.

Local people believe that there will never be peace in Otterburn until the training area is separated from the national park. They believe that the Secretary of State should alter the boundaries of the park and remove the training area from it. When they asked the Secretary of State if he could do that, they were told that he did not have the power and that it was up to the Countryside Commission to instigate any change in national park boundaries. However, the Countryside Commission's annual report for 1993-94 clearly states in black and white:

"We have always advocated that military use of land in the National Parks is inconsistent with their purposes."

In other words, the organisation responsible for setting the boundaries of national parks is in this case acting as judge and jury in its own court, and local people find that unacceptable.

One solution would be for the Bill to enable the Secretary of State to take powers to change national park boundaries. There is a great deal of strong feeling about this issue. I presented to the House a petition of more than 1,500 signatures, all from local people. The Northumbria national park is the most sparsely populated, with only 1,900 inhabitants, so the fact that so many signatures were collected is proof of the strength of feeling.

The Bill could also help people who live and work in national parks with the question of local representation. The Northumbria national park committee consists of 31 members, of whom three are district councillors. Of those three, two live close to the park and one lives many miles away. Local people feel that they have no representation and no influence on the election of people who play an important part in their lives. I suggest—I was pleased to see the wording of schedule 7—that, when my right hon. Friend the Secretary of State is drawing up the detailed guidance, he ensures that people who represent the national parks are predominantly local district councillors, not county councillors. There is no reason for the county council to have a hand in the national park. We want representation from people who represent wards within or close to the national parks.

Since the national parks committees are to become free-standing authorities, there is no reason why that form of representation cannot take place. If local people disagree with the way in which the national park runs its affairs, they could at least show their displeasure at the ballot box. That would be a considerable improvement and do a great deal to enhance the relationships between local people and the national parks committees. The House wants to see the relationship between those committees and local people restored. In Northumberland's case, a sense of good will can be encouraged by taking the training area out of the national park and by introducing proper local democracy. Those would be two positive moves to help the situation considerably.

I echo very much the comments of my right hon. Friend the Member for Westmorland and Lonsdale (Mr. Jopling) on the phrase "quiet enjoyment". I agree entirely with what he said. When parliamentary draftsmen introduced the words "reasonable" and "reasonably practicable" in legislation, they handed the lawyers a blank cheque. I hope that the phrase "quiet enjoyment" will not do the same. It must be properly defined, so that local interests may be properly represented.

8 pm

**Mr. Cynog Dafis** (Ceredigion and Pembroke, North): I shall concentrate particularly on the Welsh perspective—Welsh views, Welsh needs, Welsh priorities—and comment on the relevance of the Bill to Wales, as well as saying something on more general issues.

The failure in part I of the Bill to establish an environmental agency for Wales is totally unacceptable. To accord Wales subordinate status in comparison to Scotland is, frankly, insulting. Wales is just as much a nation as Scotland. It is just as distinctive geographically as Scotland. The absence of a separate Welsh agency will be damaging to the efficient execution of the agency's functions because liaison with other spheres of government in Wales, on the basis of power to make decisions, will be more difficult.

In virtually every area of government besides the Home Office, administrative devolution has advanced as far in Wales as it has in Scotland. A Welsh environmental agency would have the authority to deal with those matters without reference to any English masters. When emphasis is on the integration of the environment into all areas of policy, a separate agency is especially important on a practical level. I did not read anything in the House of Lords debates in *Hansard* to convince me that such a failure was not a step back in the governance of Wales.

The failure in policy is going ahead while we are moving inexorably towards the establishment of a Welsh Parliament, which will have the environment at the centre of its policy development. There is unanimity in Wales on this matter and I hope that the Government will reconsider their decision even at this late stage.

Failing that reconsideration though, let us ensure that the Welsh committees, including especially the advisory committee, will be truly representative of Welsh views and have a degree of autonomy which is sufficient to pursue Welsh priorities, which are in many cases distinct. Crucially, we must ensure that the Welsh region does not merely

"consist wholly or mainly of, or most of, Wales",

as the Bill says, but clearly and simply consists of Wales. That is perfectly consistent, of course, with effective cross-border arrangements on river flows and such matters.

*[Mr. Cynog Dafis]*

I mentioned unanimity in Wales, and that includes the opinion of the Council of Welsh Districts, which has argued cogently for the retention of waste regulation as a local government function. Nobody else has mentioned this matter in any detail. The decision to transfer that function to a quango fits in well with the long-term strategy of the Government to weaken local authorities, but the case against the Bill's provisions in that regard is especially strong in Wales, where district councils are the waste regulation authorities and where they also have other important pollution and environmental control responsibilities.

Responsibility for air pollution, noise control, fly tipping, duty of care, contaminated land, water pollution and so on rests with district councils. The CWD argues that integration already exists and that it would be further enhanced when the new unitary authorities come into existence with their comprehensive planning powers.

In Wales, the existing waste regulation regime has worked well. The CWD's proposals for a division of functions between an England and Wales agency, a regional agency for Wales and the new Welsh unitary authorities is pragmatic and well thought out and deserves the Government's careful consideration in Committee. If the transfer of waste regulation goes ahead, the agency—to be perfectly frank—will be hard put to achieve standards as high as those currently delivered by local authorities in Wales.

The CWD suggests five principles, which, if fully applied, would help. First, there should be a strong Welsh identity with a high degree of autonomy for a Welsh region based on the political boundaries. The territorial integrity of Wales should not be negotiable. Secondly, there should be accessibility, with at least 10 local offices, an urgent response service, which Her Majesty's inspectorate of pollution currently does not have, and, of course, responsiveness to local communities. Thirdly, there should be transparency of licensing, consents, authorisation and enforcement policies. Fourthly, there should be effectiveness based on adequate resourcing and delegation of responsibility to front-line staff. Fifthly, there should be accountability through representation of elected members on agency committees. I commend those principles to the Government.

To turn briefly to more general issues, the Government's failure to use the Bill to create a mechanism for promoting sustainable development is especially striking. The draft guidance to the agency, which was published on 17 January, contained some admirable sentiments, but there is nothing to show how the Government propose to ensure that sustainability permeates every facet of policy, particularly in the Treasury, the Department of Trade and Industry and the Department of Transport.

Each Department has a green Minister, but those green Ministers seem to be primarily concerned with promoting environmentally friendly practice within their own estates. The Secretary of State told the House of Lords Select Committee on Sustainable Development that the occasional and infrequent meetings of such green Ministers confined their discussions to just such topics.

Even more significant was the decision of Treasury officials on 6 February not to turn up to give oral evidence to the Lords Select Committee when they were expected to do so. Following that, I asked the Chancellor of the Exchequer to give his reasons for that failure to turn up. The reply that I received from the Chancellor said:

"The Government's strategy for Sustainable Development is the responsibility of my right hon. Friend the Secretary of State for the Environment. I was therefore not persuaded that it would be appropriate for Treasury officials to give oral evidence on the subject as a whole to the Committee on 7 February.

The Accountability of Ministers and the Government to Parliament has always been based on the principle that each Minister answers for subjects within his or her own Departmental responsibilities."—[*Official Report*, 14 March 1995; Vol. 256, c. *466.*]

Well, there we have it from the horse's mouth, as it were. That seems to say it all. Sustainable development has nothing to do with the Treasury and the Treasury has nothing to do with sustainable development. The Bill will do nothing to correct that fundamental deficiency.

I return, in conclusion, to Wales, where the deficiencies of this Bill are writ large. A year last February, when the Government published their first sustainable development strategy document, the Secretary of State for Scotland announced the establishment of a Scottish advisory group on sustainable development. No such group was established in Wales at that time. We are now being denied our own environment agency. What does that mean? It means that we in Wales lack a national mechanism or structure to develop a sustainable development strategy for our country which is arguably the most important task facing us as we approach the new millennium.

Such a strategy would encompass areas like transport and telecommunications, energy—particularly renewables—energy conservation, agriculture and rural policy, woodlands and, vitally, the encouragement of new environmental industries, urban planning and so on. That strategy is as relevant to urban areas as to rural areas.

The fact that we in Wales are being prevented from getting on with that job is a serious indictment of Government policy in Wales and of the political system in Wales. I hope that my comments show that an Environment Bill for Wales would be a very different creation from the present Bill. Let us hope that, in the remaining stages, something can be done to correct some of the deficiencies.

8.10 pm

**Mr. Roy Thomason** (Bromsgrove): I first declare an interest as I am a consultant with Dyson Bell Martin, solicitors and parliamentary agents. Inevitably, some of their clients, to a greater or lesser extent, will have an interest in the Bill. However, to the best of my knowledge, I have received no special briefing or lobbying by virtue of my position. I certainly do not speak at the behest of any client.

The Bill has been a long time in gestation, but its birth has probably been all the better prepared for that. I welcome the introduction of the Bill and I support its passage. I am a great believer in the principle that, if it works, we should not interfere with it. The Government, and politicians of all persuasions, find it difficult to avoid the temptation to tinker and to seek another reorganisation almost for the sake of it. However, I believe that the reforms proposed in this Bill are necessary and desirable. They will do much to encourage the best.

The opportunities created by the establishment of the new agency are enormous. An overall view of environmental policies, an integrated approach, the availability of technical expertise and a breaking down of former barriers will provide an opportunity to create a better, cleaner, more diverse, healthier and safer place for all.

However, before referring to the detailed aspects of the Bill, I want to consider the role of local authorities. As a former chairman of the Association of District Councils and currently a vice-president of that body, it is understandable that I approach these matters on the basis of wishing to enhance the role of local authorities, to foster local democracy and to encourage a broadening of local government functions.

My initial reaction to the transfer of waste regulation from local government to the environment agency was disappointment. However, a little reflection changed my mind. Because of the overall advantages that I have already cited, I could see that much was to be gained from a transfer to a single, comprehensive agency. In addition, the current waste regulation advisory committees are involved more with operational than with strategic matters.

Local democracy is all about making decisions for local communities by local communities. Matters relating to waste must be seen primarily in a national context and then applied locally in an administrative rather than a policy sense. Before it is alleged that I have turned my back on local government, let me make it clear that there are echoes of local government throughout the Bill. When my hon. Friend the Minister replies to the debate, I hope that he will assure me that those echoes will be converted into substance.

Much of the work of the agency and the new national park authorities will require good will from localities. What is sought from those new creatures will be imperilled if local authorities are not involved, consulted and represented. Conflict between councils and the agency will be disastrous. Can I be assured that the agency and the national park authorities will be advised and even instructed to develop local government links beyond those already established on the face of the Bill and that local government, with its own expertise, will be seen as a full partner?

I want now to consider specific aspects of the Bill. In setting out the agency's general aims and objectives, clause 4 refers to the attainment of "sustainable development". I read somewhere that there are 50 definitions of the term "sustainable development". Whether or not so many exist, it is clearly an imprecise term and therefore unfortunately used on the face of the Bill.

The hon. Member for Truro (Mr. Taylor) referred earlier to the Brundtland definition, but that raises nearly as many questions. How can we be sure that something can be used safely now because it will not be required in the future, when we do not know what the requirements of future generations will be? The hon. Member for Truro is not right to think that the issue is as simple as that. What scales and values should be applied to the test of what is or is not sustainable? It is an easy expression to use, but its application is far harder. I assume that the guidelines will give more details about what sustainable development means.

I welcome the novel concept that the guidelines in clause 4 are to be laid before each House of Parliament like a statutory instrument. That is an important democratic control over what is at the very heart of the new agency and I am grateful to the Government for giving that potential decision to both Houses.

While dealing with semantics, I want to probe the use of the words "costs and benefits". I can see all sorts of difficulties there. Clause 5(3)(b) states that the agency must advise the Minister of the "costs and benefits" of options for addressing pollution. I assume that that advice will not normally be published, unless it is leaked. Therefore, decisions of the Minister are not capable of challenge on the basis that the advice to him was deficient or his interpretation was wrong. Is that correct?

Much more troublesome is the use of the expression in clause 37. The use of "costs" implies only financial tests, but benefit can be much wider. Does it include environmental and social as well as economic aspects? In case I am misunderstood, let me make it plain that, unlike some Opposition Members, I welcome the approach implicit in clause 37, that the agency must act prudently and the consequences of its actions must be judged by financial realities. However, the problem remains that the expression "costs and benefits" is loose and perhaps capable of judicial challenge. It would be a shame if the agency became shackled by narrow judgments that undermine the flexibility that must be applied to the agency's actions.

Much has been said about the structure of the agency in England and Wales. It is a mistake not to keep operational and regulatory functions strictly apart. On geographic organisation, I started on the basis that local authority boundaries were the best, but I am now forced to admit that river basins are such a vital ingredient in the agency's workings that their existence must be acknowledged in the administrative arrangements. I say that with great reluctance, but I accept that the arguments are conclusive. For that reason, it is quite clear that one agency must cover England and Wales, as is envisaged in the Bill.

The headwaters of the Severn do not change their characteristics suddenly where they cross the Welsh border. What happens upstream has a profound effect on that below. A particle of $H_2O$ does not understand when it crosses a boundary from Wales into England.

**Mr. Jeremy Corbyn** (Islington, North): How do you know?

**Mr. Thomason:** I bow to the knowledge of Opposition Members about the intelligence of particles. Perhaps they are closer to particles than I am.

Clause 6 refers to the agency's duty to promote inland and coastal waters and land associated with them for recreational purposes. My constituency is home to an important section of canal and I am a vice-president of the local society. I am conscious of the very real concern expressed by those who use our rivers and canals for recreational purposes that they will be regarded as the poor relations in the new agency, subjugated to the prior environmental claims of the nature conservationists and the financial claims of pollution control. If that were to occur, it would be a tragedy.

*[Mr. Thomason]*

A substantial section of the public, estimated at 7 million people, would be prevented from messing about with boats or denied the pleasure of the towpath walk. A vital part of our industrial heritage would be lost.

Part III introduces welcome changes in the administration of our national parks. The Environment Select Committee is currently reviewing the impact of leisure and tourism on the countryside and my remarks today should not be seen as prejudicial to the outcome of that report. I welcome the introduction of the words "quiet enjoyment" in clause 58(1) in the broadest sense, but I have reservations about the precise wording.

In that sense, I echo comments that have already been made today. A national park is a living part of the countryside, not a museum. A quarter of a million people dwell in the parks, and many work there. It would be wrong to prevent legitimate country pursuits from being conducted in a reasonable manner because they interfered with a "quietness" that is not traditional to the area.

In promoting the co-operation of national park authorities with those whose functions include economic and social development, the Government have gone a long way to meeting criticism from people who fear that the local economy in and around national parks might suffer. However, it is necessary to look at the possibility of income generation within national parks not just by virtue of the levy provided in clause 68 and the need to use fund raising as a means of easing pressure on honeypot sites where maximum recreational activity occurs.

The clauses on waste are good news, but I should like to pass on, after emphasising the need to introduce waste reduction as an important part of waste management policy, to the provisions relating to contaminated land. I welcome those, but there are difficulties to which I shall refer.

First, there is the lack of definition of "significant harm" in clause 54. Secondly, the extent of the clean-up costs likewise are not known and are a source of grave anxiety. Thirdly, the definition of "owner" creates a problem for landlords where tenants are the polluters, particularly if those tenants are people of straw. Fourthly, the Bill will replace reasonably foreseeable tests exemplified in the Cambridge Water case with legal tests that may be more difficult.

**Mr. Deputy Speaker:** Order. I call Mr. Malcolm Chisholm.

8.20 pm

**Mr. Malcolm Chisholm** (Edinburgh, Leith): Like other hon. Members, I think that the fundamental idea behind the Bill is very good, but I have serious concerns about the structure and the powers in particular of the Scottish environment protection agency, which is what I intend to talk about. Those concerns are shared by a large number of organisations in Scotland, including local government bodies and environmental bodies. On structure, for example, there is great concern about the loss of accountability and the loss of the local dimension. At the moment, there are local authority representatives on river purification boards in Scotland. Also, local authorities have great powers in such matters. All that will be lost with the creation of a super-quango in Scotland.

Councils in Scotland will lose more powers than English councils. They will lose not only waste management powers but air pollution powers. I know of Edinburgh district council's good work in that respect. It responds to a complaint about air pollution within one hour by sending officials who have detailed local knowledge. Will that still occur under the new set-up? Many people have their doubts. Also, Edinburgh district council has been actively pursuing a company in my constituency about an air pollution matter. Unfortunately, I cannot speak about that because it is sub judice.

That work of the district council will be taken away as a result of the Bill. That seems to many people to be a mockery of local Agenda 21 from Rio. Great emphasis was placed on the work of local bodies and local communities. I hope that something is done in Committee to amend at least the structure of the new body so that there can be more local involvement in the proposed local bodies. Perhaps Ministers could consider the common-sense initiative in America, where local people have been enlisted to take part in environmental protection work.

I hope also that real local bodies are set up. It is proposed to have just four area SEPA boards in Scotland, but it would be much better to have more. Many environmental groups suggest that the existing boundaries of the river purification boards should be used as local boundaries. I hope that the Minister will take that point on board.

Apart from concerns about structure, there are serious concerns about the powers of the new bodies. Clause 29 deals with the general powers for Scotland, and begins by stating:

"The Secretary of State shall from time to time give guidance to SEPA with respect to aims and objectives which he considers it appropriate for SEPA to pursue in the performance of its functions."

That is all we get. In the other place there was an amendment dealing with general powers and duties for England, but no such amendment for Scotland has yet been tabled. It is important that a positive duty is stated for SEPA to effect improvement in a proactive and integrated way. Detailed suggestions have been given by various environmental bodies in Scotland, but I do not have time to relate those proposed duties at the moment.

One reason that the powers for the body are restricted is cost restraint. Clause 37 has already been referred to many times, but more generally the Bill does not state that the polluter should pay. That requirement should run through the Bill, but it does not. As a Scottish Member, I should mention one other cost restraint, and that is the curious discrepancy in clause 45 over the borrowing powers of the agencies. The English agency will be able to borrow £100 million to £160 million, whereas the Scottish agency's borrowing limits will be £2 million to £5 million. There are fewer people in Scotland than in England, but that is not the proportion that exists.

There are many other aspects in which powers are lacking, and one was dealt with fully by my hon. Friend the Member for Strathkelvin and Bearsden (Mr. Galbraith), who talked about the management of river catchments. The English agency will have many powers that will not be available to SEPA. Examples are water abstraction powers, land drainage powers, flood defence powers and powers over freshwater fisheries. Perhaps we could have an answer to why those powers are not granted to the body in Scotland.

There are also concerns about the lack of power in relation to contaminated land. Again, we welcome the principles in clause 54, but the powers are hedged in many different ways. The Bill talks about inspections from time to time instead of regular inspections. It talks about significant harm being necessary before action is taken—I think that there was an amendment on that in the other place—and about matters that are considered to be reasonable having regard to cost. There are many worries about whether the powers in relation to contaminated land will lead to any improvements in pursuing action. There is also a retrograde step in the Bill, because the power in the Environmental Protection Act 1990 to have registers of contaminated land is abolished in the Bill.

Abandoned mines are another concern. I am told that they are the second biggest cause of pollution in the Forth river purification board area. The Government have been quite upfront about delaying action, because they want privatisation of the coal mines completed before they hold mine owners responsible. That is quite openly stated in the explanatory notes:

"Since these proposals are coming forward in parallel with privatisation of the coal industry there could be some adverse effect on proceeds to the Government. Accordingly, the removal of statutory protection is being timed to reduce any possible effect."

The Government should get full marks for honesty in admitting that, but not much else. In fact, it is a case of making sure that the horse has bolted before shutting the stable door. By the 21st century, many of those problems will have become worse and it will be too late to take action.

There are other aspects in which more powers would be necessary—for example, waste management. There are no percentage targets for reducing the amount of waste that is produced. That must be built into the Bill, as well as targets for recycling. One could increase the recycling component, but, if three times as much waste was produced in the first place, that would not be a significant effect. That is why we need targets for waste reduction written into the Bill.

There is one thing that has been incorporated in Scotland which I welcome, and that is the extension of nuisance law. Again, I am told that there are various problems with implementation in England. For example, if someone has a consent under part I of the Environmental Protection Act, no action can be taken against that person under the nuisance law in part III. There seem to be problems with that, and I hope that they can be ironed out when nuisance law is introduced into Scotland.

There are other provisions to which my hon. Friend the Member for Strathkelvin and Bearsden referred that we should like extended into Scotland, such as those referring to national parks and hedgerows.

One concern in Scotland is that there has not been great success in pursuing people through the courts who are guilty of pollution. It appears that there has been less success in Scotland than in England. It is important that there should be a legal division in SEPA and an environmental division in the procurator fiscal service in Scotland so that proper action can be taken against those who pollute the environment. Ultimately, we can have as many fine-sounding words as we like in the Bill, but unless action is taken against those who pollute, the Bill will not have the desired effect.

Although we welcome the principle of the Bill and the aims behind it, we should like considerable amendments to be made in Committee to the structure and the powers of the agency in Scotland, so that it meets the widespread criticisms of environmental groups and local authority organisations in Scotland.

8.30 pm

**Mr. Paul Marland** (Gloucestershire, West): I begin by reminding the House of my interest in the recycling industry. There is no need for me to remind my hon. Friend the Minister for the Environment and Countryside as he has been of immense help, and I shall pay tribute to him in a few moments.

Environment protection and conservation appear in many forms, not just in preserving wildlife, the countryside, flora and fauna and the footpaths and in making sure that the rivers stay clean. All those activities are important, but I want to emphasise the role of the recycling industry, its current frustration and its fears for the future, despite the Department of the Environment's stated intent of encouraging reuse.

The frustration revolves around regulation and its enforcement. The recycling industry accepts the need for regulation and wants to help, but as the DOE states:

"As the standards and techniques of waste management become increasingly sophisticated, it is becoming more difficult for individual waste regulation authorities either to provide the necessary expertise or to co-ordinate policies and standards over a wide enough area."

One can certainly say that again. The lack of uniformity and the different interpretations of the regulations by 140 different waste regulation authorities in the United Kingdom are causing some concern. There are 140 different interpretations and 140 different classes of WRA inspectors.

I have first-hand experience of WRA inspectors. It is astonishing that they turn up to inspect a metal recycling yard where there is heavy machinery, moving vehicles and considerable danger for anyone on the premises without protective clothing, hard hats, boots or protective glasses. They often turn up in trainers, open-toed sandals and loose jumpers. Furthermore, they do not have a clue what they are inspecting. They seem to be freshly graduated from some college. That adds immensely to the frustration of those who deal with them.

The inspectors then lay down the law as they interpret it, which is often wide of the mark of what the regulations intended. That breeds immense frustration and contempt among those in the industry. Furthermore, the number of visits that the inspectors choose to pay to various recycling establishments is extraordinary. They are themselves in danger of becoming a statutory nuisance. I am glad, however, that the Bill takes the first step towards uniformity.

I want to pay tribute to my hon. Friend the Minister for the Environment and Countryside. He has listened to the recycling industry and he has acted. I congratulate him on not letting the dark forces at the DOE turn his head and get the better of him, thereby making it much harder for those involved in the industry to help him to preserve the countryside, as he is so anxious to do.

*[Mr. Paul Marland]*

It is certain that there will be change in future, but we need to take one step at a time. There is much good will in the recycling industry towards environmental legislation, but waste regulators must realise that their wish lists cost a great deal of money.

The recycling industry and waste handling industry realise their obligations and want to honour them. As I have said many times in the House, the recycling industry is the original conservation industry, and without its help the proposals that we are discussing this evening would be going nowhere.

The changes must be worked out in harmony and as a partnership, with both sides recognising each other's strengths as well as their difficulties. The industry would like uniform application of the rules in Guildford, Newcastle, Warwickshire and everywhere else.

Furthermore, the regulations must apply to operators regardless of size. I like the idea of a level playing field, as too often the small operators have given the recycling industry a bad name. There should be no derogation in this legislation. There is a duty of care on legislators as well as operators, and we should show that duty of care by applying the same rules to everyone.

Turning to the future, will the agency be able to give the recycling industry a steer? As my hon. Friend the Minister knows, there is considerable discussion and concern about the future of licensing. Should an enterprise go for exemption? If it does, what will be the future criteria? Will they change or remain the same? What time scales will be set by the regulatory authority with regard to licensing an operation? Currently, the WRAs are very slow to react. Perhaps they are overworked or do not know which way to turn.

Let me turn to costs and quote the awful example of the Meat Hygiene Service, where the inspection costs have rocketed and caused much concern and anger in the industry. I know that the scales of fees and charges for the agency are currently being reviewed, but we must make absolutely certain that the costs are reasonable and can be borne by the industry. It would be a good idea if the industry were consulted beforehand. We do not want bureaucrats to build up too large an empire, taking up time with too frequent inspections. The Government seek to deregulate, despite the insults from the Opposition earlier in the debate. We should make the regulation simple and take pride in deregulating.

Other speakers have referred to contaminated land and here I recognise that I am walking on eggshells. It is reassuring, however, that contaminated land will be classified in the Bill according to its future use, but the Bill also proposes a survey. Who will pay for the survey? The regulations state that the polluter should pay for cleaning up contaminated land, but what will happen if the polluter has already gone bust and there is nobody to foot the bill? The potential impact on many businesses throughout the country is awesome. We should tread very carefully with regard to contaminated land.

There are grants available for

"conservation and enhancement of the natural beauty or amenity of the countryside or features of archaeological interest"

or for

"the promotion of the enjoyment of the countryside by the public."

I totally approve of that, but if that is legitimate, why should there not be a grant for recyclers, who are doing so much to live by the Bill and often have to spend vast sums of money to make their contribution to cleaning up the environment?

What if there are appeals under these proposals? They have to be heard before a magistrate, but we have heard how complicated the regulations are and I would ask only whether a magistrate is the right person to interpret them.

Central to the legislation is the definition of waste. The Bill sets out:

"Waste applies to articles that have been discarded or the holder intends to discard."

How does that square with recycled material that is a by-product in a factory and is intended to be resold? Nickel scrap, for example, is worth £4,500 a tonne. Copper cuttings are worth £1,700 a tonne. They cannot be described as waste. Material that has a value to the holder will always be treated in a responsible manner, regardless of who holds it. I hope that that will be remembered when the Bill is considered in Committee.

Finally, my attention has been caught by the names and description of those who will be appointed to the advisory committee to the agency. They include the leader of Kirklees council, the chief executive of Leicester city council, a nominee from the Ministry of Agriculture, Fisheries and Food, the director of the Institute of Environmental Policy and the chairman of the Green Alliance. Where are the practitioners among those appointed? Where are the representatives of the National Association of Waste Disposal Contractors, the British Metals Federation, the Reclamation Association and the firms that handle glass, plastic and other materials? I believe that some practitioners should be on the advisory committee.

It was rather chilling to note that the only person still in business who is serving on that advisory committee is Mrs. Shirley Jackson, an insolvency practitioner. I hope that that is not some black humour by the Department of the Environment and that she has not been appointed to pick up the pieces if the regulations become over-burdensome and too expensive on businesses in the recycling industry for them to survive.

8.39 pm

**Mr. Llew Smith** (Blaenau Gwent): I wish to concentrate on the issue of the problem of minewater pollution from abandoned mines, which is covered by clauses 55 to 57. To a certain extent, many of the problems have been brought about by the destruction of the coal industry in the past decade by the Government. We all know that mines may have to close because of costs or safety, but neither of those is the main reason behind the closures of the past decade. The main reason is the Government's determination to destroy the coal industry.

Recently, the Coalfield Communities Campaign produced a report entitled "Poisoned Legacy" which talked about the problems of water pollution and described how that could affect inward investment to the former mining communities in the future. The report also described the situation as an "environmental timebomb".

The campaign argues that the Bill does not remove the loopholes which have been created by previous legislation. The root of the problem is the existing and

expected damage from mines which have already been closed. The legislative changes intend to cover only the 32 mines that are still in operation, but around 936 mines have been closed since nationalisation in 1947 and many more that were closed before then still have significant pollution potential.

Why are the Government choosing to implement the legislative changes only at the end of 1999? Such a delay only makes the existing problem worse. Under the present situation, pollution from closed mines will be allowed to continue to increase for another five years. Mine owners choosing to avoid potentially costly liability may be tempted to close mines prematurely to beat the 1999 deadline. The Coal Authority—the inheritor of the abandoned mines—might be tempted to stop or reduce any costly remedial activities before 1999 if it can avoid liability.

In June last year, the Government promised Parliament that they would set in train a comprehensive review which would look at the specific question of abandoned mines. The explanatory memorandum to the Bill states:

"Where coal mines are leased to the private sector, the effect on expenditure should be neutral. For abandoned mines in the ownership of the coal authority, there could be an increase in public expenditure, since the cost of any action taken, including pumping of minewater, would fall on the authority.

Since these proposals are coming forward in parallel with the privatisation of the industry, there could be some adverse effect on proceeds to the Government".

The explanation concludes:

"Accordingly, the removal of the statutory protection is being timed to reduce any possible effects".

If that means that the Government intend to delay any environmental protection provision so as not to eat into the profits gained from selling the industry, it is an outrageous provision. It is an insult to people in the mining communities, whose environment has been damaged and sacrificed on the altar of profit.

I was interested to hear the Secretary of State say this afternoon that, when decisions are made, the core of those decisions is how they will affect the environment. That is something that each and every of one of us would support. I would argue that, in relation to the problem that I am addressing, the environment does not seem to be any concern of the Secretary of State. What seems to be his concern—this does not surprise me—is money, and damn the environment and damn communities such as mine which have contributed so much to the wealth of the nation and have had so little back in return.

This is an urgent problem which will not go away. The Department of Trade and Industry stated last year that £1 billion was raised from the sale of the coal industry. Surely it is reasonable to expect that a proportion of those profits will revert to the former mining communities to help them clear up years of pollution.

I shall give the House an example of the outstanding problem in south Wales. Last year, the Welsh Office and the Welsh region of the NRA published two reports on iron contamination from minewater discharges and remedial options available to deal with the problem in the Welsh coalfields. A survey conducted in 1993 found that nearly 60 km of river had been contaminated by pollution. An area of 220,000 sq m was affected by hydroxide deposits, and some 90 minewater discharges were identified. A high biological impact was shown at 10 of the 33 larger sites.

The current issue of *Environment Business* reports that it is the view of the Welsh office and the NRA in Wales publication that,

"because in many areas discharges have been occurring for many years in places where people either do not notice them or have got used to them, a key decision is whether to do anything at all, particularly if the environmental quality standards are partially achieved".

The Minister will agree that that is an unacceptably complacent attitude. It is similar to telling people in Cumbria that, because they have got used to the fact that Sellafield makes continuous radioactive discharges into the environment and because British Nuclear Fuels Ltd. has introduced some filtration equipment to reduce the discharges, it is okay for Sellafield to keep dumping nuclear waste from its effluent pipeline and stacks. It is obviously not. If the Bill is really concerned with the environment, it will respond to problems such as that in a positive and urgent way.

8.46 pm

**Mr. Patrick McLoughlin** (West Derbyshire): I very much welcome the Bill and the intentions behind it. I wish to address my remarks to two matters, the first of which is national parks. I urge my hon. Friend the Minister to help us by being more specific. I had always thought that the Government were trying to make legislation more specific. I was therefore somewhat surprised by schedule 7, which states:

"A person shall not be appointed as a local authority member of a National Park authority unless he is a member of a principal council the area of which is wholly or partly comprised in the relevant park; and, in appointing local authority members of a National Park authority, a principal council shall have regard to the desirability of appointing members of the council who represent wards, or (in Wales) electoral divisions, situated wholly or partly within the relevant Park."

I agree with that. My only question is, if it is desirable, why do we not make it a fact? Why do not we say that people appointed to national parks authorities must either live in the area or represent part of the ward within a national park? That is very important.

My hon. Friend the Minister will have heard many people refer to local representation on national park authorities. I should like to see elected national park authorities, but I realise that some parks are sparsely populated, making it impossible to go down that route. I urge my hon. Friend the Minister to consider the matter closely. He has no idea of the animosity felt by local people about appointments to national park boards.

Some slight improvements have been made as a result of our legislation on political balance. Until a few years ago, Derbyshire county council appointed eight people to the national park board, only one of whom lived and represented a ward within the national park. That is not right or fair and it caused great resentment. Like many other hon. Members who have spoken today, I urge my hon. Friend the Minister to think carefully about giving greater representation as of right to local elected people.

My right hon. Friend the Member for Westmorland and Lonsdale (Mr. Jopling) mentioned the way in which national parks should be financed. The Government have a responsibility to look carefully at the financing of national parks. The peak district national park covers a large part of my constituency. We have a huge number of visitors each year from Manchester and the Sheffield and west midlands conurbations, bringing extra pressures to

*[Mr. Patrick McLoughlin]*

the area. They get enjoyment out of the national park. Their visits should be reflected in the standard spending assessment for our area. I go along wholeheartedly with what my right hon. Friend said.

My right hon. Friend the Member for Westmorland and Lonsdale also echoed our concern about the words "quiet enjoyment". Everyone would applaud the idea of quiet enjoyment within the national parks, but we cannot allow national parks to become fossilised places. They are living areas; people work and live in them and get their enjoyment in them. We must not try to prevent the many recreational activities that have taken place in national parks over a long period. The Bill should not put a stop to those activities.

Local representation is of immense importance. Appointments made by the Secretary of State should bring a national dimension to the national parks—the outside dimension to which the hon. Member for Holborn and St. Pancras (Mr. Dobson) referred. I urge my hon. Friend the Minister to examine the schedule carefully as the Bill goes through Committee and seek to improve it so that national park boards include a good proportion of elected local councillors who represent wards within the national parks. If that is desirable, as the Government say in the schedule, why do we not stipulate that representatives must be either local councillors or people living within the national park? Let us move away from the question of desirability. If it is desirable, let us do it. That is what the Government should do.

I understand that my hon. Friend the Minister will table new clauses on old mineral planning permissions. The Government are to ensure that all active permissions granted from 1948 to 1982 will be reviewed within six years in two phases. Those in designated areas such as national parks and areas of outstanding natural beauty will be reviewed in the first phase, within three years. The Government have also given commitments that they will provide for periodic reviews for all mineral sites every 15 years to ensure that the conditions keep pace with the standards of the day. I welcome those moves in the right direction.

I understand that some of the aggregate companies have expressed concern about the proposals on mineral planning permissions. There is no question about the importance of the aggregate industry in Britain. If my hon. Friend the Minister needs to see the need for the new clauses and for a review of the conditions, he need only come to part of my constituency, Stanton Lees—I visited it last week and met some residents—where old planning permissions have been reactivated, damaging local roads.

The large aggregate companies have made representations to other hon. Members and me on the issue. They seek a fair system, in which everyone has to abide by the same conditions. Companies such as Tarmac have been good in making environmental commitments. They should not be unduly worried about what the Government propose. I am sure that my hon. Friend the Minister will be prepared to meet them in due course so that they can express their anxieties to him.

I welcome the proposed review of planning permissions. Once they have been reviewed, authorities must use their powers to ensure that old quarry workings are brought up to the right standards and specifications. There is concern in my constituency that the national park has not fully implemented some of its powers on spoil.

I give this wide-ranging and comprehensive Bill a broad welcome. The changes in the way in which national parks are administered and the review of old mineral planning permissions are welcome. They will make a significant difference to our countryside. I welcome the Bill.

8.55 pm

**Mr. Jeremy Corbyn** (Islington, North): At last the beards are having a run on the Opposition Benches at the end of the debate.

The number of declarations of interest from Conservative Members shows that there is a great deal of money in environmental protection—a point that I had not appreciated hitherto.

Following the demonstrations by Greenpeace outside the THORP reprocessing plant at Aldermaston, one must realise just how seriously Greenpeace and many other people take issues of environmental pollution and the problems of nuclear pollution.

Everyone else seems vaguely to welcome the Bill, but I feel that it is a huge missed opportunity. I look forward to an incoming Labour Government giving real teeth to an environment agency that can do something to clean up pollution both in policy methods and in the physical surroundings in which we live.

The Secretary of State dealt with Britain's responsibility in the world on environmental protection and other such issues in a couple of sentences. That was a bit thin. We are living in very dangerous times. The effects of global warming are more obvious than they have ever been before. There are cracks in the Antarctic ice cap and huge holes in the ozone layer over the Antarctic, and holes are appearing in the ozone layer over the Arctic.

Environmental protection cannot be dealt with merely nationally or locally; it has to be dealt with internationally. Britain signed the Rio treaty, as did most other countries, but it is not enough merely to sign and to say grandly that we are fulfilling our obligations, when plainly we are not, while at the same time promoting a worldwide economic strategy that promotes pollution and environmental destruction and is hastening, rather than reducing, global warming.

We must consider the issues globally as well as locally and I hope that in future debates on the environment we can start to consider those problems. Having created much pollution, it is no good the western world lecturing the rest of the world on the need not to do so. Pollution comes from industry, lack of planning and a free enterprise economy. We must consider those questions very seriously.

This rather lengthy and complicated Bill has some serious problems. Hon. Members have mentioned clause 37 and the problems with the cost-benefit analysis formula to be used. Conservative Members have said that it will lead to a lawyers' field day. That may be so, but how on earth can one make a cost-benefit analysis without considering long-term environmental problems and trying to put some sort of cost on them?

Those of us who have argued against massive road developments in urban and rural areas have come across that cost-benefit analysis formula many times. It is very

good for measuring delays caused to road hauliers by traffic jams, or to business men by driving around in cars. It does not measure the increase in asthma among children because of increased car traffic, the problems for pedestrians when trying to cross major roads and the environmental destruction that goes with such a policy. Clause 37 offers polluters too many potential avenues to challenge the agency's decisions, and threatens to render useless all its other powers.

Amendments are needed to bring Britain into line with the spirit of article 130 of the treaty of European union, which prioritises the precautionary, the preventive and the "polluter pays" principles. We must deal with that issue in Committee. It must be cleared up once and for all because unless we are specific we will end up with short-term economic considerations and avenues to profitability for particular economic interests taking precedence over the long-term environmental damage that is implicit in so many of the planning and industrial decisions taken in this country.

What about waste recycling? The agency has responsibilities for co-ordinating waste recycling policy, but levels of recycling achieved by local authorities are pitiful. If we ask local authorities why they are so low—I talk to mine and I am sure that other hon. Members talk to theirs—they say that there is no one to buy the waste paper, glass, metals and plastics that are collected because there is no market for them. If one leaves it all to a marketplace philosophy, it simply will not happen and, as, I hope, relatively intelligent human beings every one of us realises that it is better to recycle paper, glass and plastics than to throw them away in landfill—perhaps it is better to produce far less in the first place.

The Bill does not deal much with air pollution, but that problem must be dealt with more. I represent one of the most densely populated urban constituencies in this country and it probably has the least open space. The problems caused by air pollution and concern for the environment there are very great indeed. My constituents, like those represented by my hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson), also have a love of the country and want access to it. They also love and respect the national parks movement and what the parks have achieved. They too have a voice that has to be heard.

For many children growing up in the inner cities in high-rise flats, an opportunity to visit an open space such as a park, or better still a national park, is a huge excitement. They need to be able to gain access to the countryside, enjoy it and understand something of it. They too have a real concern about the environment.

What of the problems faced by people in London? In 1991, between 12 and 15 December, pollution in London soared to a record level. It is reckoned that 160 people died in the four days because of bronchial illnesses occasioned by that astoundingly high pollution. Last winter and last summer there was an epidemic of asthma in London, which caused a great flurry of activity at the casualty units of our hospitals. Indeed, in my constituency it is reckoned that 20 per cent. of all children under the age of 10 suffer from some type of asthma or bronchial illness. Those illnesses are caused by a transport policy that discourages public transport and encourages private car motoring in urban and rural areas. One cannot deal with any one issue in isolation. There has to be a connection.

As my hon. Friend the Member for Carmarthen (Mr. Williams) pointed out in his excellent speech, the Government's unwillingness to fund proper pollution monitoring stations is a sign of their lack of concern for the causes of air and environmental pollution. Those are just some of the important issues faced by the Bill.

My final general point is that we live in a world where environmental crises are happening all the time. Global warming is happening and serious signs of environmental destruction are all around us. The Bill is not enough. This country does not make a big enough contribution internationally and the Bill is not enough to protect our national environment.

We must take a far tougher approach. Friends of the Earth believes that there is a strong case for a new clause that gives the Secretary of State and the Chancellor an overriding duty to integrate environmental protection requirements into the definition and implementation of other domestic policies. Those measures would give us an opportunity to do something to deal with the serious environmental problems that we face. The Bill is simply not strong or powerful enough to do that.

9.4 pm

**Mr. Paddy Tipping** (Sherwood): In the time available to me, I shall tackle three issues. As colleagues have said, the Bill is a missed opportunity. It could have taken green politics to the heart of Government, but because an integrated approach has not been advocated across all Departments, that opportunity has been missed. If the Government are interested in putting environmental protection first, the Bill should contain a mechanism or duty to make all Departments work together.

Despite that criticism, I hope that the environment agency has a good run and takes a strategic view of the way forward. If it is to achieve that, resources must be made available to it. The Secretary of State said that he wanted a lean animal; I hope that we have an animal strong enough to survive the important tasks that lie before it. We must recognise the transitional costs of setting up the agency. There may be savings in the long run, but I doubt it. Those transitional costs must be funded. Over the past three or four years, the National Rivers Authority has lost grant of some £240 million and is shedding 1,200 staff, and the same is happening within Her Majesty's inspectorate of pollution.

If we are to be serious about this matter, we must resource the agency properly and allow it to work in partnership with other people. Local authorities are shadows in the Bill; we must realise that they are important tools for sustainable development and that they, too, are going through a period of transition. The move to smaller authorities does not necessarily mean that we shall have a wider view. The problem with small local authorities is that they may take a not-in-my-backyard view. There is certainly scope for arguing in Committee for a clear partnership arrangement with local authorities.

Other hon. Members have discussed the problem of minewater discharge. May I highlight the issues that coalfield communities face with an example from my community, where Annersley colliery has been closed for more than a year on a care and maintenance basis? It costs £1.25 million a year to pump out water from the old Derbyshire coalfields as well as the western part of the Nottinghamshire coalfields, and British Coal is presently picking up the Bill.

*[Mr. Paddy Tipping]*

What will happen to those pumping costs? A new private owner may take the pit on, but it will be a hard task. Who will pick up the cost of pumping if he goes into liquidation? The Government should first make a commitment that the Coal Authority will work in partnership with others to resolve that problem and, secondly, should give it the resources to do so. The resources are not in the Coal Authority's budget at present and coalfield communities have been neglected. The Government want to walk away from them and aspire to better. Having decimated the coalfields' economic base, the least that they can do now is clean up the landscape and give us a brighter future.

I am interested also in the agro-ecological side of the Bill. I welcome hedgerow protection, but there is a strong case for considering dry stone walls and ponds in the countryside. The part of the Bill that relates to national parks is limited. The 11,000 miles of footpaths through national parks are the jewel in the crown of our national parks. The new national park authority does not take responsibility for the rights of way network, but it should. I hope that we can correct that omission in Committee.

We should also consider the countryside stewardship scheme. I should like to commend to the Minister the recent report published by the Ramblers Association, which surveyed the countryside stewardship sites and found that provisions governing access are poor. The scheme may be experimental, but much more needs to be achieved. We plan to spend £8 million over 10 years on access provisions to those countryside stewardship schemes, but the public do not know about those sites. When they find them, they cannot get on to them. The Countryside Commission has accepted that survey, which also reveals that serious problems still persist on 40 per cent. of those sites.

The countryside stewardship scheme is the right approach. We should be raising the importance of the landscape and of environmental enhancement, but I have doubts about paying for access. I am pleased that those schemes are to be transferred to the responsibility of MAFF. I hope that the Ministry will consider the range of agricultural policies, because it is bizarre to be paying landowners and farmers £1.2 billion under the arable areas scheme and £200 million in set-aside while getting so little reward from that. We need to work for change and to ensure that environmental issues are at the heart of our agricultural policy. Families are not prepared to pay £27 a week to get nothing back from the countryside. I hope that we will look closely at the notion of green stewardship schemes.

The Bill is important because we all aspire for better things for our families and our children. We want to have a better standards of living and to see economic growth, but we also want to see the importance of the landscape lifted and the environment enhanced. People say that one cannot do both, but I believe that, with careful work and real commitment, and by seizing every opportunity, the Bill will offer us a real chance to try to resolve that dilemma.

9.11 pm

**Mrs. Angela Knight** (Erewash): I am grateful to be called to speak on the Second Reading of this important Bill, which covers a considerable number of issues. I believe that the measures proposed demonstrate a commitment to scientifically sound and economically sensible environmental protection. Like the hon. Member for Sherwood (Mr. Tipping), I represent a constituency in the east midlands and I agree with him that particular problems and environmental considerations are associated with the region's industrial base.

I should like to highlight three issues. The first is the need for an integrated environment agency. I look forward to its establishment as a strong and independent body because we require an independent voice for the environment; the adoption of better environmental standards and practices and sustainable development—the clause IV, if I can put it that way, of the Bill.

The benefits of integration were clearly highlighted by a programme of the NRA to improve the River Erewash. I have a great respect for the NRA's work, but that programme showed better than anything else the need for integration of our environment agencies, environmental watchdogs and pollution controllers. The River Erewash was once described by D.H. Lawrence as a lovely river, which

"twisted sluggishly through Alder trees, separating Derbyshire from Nottinghamshire."

Life has long since changed in the region. The river now passes through several urban districts. It is a river of poor quality, fed largely by the local sewage works. When, in times of flood, one looks into the river, one needs to look away. It is devoid of fish and in many respects is a sad reflection of human neglect as a consequence of industrialisation of the region.

Careful examination of the plan that the National Rivers Authority envisages shows that it encompasses a huge number of other organisations that will be needed to get to grips with the improvement of the area. They include not only the NRA but Severn Trent Water plc, and an industry to improve water quality. British Waterways is responsible for other aspects, such as the diversion that is needed in some of the watercourses. The opencast coal sites, both in use and disused, that are spread throughout the region also feed sludge, sewage and pollution into that river; and the Coal Authority must be involved in that respect. The redevelopments require the local authorities and Her Majesty's inspectorate of pollution to be involved. They require industry to help to regulate its own pollution. Motorway widening creates other problems for that river.

The NRA has produced an excellent document about ways to improve the River Erewash, but it is difficult for it to formulate a reasonable, achievable, quick solution to the problems without a proper environment agency encompassing all aspects of the control of pollution, from industry through to the effluent from sewage works. Therefore, I emphasise the necessity for that environment agency and welcome the Bill that sets it up.

Another aspect of that integration is pertinent to local industry because, right now, part of industry's effluent is dealt with by HMIP and the other part by local authorities. A large company in my constituency which is in that situation has two, in some respects conflicting, regulators and a confusing and complicated system, under which it is expensive, and in many ways unreasonable, for it to operate.

By integrating those matters, one obtains a more coherent framework for industry and for BATNEEC—the best available technology not entailing excessive cost. From what I have heard in the Chamber this evening, it seems that the Opposition parties may question that, but I believe that we must maintain a balance between the cost and the benefit. There is no point in placing some purist environmental regulation on industry only to find that companies shut and there is no employment as a consequence. Best available techniques and reasonable costs—a cost-benefit analysis—are surely an essential for the agency.

In his excellent opening speech, my right hon. Friend the Secretary of State spoke about the difficult judgments associated with environmental questions. I suspect that there is no more difficult judgment than that associated with the contaminated land proposals in the Bill. Some aspects of that were mentioned by my hon. Friend the Member for Norfolk, North-West (Mr. Bellingham).

Contaminated land tends to go with the type of industrial area that I represent, and I want the contaminated land to be made good and made available for new industries or for other uses. The derelict land grant has contributed greatly to a slow improvement of some of those sites, and some of the smaller sites have been cleared up by the Erewash Groundwork Trust.

However, I have a doubt about the way in which the contaminated land proposals will take effect. It seems to me that, whereas local authorities will be required to identify all contaminated land and have a statutory duty to serve a remediation notice on the appropriate person, there is a question mark about who that appropriate person might be. It is perfectly reasonable if the appropriate person is the person or organisation that contaminated the land in the first place, but it is a different matter if the original contaminator is an unknown quantity and notice is served on the individual or business which is now occupying the land.

It is clearly possible for a company to operate on land which, to the best of its belief, is free or reasonably free of contamination, only for it to find at some future date that the local authority tries to make it responsible for clearing up the contamination caused by previous occupants. I question that process and the procedures outlined in the Bill. I would be grateful if my hon. Friend the Minister for the Environment and Countryside could clear up that point.

The Bill rightly aims to improve and bring back into use much of the contaminated land that is often found in industrial areas, but we must ensure that the financial responsibility is placed on the correct person. We must also ensure that there is a proper definition to cover how much the land has to be cleaned up so that it can be used for its appropriate purpose. When such cleaning up has taken place, a local authority must state publicly that that duty has been done by the occupant and owner of that land, rather than leave the public in a quandary. In terms of land redemption, certainty must be restored to the market.

I represent a Derbyshire constituency and know just how the name of that county conjures up in people's minds the beauty of the Peak park. There have been concerns over many years about that park, which is perhaps one of the most popular national parks in the country. There is concern because not only does the park attract visitors, but many people live and work in it. Any proposed change to the park authority must include assurances, and a written requirement to ensure that the lives, occupations and livelihoods of the residents are not atrophied. There must also be an assurance that people appointed by local authorities to serve on the park authority live in, and represent, the park area.

9.21 pm

**Mrs. Helen Jackson** (Sheffield, Hillsborough): Two events in my diary stand out in the next couple of weeks and illustrate the Bill's significance. First, my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) and I are to visit a stream at a place called Sheep House wood—it starts in his constituency and flows into the Upper Don and through my area. Its water is a deep orange and no tadpoles, minnows or other fish can live in it. It comes from a small mine that was abandoned possibly 100 years ago, but only now are the effects being seen and felt in my constituency.

The other event that comes to mind is VE day, when we shall remember events of 50 years ago. Shall we also be thinking about the environmental damage that the war has left? Should we also think of the cancer and disease from bombs dropped on Hiroshima or the pollution of the north Atlantic ocean, which was revealed publicly only last month? According to the Ministry of Defence, 145,000 tonnes of chemical weapons were dumped off Britain and Ireland after the second world war. The success or failure of the agency established by the Bill will be judged, not in a couple of years or by the millennium, but by future generations.

If we are prepared to give the agency the scope and width so that it does not shy away from controversial matters such as traffic, air pollution, energy policy and radioactive waste disposal, if we give it the toughness and teeth to enforce speedily and effectively, if it is independent of the huge, vested interests of waste contractors, water companies, the military and the like, if it is accountable to the public in whose interests it is to act, this might be the best—indeed, the only good—piece of legislation that this Parliament comes up with. But if it falls short, it will be a tragic waste of an opportunity.

The Bill talks about the three basic elements of air, water and earth. I hope that, in dealing with soil pollution, it also manages to control not just the big firms in the waste industry but the local fly tippers who operate without permission, or who apply for planning permission after the damage has been done.

The agency can play a useful role in ensuring that water is recognised for what it is—a natural, essential and public resource—and that clean drinking water provision and the disposal of waste water and sewage are recognised as essential public services. By considering water cycle conservation as a whole, it will help to provide a balance in the debate about water conservation, putting the emphasis on controlling the 30 per cent. of clean drinking water that leaks away through old pipes and infrastructure, rather than try to limit by price essential domestic usage in the home.

I read clause 37, about costs and benefits, carefully. I decided that it was a neat but rather meaningless clause that was better out than in the legislation. It tries to compare apples with potatoes. Costs can be seen on a balance sheet. They fall on a company, an individual or a multinational firm, but benefits are collective, public and cannot be quantified in the same way. It reminds me of

*[Mrs. Helen Jackson]*

the same easy phrase that dominated the debate on the Deregulation and Contracting Out Bill last year—the "burden" on business compared with the public good. That phrase leaves me profoundly uneasy. The welcome that it has been given by the Confederation of British Industry, commercial interests and private companies only adds to my unease.

Why does the need exist in the Bill to speak up strongly to prop up big industry? Can it not speak for itself? Can it not afford the litigation in which, unfortunately, it might become involved? Does it not have enough friends in high places? Who will speak up for the collective and the public interest in appeals? Who, indeed, will speak for the birds, animals and plants that cannot organise protests at the loss of their countryside and habitat?

I looked to find out how appeals would be managed and dealt with in clause 96. That left me a little more uneasy because the clause assumes that appeals will always involve the polluter appealing against a control or regulation. I am not sure what provision exists in the Bill for the public to appeal against a licence to dispose of material or to pollute. That needs teasing out in Committee. The clause contains no presumption in favour of appeals being held in public. Advice and instruction exist that, on many occasions, appeals will be held in private. How can that be right when the agency is there to protect the public interest?

Democracy without openness is a contradiction in terms. I scoured schedule 1 for guidance on access to information and found nothing but the tried, tested and discredited proposal to set up another quango by this quango-mad Government. We should be told what is involved in terms of property transactions in the course of setting up the agency. Will that involve the transfer of more land and assets out of public ownership? Who will determine the value? How will disputes be determined? Will that information be made available to Members of Parliament and to the public? Schedule 2 does not satisfactorily cover that point.

The implicit closeness about the way in which the agency is to operate reflects a lack of accountability and an over-reliance on "ministerial guidance", whichever Minister we are talking about. The Environment Select Committee held a few preliminary sessions on the Bill before it was considered in the other place. We on the Committee felt that the role of policy maker and strategy developer was confused. It will be no good having a brand new environment agency to protect the environment if the powers and policy guidelines on which it is to act are waiting for a ministerial statement or guidance.

Clause 4 and its subsections leave the objectives, resources and responsibilities open to question and to delay. I welcome the inclusion of parliamentary scrutiny in the process, but I am concerned that the agency will be used as a scapegoat to take the blame for poor policy or the absence of and delays in policy making by the Government or Ministers.

We must ask whether the agency will have the toughness and teeth that it needs to be effective. I mention teeth particularly because I see the Under-Secretary of State for the Environment, the hon. Member for Croydon, Central (Sir P. Beresford), sitting on the Front Bench. Even if there is a hint that the agency will have a reduced or more constricted ability than the existing agencies to take prompt and firm action to forestall pollution incidents and recover in full costs of breaches of regulations, the Bill will do a serious disservice to us and to future generations.

I wondered why it was not to be called the environment protection agency, as it is in Scotland, rather than just the environment agency. Again I return with some unease to the CBI document on environment costs published last November. It is clear that the CBI sees the creation of the single environment agency as a "major deregulatory step". It hopes that it will meet "environmental objectives" rather than obligations in a way that enhances British competitiveness.

I worry about whether the legislation is really a further tranche of deregulation rather than what the Opposition would want it to be, which is a firm statement of how we will care for, control and finance the protection of our environment now and way into the future.

9.31 pm

**Ms Joan Ruddock** (Lewisham, Deptford): It is a great pleasure to follow my hon. Friend the Member for Sheffield, Hillsborough (Mrs. Jackson), whose interest in and commitment to the environment are well known.

This has been a serious and important debate befitting the significance of the subject. The concept of an environment agency is exciting, but it is also daunting. We are the first generation of politicians to be brought face to face with the knowledge that our man-made world is rapidly destroying our natural world, not just in isolated and remote places but here at home and virtually everywhere.

In an era of global communications, only the profoundly ignorant or irresponsible could choose to deny the overwhelming evidence of environmental degradation. Yet denial is widespread. There are profit-hungry companies which calculate that they will never have to pay for the pollution that they leave behind. There are desperate workers who will argue for jobs at any price. There are Governments who subsidise practices that lead to dangerous resource depletion and there are armies of politicians denying their own responsibility. They trust in a sort of natural selection—future generations, the inventiveness of scientists and the rigours of the marketplace.

The survival of the fittest in an overpopulated and densely polluted planet would be a highly brutal business. We still have a choice, and we in the developed world have a particular responsibility. In the words of the World Commission on Environment and Development—the Brundtland commission—we must embrace

"development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs."

That definition of sustainable development is the one that the Labour party accepts.

In that context, the Environment Bill offers a unique opportunity, but, as drafted, it falls at the first hurdle. Where is the duty across Departments to ensure that all Government policies take account of environmental concerns? The Secretary of State no doubt believes that the environment should be at the heart of Government policies, but he has not included that notion in the Bill. We shall attempt to do so.

Where is the overriding duty on the environment agencies to be the champions of the environment? Where is the strategic purpose? Where is transparency and open government? Where are the citizens' environmental rights? Where, as the right hon. Member for Woking (Sir C. Onslow) asked, is the definition of sustainable development, of which the Secretary of State made so much? Everywhere the agencies' aims are hedged around with constraints, which is proof of the polluters' pressure on the Government and, as my hon. Friend the Member for Holborn and St. Pancras (Mr. Dobson) said, the Tory predilection for deregulation.

The local authority associations put it another way. They said:

"Government has proposed a clumsy bureaucratic amalgamation of pollution control operations without the strategic and standard-setting role that is indispensable to the future direction and coherence of environmental protection functions".

In short, this is not the Environment Bill that we would have chosen but, because we support the setting up of the agencies in principle, we shall do our best to improve their composition, purpose and functions.

In line with Labour's commitment to the devolution of power, we believe that Wales must have its own environment agency. Of course, we understand that rivers are no observers of national boundaries and, clearly, special co-operation would be required in operational matters along river catchments; but we believe that such arrangements are practicable and desirable. However, my hon. Friends the Members for Gower (Mr. Wardell) and for Pembroke (Mr. Ainger) spoke far more eloquently than I could about the needs of Wales and the Welsh environment—

**Mr. Dafis:** So did I.

**Ms Ruddock:** Indeed, I acknowledge the hon. Gentleman's contribution.

In other matters of composition, it is clear that the Government have not been able to win the support of local authority associations. We share the associations' concerns about the loss of local knowledge and accountability in the operation of waste regulation functions and, as my hon. Friend the Member for Edinburgh, Leith (Mr. Chisholm) pointed out in relation to Scotland, the additional loss of local air monitoring functions.

We are yet to be convinced that the obvious gains to be made from having a strategic overview of waste functions in the agencies would be matched by gains from the transfer of operational functions. We shall explore those matters further in Committee. We shall also want to consider why other obvious functions, such as those carried out by the drinking water inspectorate, the coastal protection functions of the Ministry of Agriculture, Fisheries and Food and the pesticide monitoring functions of the Health and Safety Executive, are not also to be transferred.

Overall, as many hon. Friends have said, we shall seek to establish environmental agencies that become more than the sum of their parts. Like our colleagues in another place, we shall press for the establishment of a wider remit, a clear purpose and greater public accountability for the agencies. We are conscious of the fact that the Council for the Protection of Rural England, the Royal Society for the Protection of Birds, Greenpeace, Friends of the Earth, the Green Alliance and many of my hon. Friends, including my hon. Friend the Member for Islington, North (Mr. Corbyn), believe that the agencies' work could be compromised by the emphasis on cost benefits and by the exclusion of pollution control functions from the duty to further conservation.

As the World Wide Fund for Nature points out, the Government believe that it is incompatible for the agencies to issue discharge licences while having a duty to further conservation. However, the NRA has done so very successfully for the past five years. When it suits them, the Government insist on the importance of guidance rather than duties set out in the Bill, but they then insist on placing a statutory obligation on the agencies to take account of costs and benefits before they can exercise their powers.

That cannot be acceptable, as many of my hon. Friends have made clear today. Fears of legal challenge are all too real, as my hon. Friend the Member for Holborn and St. Pancras said. Those fears have been given greater force by the independent legal opinions obtained by Greenpeace and the Council for the Protection of Rural England. The Royal Society for the Protection of Birds put it particularly well, arguing that the lack of clear purpose may lead to environmental neglect as, in the absence of clear quality targets, the new agencies are forced to focus on financial targets.

The Secretary of State in his opening speech made much of the need to look at the environment in the round and the need to bring together all the various functions, yet the Bill lacks the means of placing a duty on the water undertakers and the Office of Water Services to promote the efficient use of water and other resources. The Bill does little to encourage energy efficiency and, as my hon. Friend the Member for Carmarthen (Mr. Williams) pointed out, it totally fails to deliver a strategy for dealing with air pollution.

My hon. Friend the Member for Holborn and St. Pancras and other hon. Friends referred in some detail to our concerns over contaminated land and pollution from abandoned mines. Clearly, the contaminated land proposals are quite inadequate and must be amended in Committee. As my hon. Friends the Members for Gower, for Blaenau Gwent (Mr. Smith) and for Sherwood (Mr. Tipping) mentioned, the plans for dealing with contaminated mine water refer only to those 32 pits remaining in operation. About 1,000 pits have been closed in the past 50 years, and their legacy is appalling.

By their own admission, the Government still want to give advantage in that area to the polluters and to protect the profits of privatisation. The removal of exemption from prosecution—*[Interruption.]* It says so in the financial memorandum to the Bill, and I shall point it out to the Minister later if I have to. The removal of the exemption from prosecution should come into effect one year from now, not at the turn of the century, and we shall press that matter again in Committee.

I turn finally to national parks and hedgerows, two areas in which my hon. Friends and I have welcomed many of the Bill's proposals. We applaud the great success of our colleagues in the other place in supporting the all-party amendment to provide for quiet enjoyment. We shall strive to defend that amendment in this House. We shall also strive to protect the national parks further from inappropriate and unnecessary development. We believe in principle that the national park authorities should have powers to manage rights of way. We shall,

*[Ms Ruddock]*

of course, take the expert advice of my hon. Friend the Member for Denton and Reddish (Mr. Bennett) in drafting such amendments.

On hedgerows, the House has been given much sound advice from hon. Members of all parties, but I particularly commend the contributions of my hon. Friends the Members for Wentworth (Mr. Hardy) and for Denton and Reddish and the plea for an extension of hedgerow protection to Scotland, which was made so ably by my hon. Friend the Member for Strathkelvin and Bearsden (Mr. Galbraith).

In the weeks ahead, we shall be engaged in vigorous debate over the details of the Bill. As I have said, there are whole areas of this legislation with which we cannot possibly agree, although we very much support the spirit behind it. There is much that we shall seek to change, but, in conclusion, I want to remind the House why environmentalists and politicians alike must take the matter seriously.

In Britain today, more than half of all our trees are damaged by acid rain, one fifth of our beaches fail European quality standards, millions of households receive sub-standard drinking water and, perhaps most alarming of all—

**The Minister for the Environment and Countryside (Mr. Robert Atkins):** That is not true.

**Ms Ruddock:** It is true.

Most alarming of all, the number of people with asthma triggered and aggravated by air pollution has doubled in a decade—*[Interruption.]* The Secretary of State says that that is not true. The facts should condition his attitude to environmental concern as they condition our attitude. If we ask the people of this country whether air pollution, substandard water and dirty beaches are matters of major concern, they say that they are. All the polls confirm that. The people want action, and so do we.

We will respond positively to the Secretary of State's declared search for consensus. Our amendments will be tabled with the widest possible backing. We look forward to the co-operation of the Secretary of State and of his Ministers to improve the Bill.

9.44 pm

**The Minister for the Environment and Countryside (Mr. Robert Atkins):** I listened to the fine words from the hon. Member for Lewisham, Deptford (Ms Ruddock). To a large extent, they sounded pretty good, until, in the closing stages of her speech, she made remarks about drinking water which were palpable and absolute nonsense. Everyone knows that to be the case. However, as I am grateful for the interest that hon. Members from across the House have shown in the Bill and for the desire to recognise that the Bill commands broad support, I do not want to be any more partisan than I have just been.

I appreciate the concerns of hon. Members that the Bill should be effective legislation. It will come as no surprise that I, along with everybody else, share that concern. Where appropriate, we will table amendments to clarify our intentions for the legislation or to give effect to the development of our policies. My right hon. Friend the Secretary of State has today given an indication of two areas—air quality and minerals planning—in respect of which we are committed to introducing new provisions.

As for the measures already included in the Bill, many hon. Members have referred to important issues with which I will attempt to deal in the short time available to me, which will no doubt be raised in more detail as the Bill progresses through Committee and on the Floor of the House. Perhaps I may deal with some of those details as we reach them.

Before I do that, I compliment my right hon. and hon. Friends who have spoken with knowledge and expertise. In that regard, I mention my right hon. Friend the Member for Woking (Sir C. Onslow), my hon. Friends the Members for Lincoln (Sir K. Carlisle), for Reading, West (Sir A. Durant), for Norfolk, North-West (Mr. Bellingham), for Blaby (Mr. Robathan), for Surrey, East (Mr. Ainsworth), my right hon. Friend the Member for Westmorland and Lonsdale (Mr. Jopling), my hon. Friends the Members for Hexham (Mr. Atkinson), for Bromsgrove (Mr. Thomason) and for Gloucestershire, West (Mr. Marland), whose compliments I particularly appreciated, and my hon. Friends the Members for West Derbyshire (Mr. McLoughlin) and for Erewash (Mrs. Knight). I am grateful for the contributions that they made and the way in which they made them, as I am for the contributions made by Opposition Members. I will try to address the concerns that have been raised pretty much in the order that they were raised.

The definition of "sustainable development" was raised. The concept of sustainable development goes much wider than the concerns of the Bill and it continues to evolve as a result of discussions within the United Kingdom and internationally. Ministers must be able to take account of that continuing debate in the guidance that they intend to give under clause 4.

Sustainable development involves reconciling the needs of achieving economic development and effective environmental protection. Regulators should not therefore be able to proceed without taking into account the likely costs and benefits of their actions wherever it is reasonable for them to do so. However, despite suggestions from Opposition Members, that will not be at the expense of environmental protection—*[Interruption.]*—or even environmental perfection.

The provision as drafted requires the agencies to consider costs and benefits in the round, including environmental costs. It is drafted so as not to restrict that consideration either to only specified sorts of costs and benefits or to costs and benefits falling only on specified classes of organisations or people.

It is set out clearly on the face of the Bill that costs include the cost to any person and cost to the environment. A great deal of work has already been done and continues to be done on the quantification of environmental costs and benefits, but I accept, as all hon. Members do, that not all costs and benefits can be quantified in financial terms. That is why the clause is not drafted so as to restrict consideration to those costs and benefits that can be quantified or to require the agencies to act only where they can demonstrate an excess of benefit over cost. The agencies must use their judgment, and the clause is intended to enable them to do so. By its nature, it requires judgment of the risks of the harm that might be done and of the reasonableness of the actions necessary to reduce or avoid that.

Mention was made of powers and duties. Clauses 7 and 30 are the two that are particularly relevant. Clause 7 represents an important extension to the agency's ability to take proper account of conservation in discharging its functions, which avoids the difficulties, ambiguities and inconsistencies that would otherwise arise.

I have listened carefully to concerns that have been raised about that subject, but I believe, as do my right hon. and hon. Friends, that the duties that we have included in the Bill are the most appropriate ones for the agency, taking into account the breadth of the agency's function and responsibilities, the importance of ensuring that it is able to carry out all those functions, including its conservation duties, effectively, and the likely practical effect of those conservation duties. Clause 7 provides a specific duty on the agency to take account of conservation in exercising its functions under integrated pollution control, for example, and waste management licensing for the very first time.

My right hon. Friend the Member for Woking asked me about water discharge consents and the effect on the NRA. I do not believe that, in practice, the removal from the issuing of water discharge consents of a duty to further conservation represents a weakening. The existing duty under section 16 of the Water Resources Act 1991 is to further conservation so far as it is consistent with the purposes of any enactment relating to the functions of the NRA.

Although the conservation considerations are therefore relevant to the issue of water discharge consents, they do not override all other considerations. The key purpose of establishing an environment agency is to encourage a more integrated approach to pollution control, which would be incompatible with placing its water pollution control functions under a different conservation duty from its other pollution control functions.

The provisions will give the agency all the powers that it needs to protect the interests of nature conservation, and in certain respects it might be able to go further than would have been possible had that water discharge function continued to be subject to a provision along the lines of section 16 of the Water Resources Act. I believe that the Bill will be at least as effective as the current duty in the context of the agency's pollution control functions.

**Sir Cranley Onslow:** Are members of Friends of the Earth wrong in their fear that the recent decision in the House of Lords on a legal case has created a situation in which anything that is not specifically prohibited under a discharge consent can be discharged with impunity?

**Mr. Atkins:** Our understanding is that the recent case to which my right hon. Friend refers did not change the law, although the NRA may previously have adopted a different interpretation of the relevant provisions. The issue arises from the way in which consents have been drafted. There is always a difficult balance between the legitimate interests of the regulator to prevent polluting discharges and the proper concern of those subject to regulation to have certainty over their ability to discharge. In recent years, there have been extensive discussions between my Department, the NRA and the water industry on that balance. Following concerns expressed by my noble Friend in their Lordships' House, we have been in discussions with the NRA about whether the current balance needs to be corrected and, if so, how that could best be achieved.

I now refer to contaminated land, in particular in relation to abandoned mines. The new requirement, which has been mentioned by hon. Members, for mine operators to give the agency at least six months' notice of their intention to abandon a mine will allow steps to be taken to prevent minewater pollution in future. For mines abandoned after the end of 1999, the Bill removes, for the owner or operator of a mine, statutory protections in cases where polluted water is permitted to flow from an abandoned mine. That will enable the agency to regulate those discharges.

The removal of the statutory protections for mines abandoned after the end of 1999 is a significant amendment to existing legislation. We sought to strike a balance between strengthening the additional controls and taking account of the additional liabilities that that would create.

I should like to reiterate for the benefit of the House what my noble Friend Lord Strathclyde said during the debate on the Coal Industry Bill on 26 April 1994. There are many comments relating, for example, to Durham in column 541, but specifically in column 542 he says:

"I can assure the Committee"—

as it then was, of the whole House—

"that it will in due course have a specific budget"—

that is, the Coal Authority—

"earmarked for these purposes—

that is, of dealing with serious pollution—

"and that this will enable it to carry forward in full the role and activities of British Coal in this area."—[*Official Report, House of Lords*, 26 April 1994; Vol. 554, c. 542.]

That seems to be pretty specific.

I now turn to contaminated land. My hon. Friend the Member for Norfolk, North-West raised the particular problems of owner liability. We have acknowledged in contaminated land considerations that the new provisions extend the potential liabilities of landowner in cases of water pollution resulting from the migration of contaminants. We intend to table an amendment to restore the status quo.

It is the Government's intention to improve market confidence and certainty. We therefore looked closely at the test of "knowingly permitting", and we do not accept some of the wider constructions being placed on those words. We have agreed to consider the provisions by which liability might pass from the original polluter to the owner or occupier of the land. The intention is to ensure that contractual arrangements to transfer liability are respected. The onus of proof that liability has been transferred should rest with the polluter.

My hon. Friend also referred to the problems of those such as Lloyd's or those involved in insurance to any depth about the super-fund or the so-called "deep pockets" argument in the United States. We are conscious of that. I have had consultations with those in the insurance and banking industries among others, to hear what they have to say and have taken action accordingly.

As my right hon. Friend said in opening the debate, the provisions are based on the "suitable for use" approach which removes real environmental hazards without imposing unnecessary regulation or costs. That should provide greater legal clarity on what might be required and who might have to pay, but this is clearly a matter which will be discussed at length in Committee.

*[Mr. Atkins]*

I now turn to the national parks. I missed the speech of my right hon. Friend the Member for Westmorland and Lonsdale, but I know what he was going to say, as he has said it before and others have said the same about the definition of quiet enjoyment.

I know there is much interest in the second national park purpose as amended, to one of promoting opportunity for the quiet enjoyment and the understanding of the special qualities of the park by the public. Much has been said about quite enjoyment today. As a former Minister responsible for sport, and having seen for myself the RAC Lombard rally going through forests and other areas, I know how important the definition of quiet enjoyment is. It does not apply just to motor sport, as my hon. Friend the Member for Meriden (Mr. Mills) said, but to legitimate sports such as shooting, cyclo-cross and other activities which could be misconstrued if quiet enjoyment is not defined as carefully as he and I and other colleagues believe to be the case.

The parks are living, working landscapes and we intend to ensure that the second national park purpose cannot be used to justify restrictions on activities which are legitimate and in keeping with the traditions of the parks.

I have listened to what has been said today and we intend to give very careful consideration to the wording of the second national park purpose and to table amendments in Committee that will clarify the issue.

I should like to say a brief word about the membership of national parks authorities. I am extremely sympathetic to those hon. Members who have talked about their concerns about the representation of national parks. That will also be discussed in Committee and I hope to be as helpful as I possibly can to the concerns raised.

Finally, in the context of the matters dealt with today I should like to turn to hedgerows, particularly in the context of my hon. Friend the Member for Surrey, East, who made an excellent speech on the back of his particular knowledge of hedgerows and other considerations which, as he said, honour a long-standing commitment to bring forward measures to protect such hedgerows. We are mindful of the need to strike a balance between the demands of conservation and the burdens of regulation, so we aim to introduce a scheme which is fair, reasonable and practical and which focuses protection on the most important hedges for which replanting is no substitute.

I have tried to deal as briefly as possible with a number of issues that have been raised today. Undoubtedly, they will form part of the debate in Committee. I consider the Bill to be an important piece of legislation on a most important subject.

The Bill is wide-ranging, but with a common theme. Put simply, all the measures will help protect and maintain the environment as we are committed to doing. It gives expression to the Government's commitment to sustainable development and the new environment agencies will be leaders in the field of environment protection in Britain. The other measures in the Bill provide a number of important steps along that path.

I have no doubt that we will have some lively discussions on the subjects contained in the Bill and I hope that they will be productive and positive and we will end up as everyone in the House would wish, with an excellent piece of environmental legislation. Judging from today's debate and the context in which remarks have been made, we are not far away from that now. I believe that the Bill deserves to be warmly welcomed, and I commend it to the House.

*Question put and agreed to.*

*Bill accordingly read a Second time, and committed to a Standing Committee, pursuant to Standing Order No. 61 (Committal of Bills).*

## ENVIRONMENT BILL *[Lords]* [*Money*]

*Queen's recommendation having been signified—*

*Motion made, and Question put forthwith, pursuant to Order [19 December],*

That for the purposes of any Act resulting from the Environment Bill *[Lords]* it is expedient to authorise—

(1) the payment out of the National Loans Fund or out of money provided by Parliament of any sums required by a Minister of the Crown for making loans under or by virtue of the Act to the Environment Agency or the Scottish Environment Protection Agency;

(2) the payment out of money provided by Parliament of—

(a) any sums required by a Minister of the Crown—

(i) for making grants under or by virtue of the Act;

(ii) for fulfilling guarantees given under or by virtue of the Act;

(b) any administrative expenses of a Minister of the Crown which are attributable to the Act;

(c) any other expenditure of a Minister of the Crown which is attributable to the Act;

(d) any increase attributable to the Act in the sums payable under any other enactment out of money so provided;

(3) any payment out of the National Loans Fund or the Consolidated Fund resulting from increases attributable to the Act in the sums which are payable out of that Fund under any other enactment.

In this Resolution, "Minister of the Crown" has the same meaning as in the Ministers of the Crown Act 1975.—*[Mr. Willetts.]*

*Question agreed to.*

## ENVIRONMENT BILL *[Lords]* [*Ways and Means*]

*Motion made, and Question put forthwith, pursuant to Order [19 December],*

That, for the purposes of any Act resulting from the Environment Bill *[Lords]*, it is expedient to authorise—

(a) the imposition of charges in connection with any environmental licences, as defined in that Act, or any other licences, approvals, authorisations, consents or other permissions or registrations required by or under that Act or any Act amended by that Act; and

(b) the payment of sums into the National Loans Fund or the Consolidated Fund.—*[Mr. Willetts.]*

*Question agreed to.*

## EUROPEAN COMMUNITY DOCUMENTS

*Motion made, and Question put forthwith, pursuant to Standing Order No. 102(a) (European Standing Committees),*

### Inoperability of High Speed Trains

That this House takes note of European Community Document No. 6495/94, relating to the interoperability of the European high speed train network, and endorses the Government's approach to negotiations on the proposal in the Council.

PROTECTION OF THE COMMUNITY'S FINANCIAL INTERESTS

That this House takes note of European Community Document No. 8076/94, relating to the protection of the Community's financial interests; and supports the Government's efforts to fight fraud and maintain European Community budget discipline.—*[Mr. Willetts.]*

## NATIONAL HEALTH SERVICE (AMENDMENT) BILL [*Money*]

*Queen's recommendation having been signified—*

*Resolved,*

That, for the purposes of any Act resulting from the National Health Service (Amendment) Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenses of the Secretary of State incurred under provisions of the Act about payments in consequence of suspension, and

(b) any increase attributable to the Act in the sums payable out of money so provided under any other enactment.—*[Mr. Willetts.]*

*Question agreed to.*

## NORTHERN IRELAND AFFAIRS

*Ordered,*

That Mr. James Couchman be added to the Northern Ireland Affairs Committee.—*[Sir Fergus Montgomery, on behalf of the Committee on Selection.]*

## SOCIAL SECURITY

*Ordered,*

That Mr. Peter Thurnham be discharged from the Social Security Committee and Mr. Robert G. Hughes be added to the Committee.—*[Sir Fergus Montgomery, on behalf of the Committee on Selection.]*

## SCOTTISH AFFAIRS

*Ordered,*

That Mrs. Jacqui Lait be discharged from the Scottish Affairs Committee and Mr. Terry Dicks be added to the Committee.—*[Sir Fergus Montgomery, on behalf of the Committee of Selection.]*

# Social Services (Leicester)

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Willetts.]*

10 pm

**Mr. Keith Vaz** (Leicester, East): Almost six years ago, I was fortunate enough to secure a debate during the summer Adjournment proceedings, in which I first raised my concerns about the crisis of underfunding and understaffing in the occupational therapy service in Leicestershire. I had high hopes that, because we had secured parliamentary time in the debate on 28 July 1989, the human misery and anxiety to which I referred during the debate would be time-limited, and that a combination of Government action and local authority efficiency would mean that I would not have to do so again.

Sadly, I must report to the House that—six years on—the situation appears not to have changed, and may have got worse. I am glad to have the opportunity of raising this important matter in the House.

I and others have been outraged by the treatment by Leicestershire social services of Alice Hawse. Those who are entrusted by a local authority with the overall responsibility for the care and support of people such as Alice Hawse should be ashamed of themselves that it has taken a parliamentary debate to ensure that they act to alleviate her suffering and distress.

In the world of today, those in public service must deal with a multiplicity of competing priorities. It is, of course, an unenviable task, but no sane or compassionate person who takes public service seriously would, in my view, have any problem in identifying the plight of Alice Hawse as a priority. She is an 83-year-old widow who lives in Braybrook road, West Humberstone, Leicester, on the Northfields estate. She has lived in that house for 60 years, during which time she has seen all of her seven children grow up there. She is elderly and infirm. She suffers from a complaint called restrictive air passages, which means that she has difficulty in breathing when she has to exert herself. In addition, she is registered as partially sighted and, in recent years, she has broken a hip as a result of a domestic fall. Those conditions add to her general disability and render her unable to carry out daily functions which all of us take for granted, such as bathing.

Like other pensioners, Mrs. Hawse relies on the help given to her by her family. It is for those reasons that, three years ago, her daughter and son-in-law left their own home to live with her to look after her. Because of her poor state of health, Mrs. Hawse finds it impossible to lift herself in and out of the bath. Her daughter has to help her bathe, and has lifted Mrs. Hawse in and out of the bath for several years. As a result, her daughter has a serious back complaint, and now finds the process extremely painful.

In May 1992, Mrs. Hawse applied to the social services for the installation of a walk-in shower, as she felt then—as she does now—that that was the most effective way of dealing with the situation. Once the shower was installed, she would be able to bathe alone and in comfort. That was three years ago, and she is still waiting.

In April 1994, I was visited at my weekly surgery by Mr. and Mrs. Bennett, Mrs. Hawse's daughter, and her son-in-law. They informed me that, after they had

*[Mr. Keith Vaz]*

contacted social services, there had been no effective response to their plea for help. I wrote to the social services department.

Mr. Steve Goodman, the divisional manager for Leicester city east, wrote to me on 29 April 1994. He said:

"it is unacceptable to me that service users are waiting so long for assessments. A range of measures are being taken to reduce the waiting times and I hope that service users will see the benefit in the near future."

On the face of it, that was an admirable response.

Almost a year later, Mr. and Mrs. Bennett called again at my surgery. They said that social services had visited them four times and spoken to the family, but that nothing had been done. I regard that inaction as bureaucratic complacency of the worst kind.

I went to see Mrs. Hawse on Sunday 26 March. I looked at her bathroom, and she described to me the steps that had been taken. She told me that social services had offered her a hoist to hoist her into the bath. Any sensible person, on viewing the situation in which she found herself and the size of the landing and the bathroom, would know that that was not only the wrong option, but the expensive option. It was also impractical.

There is a much better solution. It is to create a walk-in shower on the ground floor, in a space that is readily identifiable. That would save Mrs. Hawse from having to climb the very steep stairs every time she wanted to bathe.

When the House last debated this matter, concern was expressed by both myself and the then Minister, the right hon. Member for Kettering (Mr. Freeman) about the national and local rate of vacancies in the occupational therapy service. Perhaps that is at the root of the problem.

Nationally, 15 per cent. of occupational therapy posts are currently unfilled. The vacancy rate in Leicestershire for full-time occupational therapists is 32 per cent. There are 17 full-time posts with eight full-time vacancies. The vacancy rate for part-time therapists is 15 per cent. There are 17 in post, with three vacancies. Assuming that two part-timers equal one full-timer, the vacancy rate of full-time equivalents is 27 per cent. That is a large figure.

Nationally, 3,343,000 referrals are made each year to social services. Just over one fifth—679,000—are for occupational therapy services. The Minister was present at a meeting to discuss the results of a survey conducted by the Association of Directors of Social Services. Following the meeting, Councillor Clive Jordan from the Association of Metropolitan Authorities said:

"We are running to keep still and even then we aren't getting there. We told the Minister we needed a concerted effort by central and local government including an investment strategy with the NHS and the Department of the Environment . . . Mr. Bowis seemed to be sympathetic."

We shall hear tonight how sympathetic he really is, but we shall need from the Minister more than sympathy.

Mrs. Hawse is not alone in her difficult situation. Following an article in the *Leicester Mercury* highlighting Mrs. Hawse's case, several other Leicestershire residents came forward. I commend the *Leicester Mercury* for the sensitive and forthright way in which it has handled the matter.

I shall give just a few examples of the elderly people who have come forward. Olive Hutchins, aged 72, of Longstone Green, Thurnby lodge in Leicester, one of my constituents, says:

"Social services gave me a bath seat. I don't want to seem ungrateful but I know I could slip. I am frightened of falling and breaking my neck. I am housebound because of a spinal problem and am registered disabled. At the moment I cope by standing up and washing myself down because the bath is too low and actually so is the toilet. But I was turned down for a shower because they said I was not entitled to one."

Mrs. Kathleen Perkins, aged 72, said:

"I wanted a special shower. I was given a stair lift to help me to the bathroom but no help once I was in there . . . I can't use the bath. I use a bucket to wash from and have trouble carrying the water from the bathroom to the bedroom."

Mrs. Neale, aged 77, who is registered disabled and partially sighted, said:

"I bought my own electric shower after the social services turned me down for one two years ago. But it still means I need to climb in and out of the bath which I am unable to do.

My daughter used to help me but she cannot now because she has a bad back. I have got a bath seat, but once I'm in, it is difficult to get out.

We desperately need elderly people with experience and knowledge of our difficulties to advise social services staff."

Mrs. Maureen Martins of Leicester, the grandmother of 10-year-old Simone McCollin, said:

"I look after my granddaughter who is physically and mentally disabled. At the moment I have to lift her into the bath but it isn't doing me any good and is getting more difficult as I grow older.

I was told a year ago that my bathroom would be changed to a walk-in shower. I rang my housing association in January and they said they were waiting for a response from social services."

The son of an 80-year-old woman contacted the paper, and said:

"My mother applied for a shower two years ago and she is still waiting. She has arthritis in her legs and arms and cannot use the bath. She needs to be given a strip bath. I know how Mrs. Hawse feels. The elderly cannot be swept under the carpet."

There is the case of young Valerie Wrighton, who is only seven years old. Her parents have been waiting two years—almost a third of her life—for adaptations to their home. Valerie suffers from cerebral palsy and desperately needs the adaptations. Mrs. Wrighton originally contacted social services in August 1993—19 months ago. She was finally seen in October 1994. The excuse was that the papers had been lost. I wrote about the long delay in the case on 2 March, and she was visited on 13 March 1995.

Why should council tax payers be treated in that appalling way? Why should citizens with disabilities have to continue to endure discomfort on such a scale? Why has the benchmark for what constitutes a civilised society—our civilised society—been moved so callously? Those who run Leicestershire social services department need to take a long hard look at the situation.

I understand that their response is that they have thousands of satisfied customers, and these are only a very small number of cases, but I raise an important point of principle in the House today. Of course the director, Brian Waller, and his team can be proud of the pioneering work they have done in a number of areas, such as the creation of the first child rights officer, but there is huge scope for improvement in this area. There needs to be firm action.

These horrendous delays must be put to a speedy end. If they are not resolved within four weeks of this debate to the satisfaction of those concerned, I shall refer the matter to the ombudsman, and I will apply again and again for a debate until the matter is resolved.

Earlier today, a journalist asked me why I was using parliamentary time to discuss a very minor issue—his words, not mine—when the House must have other issues of much more earth-shattering importance to discuss. I told him, as I have told the House, that hon. Members are here to represent their constituents. When the day comes that this House is too busy to discuss the plight and injustices suffered by someone like Alice Hawse, we forfeit our right to be here, and Parliament forfeits its right to be the forum of the nation.

10.13 pm

**The Parliamentary Under-Secretary of State for Health (Mr. John Bowis):** I am grateful to the hon. Member for Leicester, East (Mr. Vaz) for initiating this debate. He asked for a sympathetic reply, so I shall do my best to be sympathetic to him and his constituents. He referred to a number of constituents, but, as the debate is on the case of Mrs. Alice Hawse, he will understand if I concentrate on her. He will no doubt wish to raise the other cases on other occasions if, as he said, he is not wholly satisfied with progress on those, too.

The debate enables me to restate some of the objectives of our community care policy, and to illustrate how it should work in practice.

The primary aim of community care is to ensure that vulnerable people, including those with disabilities, receive the type of care most appropriate to their needs. For some people, residential care will be the positive choice. Others will wish to remain in their own homes within the community. Under the new arrangements, they should be able to receive the support services that they need to make that a reality.

Our departmental guidance to local authorities makes it clear that we expect them to work alongside and consult clients and their carers in needs assessment. It is a matter for local authorities to meet needs according to local eligibility and priority criteria, and within available resources.

This debate highlights a case in which the social services department attempted to solve the problems of a client to fulfil their duty to meet assessed needs. The case highlights the key role of occupational therapists in the delivery of community care. A recent social services inspectorate report illustrated the need to bring down waiting times for assessments, including for aids and equipment, and they are coming down. That is evidence of the high priority that we give to ensuring that those vital services are available promptly.

In Leicestershire, occupational therapists have been regraded on to pay scales equivalent to social work colleagues, which has improved both recruitment and morale. The authority has also introduced improved management systems, achieving a more appropriate mix between qualified and support staff. Other strategies include improving partnerships with the voluntary sector and establishing more effective joint working practices with the NHS.

However, we acknowledge that improved working methods and management are not the only answer. As a result of our discussions with the local authority associations, a survey on recruitment and retention of occupational therapists is under way. That will form a basis for further consideration with local authority and NHS interests. Our objective is to secure sufficient numbers of occupational therapists to meet the needs of all employers, including local authorities.

Leicestershire social services department has improved its staffing levels to 35 whole-time equivalent trained occupational therapists and 14 occupational therapy assistants. Recruitment within the authority is now good, and at April 1994, only two out of four divisions had vacancies, amounting to 1.5 whole-time equivalent occupational therapists and a half-time assistant.

The social services committee has established its own service standard for response times to referrals for assessment or occupational therapy services, which establishes a four-week response to priority cases where quick or less urgent attention is needed. Cases requiring immediate attention should be responded to within one week of the original request for assistance.

My inquiries into the specific case of Mrs. Alice Hawse, an 83-year-old lady who lives with her family, show clearly that Leicestershire county council has attempted to meet her needs in a variety of ways over a three-year period. I understand that Mrs. Hawse has not waited three years for a shower to be installed, as was suggested in the early-day motion. It is three years since she was first referred to Leicestershire social services department.

In the intervening period, the social services department provided bathing aids and an electric bath lifter. We all agree that, when re-referred in 1993, Mrs. Hawse had to wait an unacceptably long time—nine months—before being visited. That was due to occupational therapy staffing difficulties in the Leicester east division at that time, which have since been put right.

Despite the provision that has been made, Mrs. Hawse's family continue to press for the installation of a shower. In the light of that, further consideration is being given to such an installation as a possible further alternative way of meeting her needs.

As I have outlined, the authority has taken a series of positive measures that have been successful in improving the level and quality of service to all its clients. The community care reforms were designed to promote user choice, independence, and the ability, where possible, for people to remain at home or in their local community. To meet those objectives, it was—and remains—important to secure the most responsive and cost-effective range of services.

There is, of course, no central blueprint as to how each local authority should achieve that. Social services departments need to focus on the needs of their populations and to tailor the services they provide to those needs, and to offer the widest possible choice.

**Mr. Vaz:** When the Minister went through the circumstances of Mrs. Hawse' case, he stated that there was a delay of nine months between the time her case was referred and the first visit. Does he not accept that that was an unreasonable and unacceptable length of time? Does he not feel that it is incumbent upon him, as the

*[Mr. Vaz]*

Minister, to give guidance to the social services department, so that such delay is not experienced in the future cases?

**Mr. Bowis:** I believe that I said that I thought that that delay was unacceptably long, and that, through the social services inspectorate, we have issued guidance on that matter. As I said, we want waiting times for occupational therapy and other services reduced.

There have been some significant shifts nationally in understanding and attitudes on the part of local authorities since the outset of the community care reforms. Social services departments are now actively encouraging real and informed choice in social care. Every locality is looking for a different range and pattern of services. Each authority must decide how to work with users and providers of services to provide that better balance and choice.

The key change that happened two years ago was the transfer of responsibility from the Department of Social Security to local authorities for those who were entering residential or nursing home care. That was no simple technical adjustment. By bringing together, under the aegis of social services authorities, the arranging and financing of community care, a massive potential for better and more innovative ways of doing things was released.

We shall encourage local authorities, with social services in the lead, to produce local community care charters by 1 April 1996. We think that the public has a right to know what community care services are available locally, and the standards of performance and delivery to which the relevant agencies are committed. Most authorities already set standards for occupational therapy assessment waiting times.

I said that Leicestershire has done that. The question is whether it meets its own standards and whether it should keep the pressure on to improve those standards in the future. No doubt local charters will build on that, which will improve local accountability and help guide people through the range of services and providers.

**Mr. Vaz:** On the issue of charters and the Government's commitment to the choice of individuals in respect to the type of services that they are entitled to expect, one of the key features of the case is that Mrs. Hawse and her family have stated continuously that they believe that a shower is the best solution to the problem. Social services keep on insisting, however, that a hoist to get Mrs. Hawse into the bath is the best solution.

The Minister has not seen the bathroom, but will he take it from me that social services' suggestion was not a practical solution to the problem? In such cases, social services should listen carefully to the needs of the consumers. After all, they pay for the service, and their views must be taken into consideration.

**Mr. Bowis:** Short of a site visit, which I am not sure that you, Mr. Deputy Speaker, could authorise at this late hour, I am happy to accept the hon. Gentleman's description of the bathroom. I think that the hon. Gentleman's arguments are fair when he says that social services should listen to the individual and the individual's family. That is what community care is all about—placing the individual at the centre of decision making about ways to meet needs.

In the specific case, the circumstances of that family have changed, with the other members of the family moving in to live with Mrs. Hawse. That had an impact on the type of need that existed and the way in which one might meet that need. Initially, the bathing solutions might have been acceptable—and indeed were, I understand, acceptable—to Mrs. Hawse, but once the family were there as well, the matter needed to be reconsidered, and that, happily, is what is happening.

Community care has the potential to bring significant benefits to a large number of people who are elderly, frail or vulnerable. The essence of community care is attitudinal and cultural change among all the key players—not only social services and health and housing authorities but private sector providers, the voluntary sector, users, carers and a wide range of other interests.

It means being responsive—the hon. Gentleman is right to use that term—to individuals who have needs, and, indeed, who have their own opinions on the way in which those needs might best be met to suit them. It means creative and innovative thinking being brought to bear to collaborate on solving problems and enhancing quality of life.

The case of Mrs. Hawse illustrates very well the wider responsibilities of the local authorities to meet the needs of elderly people living at home but in a home occupied by other members of the family. It obviously demonstrates the needs for sensitivity in responding to the needs and wishes of clients and carers and in providing appropriate packages of care.

Mrs. Hawse and her family have, I understand, already been visited at home by the area director of Leicestershire social services, and an appointment has been made for an occupational therapist to visit on 20 April 1995—two days away—to discuss the suitability of a shower. Social services appear to be taking appropriate action, therefore, to ensure that any outstanding matters in Mrs. Hawse's case are now speedily resolved. I have no doubt—indeed, we have had due warning this evening—that the hon. Gentleman will keep his beady eye on them to ensure that that does happen.

*Question put and agreed to.*

*Adjourned accordingly at twenty-six minutes past Ten o'clock.*

# House of Commons

*Wednesday 19 April 1995*

*The House met at Ten o'clock*

PRAYERS

[MADAM SPEAKER *in the Chair*]

## Water and Sewerage Industry

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Chapman.]*

10.4 am

**Mrs. Helen Jackson** (Sheffield, Hillsborough): I am delighted to have the opportunity today to initiate this debate about regulation of the water industry because, of all public services, water is the one that is most central to human life and well-being. If it is managed well, people always pay up without question for their water and sewerage. They do not want to give it a second thought. They want to turn on the tap for a drink, watch the rain run down the gutters and roadside grates and flush the toilet. They do not feel the need to say thank you to the Government, the regulator or the water companies because they feel that water is a right that they earn by being a citizen of this country.

Yet if anything goes wrong—if the water is brown when it comes out of the tap, if it does not come out of the tap at all, if the drains are blocked, or if people are suddenly asked to pay a great deal more—there starts to be public outrage.

There is no question but that there is an immense amount of consumer dissatisfaction with the water industry at present. In a survey by the Consumers Association last year, the water industry came out bottom of all the regulated industries on every count of consumer satisfaction, including satisfaction with delivery and relationship with the consumer.

It is interesting that a study undertaken by Elaine Kempson into water debt and disconnection, published last month by the Policy Studies Institute, showed clearly that water debt had increased by nine times since privatisation. So people are no longer happy simply to pay their water bill and forget it. The document concluded that the reason was partly the resentment and dissatisfaction that people feel about the industry.

Hon. Members on both sides of the House will be aware that the Opposition have been interested in the past few months in the issue of public ownership and what it signifies. Water is what public ownership means. As the rain comes down and the children play in the rivers or streams this summer, they and their parents do not believe that the substance they are using is anything other than publicly owned. That explains the resentment about this privatisation of this utility. People have never believed that water belonged to anyone so that it could be sold off.

It is interesting that yesterday's debate about the environment agency and pollution control and regulation saw the House in a remarkably consensual mood. There was no vote. There was agreement among all hon. Members that the agency could be a good move forward if the correct powers were given to it.

However, there is no such consensus about the operation of the water industry. I should like to spend a few moments today to discover where the blame for that lies, to what extent it lies with the Government or with regulation, and to what extent the two are indivisible.

In the earlier clauses of the Water Act 1989, the two are balanced and almost indivisible, because the duties are placed on the Minister or, if he delegates them, on the Director general of the Office of Water Services. It is clear that the regulator's first duty was to look after the financial well-being and management of the water companies. His duty to act in the interests of customers and consumers secondary, which could be one element of what has gone wrong.

The regulatory system—I shall return to the subject of whether it is the regulator or the Government—has failed on five counts, however. It has failed on prices, interference in the industry's charging systems, the absence of interference where it is necessary, undertaking the necessary research into the industry, and the inability to devolve to local democratic committees some of the consumer-based interests that should be represented in the water industry's regulatory system. Colleagues might want to mention others.

The system has failed on prices, because the regulator's main duty is to be an economic regulator, and his main power to act on behalf of consumers is to limit charges. The regulator was to control the industry by suggesting a K factor, with which we are all now familiar, by which companies could raise prices over and above inflation in a particular year. Unfortunately, in 1989 there were no negative K factors, although no excuses were given. The companies had to comply with factors that were all positive numbers, well above the inflation rate.

By 1993, it was clear that the K factors were over-generous, profits were rising sharply, prices were on the increase, and these rapidly growing multinational enterprises had a general cushion of surplus. As time went on, it became clear that the cushion was being creamed off at the top for top executives and share options. In England and Wales, profits had risen from £710 million in 1989 to £1.5 billion in 1993-94, with a 67 per cent. increase in water charges. Top salaries had increased by 228 per cent. since privatisation.

Those three issues caused an immense public furore. The public have realised that privatisation has not been in their interests, but has simply been in those of the big companies and their shareholders and chief executives, and that the regulator appeared to be unable to do anything to stop that.

In 1993, Ian Byatt recognised that the initial K factors were probably too generous, and that the asset base and ease with which the water industry could cope with its economic future had probably been underestimated. At about that time, I became really interested in the water industry, and the cross-party group was established.

Time and again, we suggested that it might be appropriate to claw back some of the excess profit. The reaction was that nothing could be clawed back, because the surplus proved how creditable the regulatory system had been. The regulator even suggested that it showed how good the incentive that he had presented with the K factors had been when the industry was privatised in 1989.

*[Mrs. Helen Jackson]*

Had the Government and the Director general of Water Services said that they had got it wrong in 1992-93—I know that the system was for a five-year price review, and that was only three years on—and that they would claw back some of the surplus and pull the price regime right down, much of the public anger and outrage would have dissipated, and the Government would be finding it easier to justify what is happening in the water industry.

In 1994, I believe that they got the K factor review wrong again, as do a number of experts in the City, as the "Panorama" programme showed. It is interesting that, less than a year after the review that was supposed to impose tight controls over the water companies, North West Water has been able to pay back £6.50 to each of its customers.

**Mr. Peter L. Pike** (Burnley): It is somewhat strange that Sir Desmond Pitcher, the chairman of North West Water, should have written to all the consumers in the north-west to make them aware that the company is proposing a bonus of £6.50 per customer for the next five years because of the additional profit that it is making from the way in which the industry is regulated, as if it is giving us something, when in reality it is overcharging us in the first place.

**Mrs. Jackson:** That endorses my point. North West Water certainly has £6.50 per customer to spare following the K factor review last year. As I know that other hon. Members want to speak, I shall move on to the next issue.

The Government and the regulator have also got the charging systems fundamentally wrong. There is a contradiction between statements that charging systems were the responsibility of the water companies and that they were free to manage their businesses and choose how they wanted customers to pay for water and sewerage services, and, on the other hand, the claim that they can do so only if they place the main emphasis on a metering system of payment in the long term.

Ian Byatt's preference for metering is well known throughout the industry, and he is entitled to that opinion. He wrote about it in "Paying for Water" in 1991, and he still refers to that document, even though it is five years old, in reply to any queries about Ofwat's policy on the issue.

"Paying for Water" was written before the Government had finally abandoned the poll tax, and while the Conservative party was still claiming that it was fair to make each household pay for public services in proportion to the amount that they used them. That is the principle of metering that is set out in "Paying for Water", and it is the poll tax principle, which has been discredited and booted out by this Parliament. It is simply inappropriate for water and sewerage, which are the most essential public services.

The average water bill of an ordinary household breaks down roughly as follows: 40 per cent. relates to the drinking water supply, of which some 80 per cent. relates to the fixed cost of water treatment works—pipework and the infrastructure that delivers that drinking water—and 20 per cent. relates to the volume of water that goes through that infrastructure; 20 per cent. of the water bill relates to surface water drainage and the pipe work, guttering and infrastructure that takes water off the roads, gardens and land. It cannot be appropriate to measure that by metering domestic households. The remainder of the bill—a further 40 per cent.—relates to the sewerage side of the industry, waste water and sewage treatment. Surely we shall not try to measure the amount of sewage that each household produces.

If my arithmetic is correct, the argument about conserving water and metering relates to just 8 per cent. of the industry's costs for average domestic water purposes. Some 30 per cent. of the water used by an ordinary household is to flush the toilet, and only 10 per cent. is used for extra household activities such as washing the car and watering plants. The remainder is used for baths, showers, washing food and drinking. Hon. Members on both sides of the House do not feel that it is important that people should cut down on those.

The compulsory element in insisting that people pay for water and sewerage by a measured system is inappropriate. If the regulator says that he is neutral on that issue and that companies can choose their own charging systems, it cannot be appropriate for him to be so paranoid about insisting on metering, when water companies are trying to do the best for their customers.

In Yorkshire, there has been much public outrage about compulsory metering, especially on housing association estates in Bradford, Sheffield and other big towns, where people do not have large incomes. Yorkshire Water has been prepared to listen to public concern, and has met groups from the Lower Grange estate in Bradford and local authority associations.

It decided to move right away from the compulsory element of charging, even on new properties, and its decision was endorsed by both the local housing federation and the local Ofwat customer services committee. Yorkshire Water took that decision at board level and said that it would devise notional rateable values for every new house built since 1989, so that every customer in Yorkshire could have that choice. What could be wrong with that?

Unfortunately, the regulator's response was to write a letter to the managing director of every other water company in the country, saying:

"I am disappointed that the company has decided to allow this concession"—

not choice, but a concession—

"to customers in new properties. However, before this scheme can come into operation Yorkshire Water will need to demonstrate to me that any notional rateable values avoid any bias".

He therefore has an opportunity to sit on those notional rateable values before Yorkshire Water can put its policy into effect.

The regulator goes on to say:

"The ability to opt for a charge based on a notional rateable value will be strictly time-limited and subsequent owner-occupiers would not be allowed to opt for a charge based on notional rateable value."

From someone who says that he will not interfere in charging methods, that is incredible. I do not know whether it applies just to Yorkshire Water, but it comes after Mr. Byatt's refusal to accept the renomination of the chairman of the Yorkshire customer services committee, who was well backed by Members of Parliament from both sides and consumer groups throughout the county.

That interference is another indication of the failure of the present system—Government plus regulator. Since becoming involved in this issue, I have been surprised

at how many press releases, research papers and briefing documents are produced by the water regulator's office. Some of those comparative statistics are useful, while the press releases and comments are less useful. But I am also surprised at how little good information and research has been done on relevant issues.

For example, when Ofwat commissioned research into different charging methods through the Institute of Fiscal Studies about two years ago, the institute was specifically asked not to investigate the possibility of charging on the basis of council tax bands. It could investigate charging on any other property bands, even though of the options being considered by the water companies, council tax bands made the most sense. It was left to the Water Companies Association to do the best piece of research on charging systems, which they presented to the Minister last September, and to which the Minister responded two weeks ago.

Similarly, the Select Committee was surprised that, given all the controversy about disconnections and whether those happened because people would not or could not pay, no research had been done—none was even authorised or intended to be authorised—by Ofwat or Mr. Byatt on the reasons for disconnections. The first piece of evidence on that has now been produced by the Policy Studies Institute. It shows that, as we all knew, people are disconnected because they have not enough money to pay the ever rising bills. Those are just some of the issues on which the opportunity for good-quality research has been missed.

The same applies to conservation. If we are to debate whether the best means of conserving water is to make a major effort to reduce leakage or introduce domestic water metering, Ofwat should have authorised research to discover that. Instead, it has been left, once again, to someone else, in this case the National Rivers Authority to do the best piece of research about leakage. The water companies, too, are beginning to make progress in that area.

I have been disappointed—and, to an extent, shocked—by the lack of responsibility that the director general has taken over safety and security within sewage treatment works. The question was raised in Yorkshire whether it should be totally contracted out to private contractors. The director general had nothing to say on that, and gave private contractors no guidelines to ensure that sewage was treated safely and securely. Until recently, there were no guidelines on, for example, specifications on sewer pipework. That has been of great concern to clay pipe manufacturers, who have felt that, since privatisation, the water industry has not been acting responsibly in undertaking that sort of research and information. On all those issues, the regulator has left a great deal unsaid and uninvestigated.

Many Opposition Members, and possibly Conservative Members, have been unable to understand why the regulator had nothing to say on chief executives' pay and salaries, and why Mr. Byatt felt that he had nothing to say on charging systems to the major local authority conference on the subject on 13 March in Liverpool.

We do not understand why he had nothing to say to people who complained about compulsory metering to the Ofwat customer services committees. As it was an issue of charging, he was not prepared to include those complaints in his published schedule of complaints. A whole list exists of areas where the regulator or the regulator/Government have been unwilling or unable to listen and respond to the immense public concern that has developed about the industry.

I should like to feel that it is not too late even for this Government, but I think that we will have to wait for the next one. The root of the problem lies in the lack of understanding that we are talking not about a commodity which can be left to the free market and in the private sector, and which somehow will be all right with a bit of economic regulation drawing together the statistics, but about a public resource and utility—water, which is owned by the public.

Unless the Government and regulator absolutely understand that basic fact, it is never going to be right. The only answer is for the Government to accept that responsibility and the outrage that the public feel about what has happened to their crucial public industry, and to say that, for the moment, they will take over the regulation of the industry, and take responsibility for it.

Only yesterday, we agreed on a consensual basis that we have the makings in the environment agency of an excellent body that will control one side of the whole water cycle business. The other side is a mess. It will remain a mess until the Government get hold of it, take it out of the so-called independent regulator's hands, pull it together and deal with it in the interests of the public.

10.32 am

**Mr. Peter Bottomley** (Eltham): I congratulate the hon. Member for Sheffield, Hillsborough (Mrs. Jackson) on procuring this debate, and on her consistent interest in the water industry. The House and country will be grateful for that. She has made some fair points. I declare a non-interest. I am the honorary president of the Water Companies Association. I am not paid, and it has not asked me to speak, but it is a matter of record.

I was at one stage a Minister with responsibility for the environment and the water industry in Northern Ireland. When I was a junior Minister at the Department of Employment, I noticed how the sewerage system in London had not kept up with demands. Bazalgette sewers seemed to back-fill during storms, and water reached the third floor of the Department of Employment offices in Tothill street. It was not very pleasant.

The hon. Lady has a couple of things wrong. If one lined up the water company chairmen, picked the one in the middle and asked what they were paid, the answer would be that they were paid 20 per cent. less than the leader of the Labour party's press agent. It is worth putting across the fact that, even when the Labour party was so proud that the water industry was nationalised, 20 per cent. of the country's water consumers received their supplies from companies that had not been nationalised. It is also worth noting that some people, including an uncle of mine in Shropshire, had their own water supply.

Therefore, the idea that the water industry was all in the hands of nationalised industries under chairmen appointed by Ministers is wrong. One of the reasons why the Labour party has been traditionally so in favour of state-controlled industries is that that allows it to appoint people to those jobs, rather than people being chosen on merit.

When the Labour party decides what it intends to renationalise, it would be interesting to know whether it intends to nationalise water supply companies that have

*[Mr. Peter Bottomley]*

never been nationalised. If it proposes to go further than it has gone before, it should be willing to say so openly. I am sure that the hon. Gentleman who may speak for the Opposition in the debate will say clearly whether they intend to renationalise any water company, and, if so, whether they intend to renationalise all of them.

The hon. Member for Hillsborough made an important point about whether ordinary domestic consumers in ordinary homes—small houses and flats—should have to pay the long-run marginal costs of their supply, or pay more of an average cost. No real debate exists about industrial consumers and large users. There is no point in discussing that further. The interesting question is whether people living in small household units, especially those who do not have the opportunity to run a garden hose all day and all night through the summer so that they can have a better-looking lawn than their neighbours, should have a meter, or some alternative system that would have the same sort of effect.

The information that the hon. Lady gave about the degree of discretionary cost that the ordinary consumer and the small household might have in relation to the water supply was interesting and important. I think in the same way in relation to dealing with the cost of disposal of waste water, and of treatment of isolated pockets of population and their sewage—a legitimate matter of debate, which will be raised by my hon. Friends representing the south-west.

The Government could easily have said that some of the cost should have been met on a pooling basis. Issues involving the coastline and the distribution of population are not fully appreciated by those of us who represent or live in areas like London, which does not have anything like the same level of treatment expenses as coastal areas.

I want to go a stage further. I put it to the hon. Lady and to the House that it is ludicrous to believe that, under predominantly public ownership, a golden age of water and sewerage existed. Every five years or so, a Minister, who may be called the Secretary of State for the Environment or some other title, will announce that we need £20,000 million of capital investment.

Year after year, five years after five years, a Minister would make that great announcement, and the investment would not happen, because capital investment in the water industry—both in relation to supply and disposal—had to compete with capital investment and current expenditure in education, the health service, defence, and the railways, and with subsidising other nationalised industries, which were losing a fortune. Investment for quality, equality of improvement and higher and more modern standards of sewage treatment just did not happen.

People should consider water companies' profits—here I go beyond the Water Companies Association companies, because they are involved only in water supply and not in treatment—and relate them to the degree of investment in the past few years. It would have been helpful to the House if the hon. Lady had given the figures on the investment level increase, and if she had information on how companies profit surpluses relate to their capital investment. If the hon. Lady wants me to give way, I shall happily do so.

**Mrs. Helen Jackson:** I accept that the investment level has gone up substantially, but what I and, I suspect, water customers do not accept is that they, in the past five years, through price increases of 67 per cent., have carried that degree of new investment cost, especially when the whole purpose of privatisation was said to have been to enable new companies in the private sector to have greater flexibility, to borrow in the longer term, and to finance their investment in that way.

**Mr. Bottomley:** The hon. Lady makes a better argument, and I acknowledge that.

There are arguments about what level of gearing the companies should have aimed at. They are pretty secure and stable. They are regulated, so they are unlikely to go bust. They can borrow money on pretty fine terms. They are of interest to major investors, who know that there is a long-term customer relationship; it is not similar to investing in motor car manufacture or some of the other things that may go through fashions. As the hon. Lady says, we shall continue to need water.

There is also the issue of fairness between different companies on the green dowry and other matters, but I do not wish to discuss those matters now. However, I want the hon. Member for Hillsborough to acknowledge that investment has increased mightily in the past few years, and that investment is dramatically greater than profits. I am willing to debate the other arguments.

**Mr. David Nicholson** (Taunton): I am sure that my hon. Friend will be aware that hon. Members representing Devon and Cornwall constituencies very much welcome what he has said about the problem in the south-west. Does he agree that another advantage of privatisation is that it has enabled the privatised water companies to invest and lend their skill to water developments throughout the world, which is greatly to the benefit of this country's balance of payments and reputation throughout the world?

**Mr. Bottomley:** My hon. Friend has made a serious and important argument. Anyone who reads *Water Bulletin* will be aware of some of the spread of our expertise and talent. The privatised water companies are also bringing into this country other people who have an interest in showing that their techniques can be used here.

May I briefly say how much I welcome the number of people who contribute to Water Aid, whereby the water industry uses the voluntary giving of many of its customers to help extend the use of water throughout the world? The idea that water is a free good will come as a surprise to the people in KwaZulu/Natal, where people, mainly women, have to carry water large distances. I pay tribute to companies such as the Umgeni Water Company, which, through what is called reticulation—getting the pipes through—will bring water to 175,000 more people a year each year for the next five years.

We should pay some attention to the life cycle approach to water usage, which is why, in the case of larger houses, I do not think that it is necessarily right simply to use rateable value or some proxy for it; but that is a matter of detail. It is not my role, or that of anyone in the House, to defend the water regulator, but I think that it is right that he has encouraged open discussion, debate and argument. I pay tribute to the way in which he has done that. By taking a pretty firm economist's view to water, he is doing a service. I do not think that he got his K factors that far wrong. I am glad that they are smaller now than they were.

I wish to make two final arguments. I want to break an official secret—or rather, as I am not a civil servant, commit a ministerial indiscretion. I once sat with half the Cabinet and various other junior Ministers, trying to discuss the pension arrangements of the deputy chairman of Thames Water, and after about an hour and a quarter, we had not reached a decision. That is not a job for Ministers. Ministers should stay away from that type of decision. If the Labour party wants to go back to it, it only needs to read the diaries of former Labour Cabinet Ministers to discover how incompetent politicians are when they start becoming involved in that level of detail.

I hope that all the water companies will take it as their responsibility to continue reducing the number of disconnections. I hope that, in their statistics, they will distinguish between the people who are "won't-payers" rather than "can't-payers" and show that they do want to become involved with the "can't-payers" as soon as possible to reach agreements about debt management and continuation of water supply. That is important.

I challenge the legislative requirement that a water company must take someone who has not paid their account to court before being able to use the disconnection process. I have not read any analysis of the way in which the ordinary consumer who cannot pay gains by that process. If that process means an extra £30 or £60 on the bill because a court order has been obtained, how does that help? If analysis had shown that half the poor customers were told by the court that they did not have to pay and they would not be disconnected, there might be a purpose in requiring the court application. However, at the moment it is one of those silly ideas, designed to help the poor, which in fact penalises them.

10.44 am

**Mr. Matthew Taylor** (Truro): The privatisation process threw a sharp spotlight on the role of the regulator and of the Government; on the role of Government, because the Government, in disentangling themselves from the water industry, had to show that the new privatised industry and the regulatory system could deliver to consumers a fair and affordable deal; and on the role of the regulator, because it remained to be seen whether it would ensure that that process took place effectively and efficiently.

In my opinion, the record of what has happened since then has cast a pretty poor light on both. Regulation has failed on several counts. I shall highlight a few of those.

First, directors have had excessive pay increases, and there has been excessive shareholder profit. Notwithstanding that much of the paper profit goes into investment and cleaning up, the excessive profit to shareholders reflected in the share price and dividends appears inexplicable, in view of the role that the regulator is meant to take.

In a monopoly industry, in which there is effectively no real risk, in which there is no chance of losing customers—indeed, the customer base is increasing, if anything, as a result of greater industrial use, greater consumer use and greater numbers of households—there is no reason why the returns of directors of the privatised industry had to be so much greater than those that the same people, in most cases, received when it was a state industry. The fact that that happened places a major question mark over the way in which the regulatory system was set up, or the way in which the regulator operates it.

Above all, I believe that, in an industry in which there is no real risk for shareholders, the rates of return that shareholders have received have been unacceptable. That has been shown to be the case with the increases that have taken place in the value of those shares. If the industry had been priced and regulated correctly, that process would not have gone on.

On the K factor and decisions that the regulator has taken about that, we have to ask whether it has been tough enough, given that share prices have increased after the regulator's announcements about the K factor, in the first round across the board for the water companies, including those water companies that have been most heavily hit by new requirements to clean up the sewage problems.

After the K factor was announced, those people who were confronted with the highest costs nevertheless noticed increases in share prices in the local water company. That happened again in the latest round, with the one exception of South West Water Services Ltd., about which an appeal is under way; we do not know what the final settlement will be. That rate of increase in the share prices since privatisation casts a severe doubt on the effectiveness of the regulator.

One final aspect in which I believe there has been clear unacceptable practice is in the diversification of the water companies into sectors not connected with their core business and with very different risk levels. Indeed, I would question whether, in the rules affecting directors, some of those decisions were acceptable on a purely commercial basis, let alone in the regulatory structure and the intentions of Government.

The best example of that is the speculative investment in a bid for West Country Television by South West Water Services. It paid off, because it won the bid. Had it not won it, however, that would have been throwing money away. It would have been throwing water customers' money away. I do not believe that a water company has a legitimate role investing in a speculative bid for a television company.

One problem which the regulator has failed to tackle and which has a direct impact on customers' bills is the difficulty of obtaining the right mix between raising capital and relying on profit to fund the capital investment. Water prices could have been significantly lower had the regulator chosen the capital option rather than taxing the customer for that investment. I do not believe that the decision taken would have been made in any business other than one with a monopoly. Why did not the regulator take stronger action? Why have not Ministers had a greater involvement?

The other area where the regulator has failed is more significant. The regulator has failed in his duty to ensure that all customers receive a reasonable deal, even within the same water district. I shall come to the particular problems of some districts later. We are now seeing a process of so-called rebalancing between customers that benefits the large industrial users at the expense of the domestic users.

As a result, the promise to hold down price increases this year has not been matched in individual customers' bills. The so-called re-balancing has cut the cost to the

*[Mr. Matthew Taylor]*

major industrial user at the expense of the domestic user. That is not right within the terms originally laid out for the regulator to ensure fair treatment between customers.

The hon. Member for Eltham (Mr. Bottomley) said that he was taking an economist's approach. Perhaps he was, but I do not think that he was taking a proper approach in terms of what Parliament intended. Ian Byatt states:

"Where, however, supplying water to a particular customer can be demonstrated to cost less, for example, where the customer provides their own on-site storage, then Ofwat would expect to see the introduction of different tariffs. We would want to see these tariffs published and made available to all customers in similar positions, rather than established by special agreements."

We must recognise that such a policy opens the way for differentiation between different domestic customers within one water company area. It opens the way for major housing authorities such as Plymouth city council in my region to put forward the basis of a contract with South West Water and say, "We have a large number of households which are cheap to supply, and we want to take advantage of those lower costs to deliver water more cheaply to our tenants."

That is now a possibility, and it appears from everything that the regulator has said that he regards it as acceptable. Those who represent rural areas where the costs are high regard such a policy as a threat. The regulator has done nothing to rule out that possibility. The regulatory system, and the fact that the regulator gives the matter an economic emphasis rather than a customer-based emphasis, makes it possible for rural customers to be hit hard.

The biggest problem with the regulatory system is that it cannot deliver a solution to the biggest problem, which hits my constituents and may yet hit others. Where a water area has particularly high costs, the bills of people living within it rise to a rate that they cannot afford. In the south-west water area, many bills are more than £600. Such bills often affect elderly people in rural areas, who have notionally expensive properties, but little income, and who cannot afford the bills. I am not talking simply about holding down price increases: such people cannot afford their present bills.

The regulator is unable to tackle the problem, because he is unable to create a fair system of payment across the country to meet the cost of the national clean-up system. I have spoken about that problem before in this place, so I shall not do so now.

That problem can be tackled only by Ministers—it falls to them to do so. Perhaps the Under-Secretary of State for the Environment, the hon. Member for Croydon, Central (Sir P. Beresford), will say today whether it is true that the Department of the Environment made a bid to the Treasury for funding to meet the problem. Perhaps the Minister will tell us whether it is true that the Department of the Environment recognised the problem, but the Treasury said no. My constituents and those throughout the south-west want to know from where the money will come.

Those hon. Members who think that they have avoided the problem because they do not represent the south-west may find that, the next time that the regulations change, their areas will be hit. Those in East Anglia may be hit by regulations affecting water quality and the cost of tackling farm run-off. We do not know where the problem will strike and we cannot expect customers to carry the burden.

In the past few weeks, Ministers have been directly responsible—an announcement was made just before Easter—for writing off one potential solution. If they will not invest more money, I must ask them to reconsider the problem. By announcing that they will stick with the old, outdated water rate system and allow water companies to continue with it, Ministers have refused one potential solution that might have helped solve the problem.

The old water rate system is out of date; the valuations cannot possibly be justified any longer. That was the justification for the introduction of the poll tax a long time ago, so we can imagine what the position is in 1995. Those out-of-date valuations are, in themselves, unfair, but they bring with them a system that allows no relief for those on low incomes and for those living alone. If we cannot help those living on low incomes and those living alone in regions such as the south-west, which has been hit by high charges, some people will be unable to pay their bills.

If we are not going to equalise the costs of the clean-up across the country, if we are not going to do something about the green dowry and look again at those problems, we must try to help those on the lowest incomes who are hardest hit by high bills. That point is made by the South West Water customers committees, citizens advice bureaux and many organisations that have to deal with people on the receiving end of the problem. That argument is even backed by the water companies, which say that the problem must be tackled.

While the problem is not tackled, and while Ministers allow old systems to exist that are inappropriate to the present position, pensioners will continue to struggle to pay bills that they cannot afford—it is not a political matter: the pensioners literally cannot afford to pay the bills. They receive state pensions, but are ineligible for help towards paying bills of £600 or £700. The only solution to that problem would be the introduction of a new water Bill in this place. We cannot look to the regulator to meet the crisis.

10.57 am

**Mr. David Harris** (St. Ives): The interesting feature of the debate has been the consensus across the Chamber. Much has been said by Opposition Members, particularly by the hon. Member for Truro (Mr. Taylor), with which I would not disagree, especially his concluding remarks. There is also, perhaps, a hidden consensus. That consensus may be shattered by the speech of the hon. Member for Cunninghame, North (Mr. Wilson), but as I understand it, whether or not they liked it when privatisation was introduced, all parties in the House now recognise that privatisation is here to stay.

I sincerely congratulate the hon. Member for Sheffield, Hillsborough (Mrs. Jackson) on securing the debate, on the interest that she has taken in the subject and on her speech today. She made a moderate speech, but although she hankered back to nationalisation, and half seemed to suggest renationalisation, I know that that will not happen. Were the Labour party to gain office, it would not advocate that policy. I do not think that the Liberal Democrats are advocating it—I am glad to see that the hon. Member for Truro is nodding in agreement.

The question is how to regulate the industry, and I am delighted that that is the focus of the debate. Regulation is essential, partly for the reasons given by the hon. Member for Truro. He was absolutely right to say that some of his constituents and some of the constituents of every south-west Member of Parliament cannot afford the increases that they have had to suffer—that is the right word—in recent years.

We can consider why those increases have occurred. Undoubtedly, the increases were partly due to the extra requirements placed on South West Water following privatisation.

We all agree that a very extensive capital programme should be put in place in the south-west. However, the extra requirements which have been applied, with good reason, to South West Water—partly by Europe and partly by the Government—have involved costs which were not taken into account when the green diary was fixed. The green dowry, which allocated some £260 million to South West Water, was simply not large enough, given the eventual scale and cost of its capital programme. That is the essence of the difficulty we face, and I am sorry that, even now, we do not have a proper solution to that problem.

Hon. Members from all parties who have constituencies in the south-west have badgered the Government, from the Prime Minister down, about the problem. We will continue to badger them until we see a satisfactory solution. Despite the harsh criticisms that have been expressed in the debate, I believe that a vital ally in the battle is the Director general of Water Services, Mr. Byatt. I do not know of a single Member of Parliament from the south-west who has not supported his action in setting the K limit for South West Water which will put a stop to the horrendous price increases, even though it will not tackle the differential that has built up already.

We all support him in his efforts, and many of us have made it known to the Monopolies and Mergers Commission that we support the regulator in the appeal by South West Water against his determination of the K factor limit and the limitation on factor price increases. I believe that the Monopolies and Mergers Commission must back the consumers of the south-west by rejecting South West Water's appeal.

The director general has shown that he has teeth, and he has used his powers properly in trying to limit price increases. South West Water should respond to the challenge of the new limits, as I do not believe that its case for future price increases stands up.

The South West Water top brass have done enormous damage—as have most privatised industries—by awarding themselves huge salary increases. Clearly, even if those increases had been halved or quartered, and even if the industry had set the kind of limits that we in the House have applied to our salaries, it would not have made a difference to the size of the water bills. However, the psychology involved is extremely important. Our constituents feel extremely angry when they weigh those salary increases against the percentage rise in their water bills.

I am pushed for time in the debate, and I know that Front-Bench Members wish to speak. In conclusion, I believe that the regulator has done a good job—I do not share the criticisms that other hon. Members have voiced in the debate. I think that the regulator deserves our thanks, and I hope that he succeeds in his efforts on behalf of the hard-pressed consumers of South West Water.

11.3 am

**Mr. Richard Burden** (Birmingham, Northfield): Before the recess, my hon. Friend the Member for Sheffield, Hillsborough (Mrs. Jackson) and I raised some issues in an Adjournment debate which are extremely relevant to the debate this morning. Before Easter, we complained about the fact that a written parliamentary answer made a potentially fundamental statement about future charging mechanisms for water. That issue is a continuing cause of major public concern, and it is why regulation of the water industry is extremely important to many people up and down the country.

As my hon. Friend the Member for Hillsborough said, regardless of who may technically control the water industry, the resource is owned by the public. Despite the fact that the public are very concerned about water metering and that there are major doubts as to whether it makes sense environmentally, logically or in terms of cost and equity, one man—the water regulator, Mr. Ian Byatt—has committed himself to the expansion of metering as the norm for water charging.

The Government have concurred with his view, despite the growing public outcry and despite the industry's reservations. The clear message in the Government's written answer is that water metering will become the charging norm, even though rateable values will be allowed to be used beyond the year 2000.

That is why we must examine the whole system of water regulation. We must decide whether vesting power in a regulator is synonymous with effective regulation. I do not wish to knock Ofwat employees; a great many very good and committed people work for that organisation, and they have performed some very effective work since privatisation. However, there have been major problems with the way in which the regulator has operated with regard to the issue of water charging systems and pricing.

The hon. Member for Eltham (Mr. Bottomley) referred to the investment programme. Whenever I speak about water, it is my aim to conclude my remarks without referring to the financial system that was set up at the time of privatisation, but that matter must be addressed.

When water was transferred technically into the private sector, it was treated like no other private sector industry: it was guaranteed a monopoly market, it was awarded a gift of £1 billion, and its debts were written off at a stroke. However, when the industry was in the public sector, it was told that it had to pay off its inherited debts, which led to a lack of investment in the industry in the last few years before privatisation, and to subsequent price increases.

The rules suddenly changed when privatisation occurred. Recent statements about the K factor have made the situation a little clearer with regard to the financial featherbedding of the industry upon privatisation, but it has not been sorted out. That underlines the need for a more democratic element in our regulatory system.

Much concern has been expressed up and down the country about the balance between the core business and the enterprise companies within the water industry. I am

*[Mr. Richard Burden]*

not opposed to the water companies engaging in enterprise activities, but they should provide a service to the core business, not the other way around.

Time is short, so I shall conclude with some ideas about how to secure more effective regulation in the future. We need effective economic regulation of the industry in the areas of price and investment. Those issues must be treated much more democratically than has occurred in the past. The industry must be accountable, and it needs to link more successfully with other agencies.

The benefits system must mirror the real needs of people on low incomes. There must be effective environmental regulation of the industry, and hopefully the forthcoming Bill will make a start in that regard. There must be a much more effective consumer voice, and a separation of that voice from the official Ofwat structure.

In bringing the water industry to more democratic accountability, we do not intend to shackle management or to take away from professionals the tasks that they perform best. We are simply saying that, regardless of ownership, the water industry provides a public service, and it must be run in a way that is accountable to the public and in a way that recognises their economic, social and environmental needs.

11.8 am

**Mr. Peter L. Pike** (Burnley): I congratulate my hon. Friend the Member for Sheffield, Hillsborough (Mrs. Jackson) on pushing for this debate on a subject which she has pursued vigorously and considerably. The role of the regulator in the water industry is probably more important than in any other privatised industry. Water is an absolute monopoly, and we do not have the choices in water supply which we have in electricity, gas and telephones. It is also an essential service, on which we all depend.

The hon. Member for Eltham (Mr. Bottomley) made a point about investment, and we must welcome the way in which he approached the matter. I hope that the Government and the regulator take a similar approach. It is wrong that so much long-term capital expenditure is funded from revenue. When hon. Members met the Water Services Association recently, we heard that 80 per cent of long-term capital investment is made from revenue. That is totally wrong, and I hope that the Minister will change that.

On the subject of water metering, it is surprising that it was not the regulator Mr. Byatt—who says he is neutral on the subject, although everyone knows that he is committed to metering—who issued a warning when the Secretary of State made his announcement earlier this month about relying on rateable values until metering could be introduced in the longer term.

It was the Water Services Association and the Water Companies Association jointly which warned against compulsory metering. They said:

"They hope this doesn't mean the thin end of the wedge towards universal compulsory metering for all domestic customers. We would certainly fight that on behalf of our customers very hard."

It should be the regulator who is doing that, not the industry; I welcome what the companies are doing.

A survey of Members of Parliament was carried out by Access Opinions on the role of the regulators and executive pay. In response to a question on the regulators of privatised utilities needing

"to strike a balance between the interests of shareholders, customers and staff",

90 per cent. of Members thought that customers were the most important. Even among Conservative Members, that figure was 82 per cent, while 98 per cent. of Labour Members said consumers. In response to a question asking whether Members believed that Ofwat was adequately protecting the needs of consumers, 36 per cent. thought Ofwat's response was inadequate, 19 per cent. thought it was very inadequate, and 6 per cent. had no opinion.

When the same question was asked about shareholders, the answers went the opposite way, with 58 per cent. answering that they thought Ofwat dealt with shareholders adequately, and 26 per cent. answering "very adequately".

I wish to refer the north-west customer services committee of Ofwat, which tends to do good job. It has limited resources, and I would like to see those resources increased. Mr. Anthony Goldstone, the committee chairman, refereed to disconnections, and said:

"One disconnection is one too many".

The regulator and the Government must address that matter. I would suggest time that Ministers ought to discuss the matter with the Department of Social Security to try to come to an arrangement.

**Mrs. Helen Jackson:** My hon. Friend and Front-Bench Members may like to know that members of the all-party group went to see the Minister for Social Security, and we are hopefully making some progress on that matter.

**Mr. Pike:** I thank my hon. Friend for that comment, and there may be an opportunity for liaison on deductions from income support. I believe that that would help that problem.

11.13 am

**Mr. Brian Wilson** (Cunninghame, North): I add my congratulations to my hon. Friend the Member for Sheffield, Hillsborough (Mrs. Jackson), not only on securing this debate, but on her outstanding contribution during the past few years in ensuring that proper scrutiny is made of this subject through her activities in the all-party group.

The hon. Member for St. Ives (Mr. Harris) spoke of the "enormous consensus" in the House on the issue, but I am sure that he would expect me to take some exception to that. Some historic facts make it impossible for there to be consensus, a major one of which is that Conservative Members voted for privatisation and—by association—for the regime under which so many people are suffering. Opposition Members voted against it, which means that there can be no consensus.

We are in disagreement about what has been done to the industry, and the people we represent are on our side of the argument. We have the overwhelming support of the British people, which Conservative Members chose to ignore. Now—when they are facing the electoral consequences—it is a little late to bleat about the "enormous consensus".

I approach the subject from the regulatory side of the argument, and I also speak with slight trepidation, as a Member representing a Scottish constituency in what has

clearly so far been an English and Welsh debate. That is because we in Scotland succeeded—where, I suggest, the hon. Member for St. Ives and others may now regret that they failed—in stopping the Scottish water industry being privatised.

Unfortunately, the industry will—for a brief period—be under the control of quangos. The hon. Member for Eltham (Mr. Bottomley) rather eccentrically described members of quangos as "people put there on the basis of merit". That is a new description. The Scottish industry will be in the control of quangos for a short term, until it returns to full local authority control.

Unfortunately, we have not had the same success in England and Wales, and we must now try to improve the regulatory system to make it work—as my hon. Friend the Member for Burnley (Mr. Pike) said—on behalf of the consumers.

My hon. Friend the Member for Hillsborough asked whether the Government or the regulator was responsible for what is going on, but I think that it is two sides of the same coin. The regulators are not mystical people dropped from heaven into their positions, but people appointed by the Government to do the work of the Government and to pursue the policies which are inherent in the privatisation programme. In general, that is what the regulators have done, and that is why we are determined that there must be a complete overhaul of the regulatory system, particularly with regard to accountability.

The regulator has allowed massive price increases for consumers in England and Wales, and he is not acting on their behalf. He is, instead, pursuing the policies and logic of the Government. The electorate make no distinction between the Government and the regulator in this area, and they hold the Government and the Tory party responsible for what has happened to water prices over the past few years.

The true scandal was neatly summarised in a recent article in the *Financial Times*, which gave a recent history of the water industry. The article said:

"The water companies were sold initially for £6.5 billion, with more than £5 billion of debt written off by the government. Yesterday. their market value was more than £12 billion, and shareholders have received more than £2 billion in dividends since privatisation.

Customers, meanwhile, have faced large increases in their water bills, to pay for improvements in water quality, better sewage treatment and cleaning up beaches and rivers. On average, household bills have risen more than 5 per cent. above the rate of inflation for every year since privatisation."

On the basis of that potted history, there can be no consensus. It is an absolute scandal which is increasingly being hung around the necks of the people who voted for privatisation in the first place.

*The Times* summed it up in these terms:

"While customers squealed, shareholders were laughing."

**Mr. Peter Bottomley:** Hear, hear.

**Mr. Wilson:** That may be the epitaph on the grave of the Tory Government, and the hon. Member for Eltham (Mr. Bottomley) says, "Hear, hear."

The article continued:

"By 1993, Northumbrian was making operating profits of £69.7 million on turnover of £239 million. One pound of profit in every four was being doled out to shareholders. The rest was rapidly inflating the value of their company. A similar pattern could be seen elsewhere."

I can assure that hon. Member for St. Ives that there is no consensus on that, either.

Recently, there was a flurry of activity, with a more stringent pricing regime due to come in on 1 April. North West Water suddenly discovered that it had £180 million to distribute to customers and shareholders over the next five years. Immediately, the loyal Mr. Byatt came to the company's aid, and declared that companies

"which share the efficiencies made in their investment programmes will face less demanding price controls in future reviews."

That was a quote from the *Financial Times*.

On that point, Kevin Lapwood of Smith NewCourt declared that Ian Byatt's declaration

"has unshackled the sector . . . Investors and the companies have been worried about how they could get the benefits of better financial performance out to shareholders after the electricity experience. They can now promise substantially better than expected dividend growth with the regulator's approval."

The sinners among Conservative Members who have repented and who claim to be enormously worried, but say that the new pricing regime will see things all right and that Mr. Byatt is doing a tremendously good job, are being a little over-optimistic.

Disconnections are an evil, wicked and totally unnecessary act. To leave people without water in their homes is not something for which any civilised society should be responsible. Scotland is not the wealthiest part of the United Kingdom. People there living in poverty have difficulty meeting their water bills, yet it is legally impossible for anyone's water supply in Scotland to be disconnected. Somehow, the system has managed to survive a century and more. If that can happen in Scotland, it can happen in the rest of the UK. Disconnections should be made illegal.

If any Conservative Member seeking consensus or the Minister can stand up and make a moral case for disconnection, I would be interested to hear it. There is no need for disconnections. There are other means of recovery. The marginal loss sustained by non-recovery is one that the water industry can well bear.

The idea of companies for which Conservative Members are mouthpieces indiscriminately denying water to homes occupied by the elderly, small children or the sick strikes me as completely unacceptable in a civilised society. That does not happen in Scotland, and it should not legally be done in England. Why does not one Conservative Member have the guts to say that disconnections should not be legal in England and Wales?

Metering is only another form of disconnection, because if people do not have money to put in the meter, water companies do not even have to dirty their hands physically disconnecting water supplies. Metering is another assault on the poor, leading to further hardship and misery for people who cannot afford the excessive charges caused by privatisation and the lax regulatory regime, for which every Conservative Member voted. There is no consensus. The whole thing is a scandal and a scam, and one reason that the Tories will be finally judged next month, and then in a general election.

11.22 am

**The Parliamentary Under-Secretary of State for the Environment (Sir Paul Beresford):** This has been an interesting and broad debate. My difficulty is to answer in seven minutes many of the points that were made.

*[Sir Paul Beresford]*

I was intrigued by some made by my hon. Friend the Member for Eltham (Mr. Bottomley), and it was also interesting that my hon. Friend the Member for St. Ives (Mr. Harris) joined the hon. Member for Truro (Mr. Taylor) in leaning on South West Water. I am sure the company will note that with some concern.

The most interesting contribution was that of the hon. Member for Cunninghame, North (Mr. Wilson), which re-emphasised Labour's preoccupation with regulation to the point of strangulation—which is what we shall be in for if the electorate ever make the mistake of allowing Labour back in.

Privatisation has succeeded in its main objectives of allowing the water industry access to private finance and to enable a much higher level of investment than was possible—as hon. Members on both sides of the House accept—when the industry was in the public sector and subject to public expenditure restraints. Privatisation has removed the water industry's dependence on the Exchequer, and it has enabled a much increased investment programme of around £3 billion each year since 1989, dramatically to improve drinking water quality and the water environment, as well as allowing the renewal and necessary maintenance of infrastructure.

In England and Wales, in 1993, 99 per cent. of 3.5 million tests met drinking water quality standards, and between 1990 and 1993 there was a net upgrading in quality of nearly 16 per cent. of river length—the proportion of rivers in the highest-quality class increased and the proportion in the lower classes dramatically reduced. The percentage of the population at risk of water shortages, hosepipe bans and low pressure have all been dramatically reduced.

Since 1990-91—the first full year of privatisation—the water industry has invested about £15 billion. The new price limits set by the Director General of Water Services last summer allow for a further £24 billion capital expenditure programme over the next 10 years—£11 billion for quality improvements, £12 billion for maintenance of assets and £1 billion for additional water resources and measures to reduce the risk of flooding from sewers.

**Mr. Rhodri Morgan** (Cardiff, West): Will the Minister give way?

**Sir Paul Beresford:** I hope that the hon. Gentleman will not mind if I decline, but I have only five and a half minutes left in which to reply.

That large-scale investment programme is necessary to make good the years of under-investment before privatisation—we heard the dramatic example from my hon. Friend the Member for Eltham of the sewage build-up in one Government office. The industry is now engaged on nothing less than a massive modernisation of the water and sewerage infrastructure, which will ensure that it complies with much higher European and national standards. The same level of investment would have been required had the industry remained in the public sector, but without the availability of private sector finance.

Much has been made of charges. Improvements in water and sewerage services and in the environment are not cost-free—somebody must pay. Charges have had to rise to help pay for investment, but the rate of increase in charges is much less than in previous years, and for the next five years will be significantly below the increase originally set at the time of privatisation. In his first periodic review of water price limits last summer, the director general set new, tighter limits to apply to charge increases from 1 April this year and for subsequent years.

The periodic review was the regulator's first opportunity to make a fundamental review of companies' costs and efficiency, and to address issues such as the cost of capital. He decided that companies would now be expected to make a lower rate of return on investment and to reduce their costs through greater efficiency. As a result, he was able to reduce price rises over the next five years from the average of 4 per cent. a year in real terms set in 1989 to an average of 1.5 per cent.

**Mrs. Helen Jackson:** Will the Minister give way?

**Sir Paul Beresford:** I have only three and a half minutes left.

In the full 10-year period from 1995 to 2005 covered by the director general's review, the average increase in charges is limited to less than 1 per cent. a year. Within those average figures, there are, of course, differential rates of price increase for different companies and for different groups of customers, to reflect the cost of the services provided. The price limit that the regulator sets each company applies to the average increase in tariffs.

Despite claims of a perceived growth in water debt and disconnections, they fell by 12 per cent. in 1992-93, by 33 per cent. in 1993-94 and by a further 7 per cent. in the first six months of the following year. Of the 2 million households identified by the Policy Studies Institute report as experiencing water debt last year, fewer than 0.6 per cent. experienced disconnection.

That can normally only take place after a length procedure, in which the water company has obtained a county court judgment that remains unpaid. The power to disconnect supply for non-payment of charges must remain as a last resort, particularly in respect of people who can pay but will not pay. We are not talking of the individuals who were so dramatically portrayed earlier.

**Mr. Wilson:** How does the Minister distinguish?

**Sir Paul Beresford:** It is for the courts to do that.

My right hon. Friend the Secretary of State recently made a policy statement about the basis of charging for water in England and Wales. The Government believe that, in the long term, metering is the best basis for paying for water in many circumstances. It is fair and equitable, in that it relates charges directly to the amount of water used and gives customers some control over their bills.

Payment by amount used encourages customers to use only the water they need which, particularly in dry areas, and it is important in developing patterns of water use that are sustainable in the longer term. With lower consumption, the need for costly capital schemes to develop new water resources may be deferred or avoided. Metering also helps in the detection and control of leakage from the distribution system, so it can play an important role in water conservation.

It is with regret that I recognise that I shall have to answer specific questions by writing to individual Members.

Contrary to the impression that Opposition Members have attempted to give, the privatisation of the water industry and the system of regulation that we have established have been both successful and effective. These developments have enabled a huge programme of capital investment to take place. They have brought improvements in water treatment, sewerage and sewage treatment.

As a result, we are achieving higher standards of drinking water quality, as well as higher standards in the water environment. The regulator has ensured that the rate of increase in charges will be much less than in previous years, while the levels of service provided by the water companies will continue, as over the past few years, dramatically to improve. The companies are becoming more efficient. Some of them are already announcing rebates and reductions in customers' bills. These are all developments to be welcomed and encouraged.

## Euthanasia

11.30 am

**Mr. Nicholas Winterton** (Macclesfield): I have initiated this timely debate because I fear that two fundamental principles are being undermined, which the House must take the earliest opportunity to reinforce.

First, the House is surely the guardian of the rights of the individual citizen. It is the protector of the vulnerable, of the weak and of those who are unable to speak for themselves. It is here and nowhere else that laws upholding that principle should be decided.

Secondly, since the time of Hippocrates, patients have been able to look to their doctors to uphold the highest ethical standards; to do all within their power to protect the patient's health and well-being and never to take steps either of commission or of omission to harm patients, let alone intentionally to bring about their death.

The two basic principles that I have outlined are now under threat. I believe that the primacy of this place is being challenged and that the special relationship between doctor and patient, and the wider contract between individuals and society as a whole, is in desperate jeopardy. The threat to both principles is posed by the co-ordinated thrust being made to bring about the decriminalisation of euthanasia.

It is clear from the attendance in the Chamber that many hon. Members on both sides and in all parties share what I can describe only as my profound concern about recent developments. I have no doubt that many of them will seek to take this opportunity to put on record the reasons for their concern.

I am especially delighted to see in her place the Chairman of the Select Committee on Health, my hon. Friend the Member for Broxbourne (Mrs. Roe). I am also delighted to see that a long-serving member of the House, my hon. Friend the Member for Birmingham, Edgbaston (Dame J. Knight), is in her place. Also present is another long-serving member of the Select Committee and its predecessor Committees, the hon. Member for Belfast, South (Rev. Martin Smyth). The hon. Gentleman has served with me on the Select Committee and its predecessor Committees for many years. I see also in his place a Member who led the Select Committee on Social Services with great distinction, the hon. Member for Birkenhead (Mr. Field). I know that he feels as strongly as I do on this subject.

I shall take the opportunity to explain why I and, I believe, the overwhelming majority of those who have considered these issues carefully, have reached the inescapable conclusion that the decriminalisation of euthanasia is as unnecessary as it is unethical and repugnant.

**Mr. Harry Greenway** (Ealing, North): Is the thrust of my hon. Friend's argument that euthanasia is, in the end, the killing of people? That is against God's law. I recognise how hard it must be at times for individuals to deal with these matters, but we must all die in God's time, not in man's time. Does my hon. Friend agree?

**Mr. Winterton:** I entirely agree with my hon. Friend's views. Euthanasia is against God's law and against the law of the United Kingdom. The law says that it is wrong intentionally to kill a person. I fully support my hon. Friend's views.

*[Mr. Winterton]*

The Law Commission recently produced a report on mental incapacity, which dealt with the issues that I have raised. It is being considered by an interdepartmental working party established by the Lord Chancellor. Earlier this month the British Medical Association published a document entitled "Advance Statements about Medical Treatment". In my view, parts of that document do not reflect the views of the majority of doctors. If those parts are taken with the sections of the Law Commission's report which call for legally binding living wills, the door to euthanasia could be opened wide.

**Mr. Peter Luff** (Worcester): Is my hon. Friend aware that his contention that the majority of doctors may not support the BMA's recent document is borne out by a letter that I received from two doctors at the Worcester Royal Infirmary Trust, who expressed strong reservations about the BMA's recent document? They told me that, at a meeting on 10 April, those reservations were widely shared. The two doctors are concerned about the attempt to introduce euthanasia through the back door without the sanction of Parliament.

**Mr. Winterton:** I can only say that the views expressed to my hon. Friend by doctors in his constituency reflect the views expressed to me by doctors in my constituency and elsewhere. It is worth mentioning that the working party set up by the BMA, which has produced rules and guidelines, does not, I believe, represent the policy of the BMA as a whole. It is also worth noting that only five of the 16 members of the steering committee or working party are doctors. The steering committee was composed mainly of lawyers and, dare I say it, ethical advisers.

It is time that the House pointed out a few basic and inescapable facts to that small, unrepresentative and essentially unaccountable clique of lawyers and doctors and reminded them that any move towards euthanasia has been made redundant by our world-leading pioneering of the hospice movement, with which I am proud to be involved in my capacity as a vice-president of the East Cheshire hospice in Macclesfield, which my hon. Friend the Member for Congleton (Mrs. Winterton)—I am delighted to note that she has just taken her place—and I jointly opened in the presence of the Lord Bishop of Chester, Michael Baughen. Any move towards euthanasia has also been made redundant by tremendous developments in palliative medicine, and great strides in geriatric services.

**Dame Elaine Kellett-Bowman** (Lancaster): Does my hon. Friend agree that we should take a lesson from what has happened in Holland? If we take one step down this road, there is no stopping the rush to euthanasia. We must be warned by Holland's example.

**Mr. Winterton:** The House should note carefully what my hon. Friend has said. She is a long-serving Member. I intend to take up the example of the Netherlands. We must be careful before any decisions are taken to move down the path to any form of euthanasia.

I remind those doctors and lawyers and their allies in the Voluntary Euthanasia Society that the prohibition of intentional killing is the very cornerstone of our civilised society and of our law. The role of the doctor is to cure and, if that is not possible, to care for his patients. To permit doctors intentionally to kill would be a dramatic change which I believe—I think that my views are widely shared—would discredit the medical profession and undermine the fabric of our society.

No one is saying that the medical profession should strive at all costs, even officiously, to keep alive patients who are dying. Nor is anyone saying that drugs such as painkillers should not be prescribed if one of their side effects is to hasten death, provided that the doctor's motive is pain relief and not the death of the patient.

Those are delicate and difficult issues, which the BMA and the Law Commission have failed fully to understand and on which in their reports they have badly let down not only their own professional, medical and legal communities but society as a whole. If euthanasia were to be decriminalised, the elderly, the infirm and the chronically sick would immediately be under both real and perceived pressure to request it to end what is portrayed as the burden that they place on the shoulders of relatives and society as a whole.

What starts as voluntary euthanasia would rapidly become encouraged euthanasia, which would then become pressurised euthanasia and then, inevitably, compulsory euthanasia. I will hear no calls in the House today of "death with dignity" or of a "blessed relief from an existence of unbearable pain." Outstanding advances in symptom control and pain relief enable hospice doctors and others to relieve pain in the overwhelming majority of cases.

What the disorientated elderly require is love. How often is that word used in the Chamber? They want compassion. They want understanding. They want support. They do not want death. What the incurable cancer sufferer needs is nursing care, pain relief and, what is more, emotional relief and help with an uncertain but approaching death, and the impact that it will have on loved ones. What the AIDS victim needs is medical care, nursing care, psychological care, and to spend the last of his or her days in the warmth of Christian compassion. What all those groups and many more require is not the indignity of death at the hands of their doctors, but the knowledge that, until the moment of their natural death, they remain valued members of society—loved, cared for and respected for their inherent individual worth.

The heroes and heroines who care for the incurably ill, the psychogeriatric and the severely handicapped in our society today, are legion. We all know that fact as Members of Parliament. They are too numerous to list, but they include all those involved in the hospice movement, those who provide hospice care at home, the Macmillan nurses, the members of the British Geriatric Association, which has been so supportive of what I am seeking to achieve today, and the tens of thousands of doctors and nurses who daily dedicate their lives to care, in their commitment to those who are suffering from terminal or aging illnesses. I put a rhetorical question to the House: does the commitment of those professional caring people count for nothing? Are we to go down the path to mercy killing, as it has come to be known?

It might be helpful if I remind the House that parliamentary concern on these matters led to the establishment in another place of a Select Committee on Medical Ethics to consider the very matters that we are debating today. The appointment of Lord Walton to the chairmanship of that Committee—an individual who was already openly associated with campaigns to promote euthanasia—as well as other members, such as Baroness

Warnock, who were already publicly on record as supporters of euthanasia, did little to inspire confidence in the Committee's impartiality. Indeed, the majority of its members were believed to be supporters of a liberalising of the law in this area.

Yet, after 12 months of hearing expert evidence, and deliberating carefully on these important issues—the Committee had undertaken one of the most thorough and well-researched reports on euthanasia that this country had ever seen—and despite the preconceived ideas of many of its members, I am pleased to tell the House that its report was unanimous in its rejection of euthanasia. I commend it to hon. Members as essential reading for those who would understand these sensitive and difficult issues.

Something must also be said at this stage about the Voluntary Euthanasia Society and the irresponsible and, dare I say it, devious manner in which it has presented and propagated its views. Naturally, as a Member of the House, I would champion the right of the VES and its supporters to air their views, even though personally I fundamentally disagree with them, but it is worth highlighting the fact that the VES regularly quotes a national opinion poll in which it claims that 79 per cent. of people in this country support voluntary euthanasia. If it is not an unparliamentary word—I hope that it is not—I would reject that claim as twaddle, and observe that the claim was heavily criticised by the House of Lords Select Committee and later by an editorial in *The Lancet* as thoroughly misleading. The question asked was:

"Would you like medical assistance to a peaceful death?"

I am surprised that 100 per cent. of respondents did not say yes to such a loaded question.

If we want to see where the euthanasia road, which the VES, the Law Commission and the BMA would have us follow, is taking us, I would simply point to the tragic situation that has arisen in the Netherlands. There, literally thousands of patients die every year through the deliberate act or omission of their doctors. It is now accepted that many of those patients have neither requested nor condoned the ending of their lives. That is a fact. That is why we must highlight the dangers of treading the path that leads to euthanasia.

To those who say that euthanasia is practised only at the request of patients in the most serious of cases, I would draw to their attention the revelation in a recent edition of the *British Medical Journal* that euthanasia has been sanctioned in the Netherlands for patients who simply have the misfortune to suffer from depression, and that doctors in the Netherlands are now admitting to euthanasia of new-born handicapped babies, who could not possibly have requested the ending of their own lives. That is the reality of going down the path to euthanasia.

To those who deny the validity of that comparison or who doubt that the authority of the House is being usurped by the campaigners for euthanasia, I repeat the words of John Oliver of the VES in the February edition of *GQ* magazine, commenting on his views on changes in the law in an article entitled, "Death on Demand":

"I doubt that politicians will have the balls to change it themselves . . . Instead change will probably come in the form of judicial review, with the law being reshaped in the courts—exactly as it was in Holland in fact."

Let me deal now with the issue of advanced directives, or "living wills" as they are sometimes called. It is, and always has been, good medical practice for doctors to discuss with their patients the possible outcomes of their condition, the side effects of possible treatments of that condition, and the problems which might be encountered in the future. It is equally good medical practice for the views and opinions of the patient expressed in such discussions to be noted and taken into account by the doctor in the future management of a particular case. To suggest, however, that such opinions should be binding upon the doctor is as much an affront to the doctor's professionalism as it is a denial of proper care to the patient.

It is an approach fraught with desperate dangers. A patient having signed away access to treatments developed at a later date would deny himself or herself, probably unintentionally, the benefits of any progress in medical science. A patient in relatively good health looking forward to a future of uncertainty and eventual dependence on others might be prompted by vanity, pride or concern, among many other understandable emotions, to sign away his or her right to life, without any real knowledge of the emotions that might be felt or would be felt when that stage in the condition was reached.

A patient—this could happen so easily—surrounded by greedy or selfish relatives might feel pressured into signing, quite literally, his own death warrant. The cost pressures of the new nursing and residential care arrangements under the community care programme can only exacerbate those very real dangers which face people and their families today.

As Peter Millard, the Eleanor Peel professor of geriatric medicine at St. George's hospital medical school, in a letter to me welcoming this debate, said:

"The major flaw with advance directives is that the concept is based upon single diseases with known outcomes. Whereas medical practice in old age is based on a complex interweave of biological psychological and social factors complicated by multiple pathology. Mismanagement does not necessarily cause death, rather it leads to the bed-bound state. Old people do not want to be a burden and often when sick say they think they would be better off out of it. Advance directives based on oral and written evidence would lead to neglect."

That is what a well-known doctor in geriatric care believes could happen if we trespass down the path to euthanasia and living wills. Is that the situation that the Law Commission and the British Medical Association wish to create?

There are always those, of course, who cite hard cases in support of their arguments. In this debate, the case of Tony Bland, the victim of the Hillsborough disaster, is one such example. It is also a case which many commentators misunderstood by thinking that it was simply a matter of switching off a life support machine. But that was not the case. Tony Bland was not on a life support machine. He was breathing unaided and was certainly not about to die. Furthermore, he never requested euthanasia. The question which the court was asked to decide was whether food and water could be withdrawn from a patient who was neither dying nor in the final stages of a terminal disease.

The Law Lords decided, in their wisdom—wrongly, I believe—that food and water could be so withdrawn without any recourse to Parliament for authority for that ruling. Therefore, Tony Bland was deliberately killed through lack of hydration and nutrition.

**Mr. Julian Brazier** (Canterbury): Quite apart from the fact that bad law seems to have been made on a single

*[Mr. Julian Brazier]*

hard case, there is another angle to this which was not widely explored in the public domain. Tony Bland contracted septicemia earlier on. As the Guild of Catholic Doctors remarked, treatment for that septicemia could have been regarded as over-burdensome. Therefore, this case need never have come to the sort of invidious decisions that my hon. Friend mentioned.

**Mr. Winterton:** I am coming to that very point now. However, I am grateful to my hon. Friend for emphasising it, because it highlights the part of the case that I am seeking to present.

That case causes grave concern. Can we, as a civilised society, sanction the starving to death of a patient? I am not, equally, arguing that Tony Bland's doctors should have officiously striven to keep him alive. It might, in certain circumstances, have been ethical to withdraw treatment for infections which he contracted during the course of his condition, and he might have died as a result of that course of action. But that is not euthanasia: it is a judgment about the extent to which doctors should strive to keep alive, not about whether it could ever be ethical to withhold food and nutrition intentionally to kill the patient.

**Mr. Frank Field** (Birkenhead): Does not the case of Tony Bland illustrate the two sides to the argument? The hon. Member has made a powerful case that we should be mindful of allowing society to slip into a frame of mind in which we dispose of people who are costly or inconvenient to us. But do not the horrors that Tony Bland's parents had to go through illustrate the other side of the argument? If medics treating someone are fearful that they will be reported for having allowed the patient to die, they take the Tony Bland line.

I very much agree with the view of the doctor on the "Today" programme, who was somehow billed as a pro-life doctor—as though all doctors were not pro-life—who said that twice Tony Bland had pneumonia, and twice he should not have been treated, allowing death to take place that way. I agree that we have the worst of all possible outcomes with the court judgment on the Tony Bland case, but surely it illustrates the other side of the picture: we do not want groups of people rushing around hospitals reporting other people because they may have caused someone's death. If that happens, we shall have the Bland episode all over again.

**Mr. Winterton:** I do not think that any Member of the House could disagree with what the hon. Gentleman has just said. I had the honour, pleasure and privilege to meet Tony Bland's parents and one of the doctors treating him after a Granada programme broadcast from Manchester. Following that meeting, I made representations to the Home Secretary about precisely what the law was.

It is not until one is faced with the sort of case to which the hon. Gentleman and I have referred that one understands the great problems. The hon. Gentleman is right to say that the Tony Bland case does, to an extent, expose both sides of the argument. But what my hon. Friend the Member for Canterbury (Mr. Brazier) said was right. Prior to any application being made to the High Court, Tony Bland suffered not only septicemia but a urinary fistula, and if an aggressive treatment had not been adopted to overcome those problems, he would have died naturally.

While I am putting the case against euthanasia, I must also say that I believe that that is what should have happened. There should not have been aggressive treatment to cure that septicemia because, like pneumonia, septicemia is an illness which strikes people in such a condition. It is wrong to use all the technology that medicine now has to keep someone alive in such circumstances.

**Mrs. Ann Winterton** (Congleton): Will my hon. Friend give way?

**Mr. Winterton:** I give way to my hon. and conjugal friend.

**Mrs. Winterton:** I am pleased that my hon. Friend has given way to me and I shall be brief. Will my hon. Friend also confirm that the Tony Bland case shows that where lawyers are involved there are always great problems? The life of Tony Bland was lengthened because of legal interventions. He was not allowed to die naturally with dignity because of the case in which he had been involved, to which the Hillsborough disaster gave rise. Therefore, it was an extraordinary case in its own right and should not be taken literally. Many people got the wrong end of the stick about it.

**Mr. Winterton:** I can only say, not wishing to protract my speech much longer, that my hon. Friend has made a good point which should be noted by the House.

**Mr. Clive Soley** (Hammersmith): How would the hon. Gentleman extend the argument? If a person who was fully conscious and facing death refused treatment, does the hon. Gentleman think that treatment should be administered without that person's consent?

**Mr. Winterton:** Personally, I do, because I believe that the decision about treatment should lie with those who are treating the individual. It is a doctor's duty to represent the best health interests of the individual and to ensure their well-being as far as possible.

The hon. Gentleman seeks to say that, in addition to the right to live, which is enshrined in the United Nations charter and in the constitutions of many countries, there is also the equivalent of a right to die. In fact, there is no such right to die. Prior to the Suicide Act 1961, it was illegal for people to commit suicide. Moreover, it is still illegal to assist people in committing suicide; it is criminal to do so, and that is right.

I conclude my introduction to today's debate by reminding the House that such was the strength of opposition to euthanasia that the hon. Member for Ealing, Southall (Mr. Khabra), whom I am glad to see in his place, withdrew his ten-minute Bill some time ago once he realised how resoundingly it would be defeated, and that instead the House gave leave, without Division, to my hon. Friend the Member for Keighley (Mr. Waller) to introduce a Bill which would reaffirm our opposition to euthanasia, commend the work of the hospice movement, make clear the circumstances in which food and water could and could not be withdrawn, and thus make it clear that the intentional killing of patients by action or omission is contrary to the will of the House.

Any change in the law must be considered and enacted by Parliament—by this House, and by the House of Lords—rather than being dictated by the courts, the lawyers or even the medical profession. Those who, like

me, care about the sanctity of human life and the dignity of patients stand at an important crossroads. They can accept euthanasia as inevitable—as the Voluntary Euthanasia Society, and its supporters in the Law Commission and the British Medical Association would have them do—or they can join me in rising to the challenge, and drawing a line beyond which we will not allow society to go. Developments in the hospice movement, and in palliative and geriatric medicine, make euthanasia an out-dated and redundant concept that has no place in a civilised and caring society. Now is the time to call a halt to the slide.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker (Mr. Michael Morris):** Order. It is clear that many hon. Members wish to speak. I make a plea for succinct speeches.

12 noon

**Mr. Frank Field** (Birkenhead): I am glad to have been called, and to follow the speech of my hon. Friend—as I shall call him this morning—the Member for Macclesfield (Mr. Winterton). I disagree with none of his substantive points, but I should like to garnish his speech, as it were, with a couple of nuances.

Euthanasia's recruiting sergeant is the simple and awful fact that relatives of many of us and our constituents have died in awful conditions, suffering dreadful pain over long periods. Because the methods of treatment applied in hospices are not universal—and not wanted by some patients—such people will continue to experience agonising deaths, and that will add force to the euthanasia debate. I do not think that we should dispose of that side of the argument.

**Mrs. Ann Winterton:** The hon. Gentleman is absolutely right. Has not the medical profession a huge part to play? Should not medical education and training, and the advice available to general practitioners, show the way forward and enable the right care to be provided?

**Mr. Field:** Indeed. I hope that the Government will accept the truth of that. Lord McColl, who works as a doctor in one of London's hospices, has advanced an effective argument that meets the hon. Lady's point. In the hospice where he works, patients come and go—as they now do in all hospices—and most control their own drug supplies: any patient who wished to commit suicide could easily do so simply by increasing the dosage. Throughout the time during which Lord McColl has worked in that hospice, however, not one has done so, because the hospice has been successful in controlling pain.

Let me sound two notes of caution in regard to the legalisation of euthanasia. First, there is the danger of creating a climate of opinion that will lead initially to the acceptability of euthanasia and a change in the law, and subsequently—a worse development—to a feeling on the part of old people in particular that they have a duty to volunteer. As the hon. Member for Macclesfield pointed out, according to evidence obtained some years ago more than 1,000 people in Holland have been killed without their permission.

In a briefing given to some of us, the Dutch ambassador disputed that evidence. It is possible that he does not understand what is going on in his country as well as some of those involved in the debate—which underlines the importance of obtaining the most up-to-date and accurate information available.

Some 50 per cent. of the NHS budget is now spent on elderly people, and there will be increasing pressure for its control. It cannot be a fluke that the euthanasia debate has flared up again at a time when most European Governments face rising hospital bills for old people. The argument has an economic dimension. I fear that people may eventually volunteer to be killed because they feel that they are a burden.

Our parents considered it their duty to look after their own parents; now, it is increasingly felt that elderly parents should not live with their offspring. I wonder whether those elderly people are being entirely honest when they say that they prefer independence. Perhaps they feel that they would impose a burden on their families—and, if they already feel that when they are still able-bodied, although needing some care, what must the pressures be in the final years and months of their lives?

My second note of caution concerns "living wills". One of my best friends was known to the country as Barbara Wootton, and known in the other place as Lady Wootton. She was one of the most intelligent people of the century; for most of her life she was an atheist, but—being ultra-rational—as death approached she became agnostic.

When the debate about euthanasia and the role of Exit was last doing the rounds, I visited Barbara at her barn outside Dorking. She told me calmly that she had joined Exit. Shortly before that, a woman had allowed an Exit representative to look after her mother; hearing a loud noise, she had rushed into the room and found a man wearing a woolly hat and eating banana sandwiches while her mother was suffocating, with a plastic bag over her head. The daughter ripped the bag off.

I joked with Barbara, saying, "You cannot be put away by a man in a woolly hat who will eat banana sandwiches and put a bag over your head." Some time later, she said, "I have friends in the Lords who know about these things. They have given me the knock-out pills."

The next stage in this sad tale was when, during my regular Wednesday afternoon tea with Barbara, she said, "Do you know, Frank, last week I heard part of my brain collapse. It was like water moving down past my left ear." It was clear then that, although she was hyper-intelligent, decline had set in.

After one of the summer breaks, Barbara went into a geriatric hospital, where I visited her. For part of the time she was as bright as ever, but, notwithstanding all the care provided by the hospital, she told me, "I am keeping a list in my handbag of the differences between this place and prison, and so far it is not very long." I thought that she would ask me to go to her home and fetch the pills that were there to kill her.

The hon. Member for Macclesfield has described the consequences of such an action; although I disagree personally with suicide, and hope that I would hold to that view, I feel that others should be able to exercise the right. It was noticeable, however, that, however difficult things became for Barbara in those last months of her life, she fought to live with unbelievable determination. She did not ask for the drugs that would have killed her.

I do not suggest that everyone would find himself or herself in the same position, but I do issue a warning about "living wills". Had they been in vogue at that time,

*[Mr. Field]*

Barbara would certainly have written one. However, when it came to the crunch, when she was not as in control as she had been previously, other forces took control of Barbara and she did not want the end of her life to be brought forward unnaturally. That is my second cautionary tale.

The last point that I wish to make in this important debate again underlines some of the themes adopted by the hon. Member for Macclesfield. One of the gains we want from the debate is not just the learning process but what we hope will be imparted to and induced into the medical profession. The Tony Bland example illustrates the different ways that the debate flows.

We know that euthanasia is practised in this country. Lord Dawson, who was King George V's doctor, said quite openly that he had killed the King. He did so because he was anxious that *The Times* should carry the story exclusively, rather than it being carried in other newspapers that he thought were a rather minor concern. He felt that something so important should be reported in what he thought to be the premier newspaper. If it is possible in this country for a doctor to do that and quite openly say that he has done that, for no prosecution to follow, and for that to happen in the 1930s, it underlines the important point that, quite clearly, some doctors are perhaps too happy about ending people's lives, whereas other doctors are fearful of doing so.

I hope that this debate does not imply that we are suggesting that people must be kept alive at all costs, whatever that does to them. However, there is a whole process relating to dying well in this country which, because of our hospice movement, sets us apart from most other countries in Europe and, perhaps, the world. We want to draw attention to that and we want to support the hospice movement. We only wish that the Government would be slightly more generous in their allocation of funds to that movement.

We must realise that, in all the key areas of our lives, although it is easy to stand up and say that there are black and white decisions to be made, most of us know that we are in a dreadful grey area.

12.11 pm

**Mrs. Marion Roe** (Broxbourne): I am very grateful to my hon. Friend the Member for Macclesfield (Mr. Winterton) for bringing this very important issue to the attention of the House today. As the Chairman of the Select Committee on Health and also of the all-party hospice group, I should like to say that this subject has occupied my mind for some time. It is apparent that, with the continued advance of medical science and the subsequent rise in life expectancy, there is a growing concern among many about the medical treatment and intervention that they would or would not like to receive if they were faced with a degenerative condition or a terminal illness.

That concern has naturally led to further discussion of the practice of euthanasia through the publication of articles and the showing or broadcasting of television and radio programmes. My attention, like that of many others, was drawn to the BBC2 screening of the Dutch television programme "Death on Request". I can tell those hon. Members who were unable to see the programme that the film's theme was to trace the final months of a Dutch patient who was dying of motor neurone disease and was suffering terribly. His doctor said that there was nothing that he could do for him and that he was likely to suffocate to death. The final stages of the film showed the Dutch doctor administering a lethal injection to his patient.

The debate surrounding the programme was intense, with some describing it as a sensitively created programme, while the review by a senior geriatrician in the *British Medical Journal* described it as "propaganda". Watching the programme, I was concerned by some of the glaring inaccuracies of the film and even more so by the false impression that the feature created about the practice of euthanasia in the Netherlands.

First, the doctor stated clearly in the film that the patient would die of suffocation—a statement which caused considerable concern among motor neurone sufferers in this country. However, having discussed the matter personally with Dr. Nigel Sykes, one of the United Kingdom's leading experts in the care of those dying from motor neurone disease, I understand that, of the 300 motor neurone patients cared for at St. Christopher's hospice, none has died of suffocation.

Secondly, the doctor claimed during the film that where euthanasia was available, patients tended to live longer. However, no evidence was given to support that bold statement. Finally, the film failed to explain why no pain relief was given to the patient and why there were no home nurses or hospice support teams to help the wife.

Of more concern than the inaccuracies was the impression the film gave that the Dutch have effectively legalised euthanasia with no negative side effects, save the trauma of the doctor. Nothing could be further from the truth. As a result, I tabled early-day motion 740, which well over 100 hon. Members kindly supported. It criticised the BBC for failing to give a "complete and balanced" account of euthanasia in the Netherlands. My tabling of the motion caused a particularly strong reaction from the Dutch ambassador. However, the facts should give him some cause for alarm.

I was not the only one to notice the glaring shortcomings of the BBC in showing the programme without adequate prime time for comment and reaction. A letter to *The Times* the day after the programme was shown, signed by, among others, Dr. Twycross of Oxford university, the Archbishop of York and Lord Walton of Detchant, stated:

"having embraced the practice of euthanasia, the Dutch now find themselves on a slippery slope which not only involves euthanasia for those who are not dying but also euthanasia without request".

That was hardly the impression that the programme gave.

The evidence behind such a bold statement in *The Times* is accurate and conclusive. The Dutch Attorney-General's Remelink report of 1991 stated that, in 1990, in addition to the 2,300 cases of voluntary euthanasia, there were 1,030 deaths from euthanasia without the patient's request.

If further evidence is needed of the slippery slope, it came last year in the Chabot case—in which the Dutch supreme court upheld a Dutch doctor's decision to administer a lethal injection to a woman who was suffering from depression as a result of family difficulties. Johan Legemaate, the legal adviser to the Royal Dutch Medical Association welcomed the "pragmatic decision",

confirming that mental suffering could be the basis for euthanasia. I am sure that many people in the UK, even in the medical profession, are unaware of that alarming development. I note that Dr. Chabot has now been reprimanded by a medical disciplinary board in Amsterdam.

There is further evidence to suggest that the legalisation of euthanasia by the Dutch authorities has had a negative impact on the quality of care available for those suffering from degenerative and terminal conditions. It is common sense to presume that where euthanasia is an option, the incentive to improve services for people who are terminally ill or for further research into pain relief will not be so strong and the resources not so forthcoming. In 1989, a study at the university of Amsterdam of 79 cancer patients showed that only 29 per cent. had been treated appropriately. More than half had been treated inappropriately or not received any treatment at all.

Furthermore, the hospice movement is virtually non-existent in the Netherlands. A recent parliamentary question revealed that it had only five hospices, compared with almost 200 in the United Kingdom. In response, the Dutch state has said that it has a well-developed system of nursing homes, which, indeed, it does. However, I am informed by leading palliative care specialists that they fail to provide palliative care as we know it in this country. The experience of one hospice doctor in the Netherlands recently reported in the *Observer* would support that.

Dr. Zylicz of the Rozendaal hospice near Arnhem states that he visits patients who want euthanasia because no one has told them how their pain and distress can be alleviated. This is not surprising, because palliative care has yet to be established as a medical discipline in the Netherlands and is not an integral part of medical training. There is much that can be learnt from current practice in the Netherlands. It is evident from the facts that, once euthanasia is legalised, non-voluntary euthanasia will follow and the vulnerable and weak members of society may feel pressurised. Dr. Zylicz claimed that one of his patients went to his hospice while her doctor was away, for the doctor had been putting pressure on her to request euthanasia.

A further point of concern is the manner in which euthanasia has been legalised. Technically it still remains a crime under the criminal code. However, in 1994 an official decree stated that doctors might avoid prosecution if life was actively terminated in a range of circumstances. The Dutch have arrived at the current position through judicial review via a number of difficult court cases. I fear deeply that the same could happen in this country unless Parliament is wise to it.

As my hon. Friend the Member for Macclesfield has already stated, the Voluntary Euthanasia Society has gone on record as stating that it expects change, not through Parliament but through judicial review. The decriminalising of intentional killing, regardless of the circumstances for which it was permitted, would be the dismantling of a fundamental principle on which our society and civilised behaviour are based. If such a significant change is to be discussed and considered, then Parliament, not the courts, is the proper arena.

I remain firmly opposed to euthanasia, which I understand to mean intentional killing either by act or omission as part of medical care. I do not believe that we should keep people alive as long as possible. I feel strongly that there are times when it may be appropriate to withhold or withdraw medical treatment.

**Mr. Andrew Rowe** (Mid-Kent): One of the pressures on the medical profession could derive from the Government's collection of statistics, league tables or whatever one likes to call them. There is a danger that there will grow up a premium in the number of deaths that a unit has managed to avoid. Quite a few young doctors in particular already show excessive enthusiasm for trying, for example, to revive patients who have died peacefully and bring them back, often damaged. My hon. Friend, particularly in her role as Chairman of the Select Committee, might like to think about that.

**Mrs. Roe:** I take the point that my hon. Friend makes. It is not on our list of subjects to be examined by the Select Committee at present, but it is surely clear that common sense must prevail. I assume that the medical profession must have a serious role in the matter and give direction from the top of that profession.

Furthermore, I endorse the right of a competent patient to refuse consent to any medical intervention, for whatever reason. In such circumstances, I understand that the doctor must be sure that the patient understands the likely consequences of any such refusal. However, no member of the health care team can overrule such a decision except in certain defined areas of mental illness. I support that. However, the right to refuse medical treatment is very different from the request for euthanasia.

As Lord Walton of Detchant, the Chairman of the Medical Ethics Select Committee in another place, stated in summing up the views of his Committee, there was not sufficient reason to weaken society's regard for intentional killing:

"Individual cases cannot reasonably establish the foundation of a policy which would have serious and widespread repercussions".—[*Official Report, House of Lords*; 9 May 1994, Vol. 554, c. 1346.]

Lord Walton went on:

"our decision was significantly influenced by the outstanding achievement of the palliative care movement in the United Kingdom".—[*Official Report, House of Lords*; 9 May 1994, Vol. 554, 1346.]

During the past few years, I have arranged for a number of Members of both Houses to visit hospices in the London area, and many have been surprised by the quality of the medical expertise and the nursing care.

Through research and development, the hospice movement can alleviate pain in 96 per cent. of patients treated and in the remaining 4 per cent. it can be reduced, although perhaps with some difficulty. Although much has been achieved which the Committee commended, there remains much to do, and I draw the Minister's attention to the development at Oxford currently under way the Oxford International Centre for Palliative Care, of which I am a patron. The centre, to be attached to the two universities, will seek to disseminate knowledge on hospice care in this country and abroad. Having secured planning permission and a lease, the centre is raising the necessary £5 million to begin development.

I hope that we as a nation can learn from the current practice of euthanasia in the Netherlands. In addition, I hope that every encouragement can be given to the hospice alternative, which has achieved so much since the founding of St. Christopher's in 1967 and which remains a beacon of hope to many.

12.27 pm

**Ms Liz Lynne** (Rochdale): I support the hon. Member for Macclesfield (Mr. Winterton) in this debate. We already have informed consent in Britain. A patient can refuse medical treatment, as has already been said. The doctor has to explain what will happen if that medical treatment is withdrawn. No medical person can overrule that decision. But euthanasia is totally different. It is assistance in dying. That is what I am against.

I can understand people's desire to end the life of a loved one who is suffering. We have probably all been through the dilemma of watching someone we love dying in a tremendous amount of pain. But now 96 per cent. of pain can be alleviated through palliative care. As the hon. Member for Broxbourne (Mrs. Roe) has just said, the hospice movement has been doing an absolutely wonderful job by the care and love that it gives to patients and to the relatives of patients in dealing with the problems of a loved one dying.

The hospice movement also provides a dignified death and a tremendous amount of joy. I find incredible in hospices the amount of joy in the nurses, the patients and the relatives. It comes from the acceptance of death. The staff help the relatives to accept it and they help the patient to accept it. Patients know that they will have a dignified and peaceful death. Pain relief is essential. As the hon. Member for Macclesfield said, if delivering that pain relief shortens life, so be it, as long as that is not the reason for doing so.

Palliative care need not be residential—the Macmillan nurses give very good palliative care—but the Government must provide more funding for the hospice movement generally; I ask the Minister to take that on board.

We have such a well-developed hospice movement here compared with other countries such as the Netherlands, where euthanasia is not supposed to be legal but is permitted in certain defined circumstances. Procedures there are supposed to be tightly controlled, but as the Remmelink report stated in 1990, which is some years ago, 1,030 patients who had not requested death had their lives terminated. That is the slippery slope.

The hon. Member for Broxbourne highlighted the case of the 50-year-old woman suffering from mental stress. There was nothing physically wrong with her, but the doctors and lawyers agreed that she could die. That is extremely worrying, especially for elderly, sick and disabled people who will feel that they are under pressure to end their lives.

Now that a person's house can be sold to pay for nursing home care, such people will feel that they are under even more pressure to sell their homes so that their children will inherit something. A minority of unscrupulous relatives will urge them to end their lives. Most relatives are not unscrupulous, but if such a measure passed into law a few would be. People do not like to hear that, but we have to face the facts. The only reason that the majority of people want to end a relative's life is to stop the suffering, but now that more pain relief is available that is not necessary. We must ensure that pain relief is given and that people can end their lives in dignity.

I urge hon. Members on both sides of the House to support the hon. Member for Macclesfield and to reject any move to legalise euthanasia. I have respect for life and believe that God, and not people, should take that life. Whether or not people believe, we will be on the slippery slope. However well motivated the calls for voluntary euthanasia, I urge all hon. Members to reject them.

12.32 pm

**Mr. Piara S. Khabra** (Ealing, Southall): So far I have heard only one side of the debate. As the House will know, I introduced the Voluntary Euthanasia Bill about two years ago. I must inform the hon. Member for Macclesfield (Mr. Winterton) that I did not withdraw it—for certain reasons it was introduced from behind the Chair.

The hon. Member for Macclesfield has adopted a very aggressive style throughout this debate. His speech was mostly based on scaremongering and was an attempt to stifle the debate on this important issue. The House has the right to listen to the other point of view as well. I am fully aware that conservatism, with a small c, dominates this House but the hon. Member has tried to ridicule the Voluntary Euthanasia Society and the opinion polls that have clearly shown that opinion is shifting away from the old attitude that we should not discuss the right to chose to take one's own life when one is suffering from an incurable disease and in awful pain and does not wish to remain in this world.

I must make it clear that I shall be talking only about voluntary euthanasia, with the emphasis on the word "voluntary". It is important to make that distinction, otherwise the debate is confused. I shall emphasise the importance of voluntary euthanasia as the free and willing choice of a competent adult. Modern understanding of voluntary euthanasia is that it should happen when a patient requires medical help to die because he or she is incurably ill, or suffering unbearable distress from his or her condition.

The right to exercise that choice entirely sums up what the voluntary euthanasia movement is about, both in this country and throughout the world. We are not talking about non-voluntary, non-consensual killing of infants, the elderly, the sick or other vulnerable people. Voluntary euthanasia should be one of the choices that is available to people at the end of life.

**Dr. Robert Spink** (Castle Point): Will the hon. Gentleman give way?

**Mr. Khabra:** No, not yet.

The freedom to choose is one of the fundamental values of a multi-party democracy and I hope that hon. Members on both sides of the House, who were elected through free and democratic choice, will welcome the extension of that choice.

The freedom to choose increases a person's expectation that he or she will have increased autonomy over all aspects of life. It is not flippant to say that, just as people can choose to adopt a life style and not be condemned for it or forced to adopt another style by society, at the end of life people should have the option to choose what is best for them. The increase in the expectation of personal autonomy is one reason why support for voluntary euthanasia has increased to its present level of about 80 per cent. among the general public. The hon. Member for Macclesfield ridiculed that out of all proportion.

The other key element in the increase in support for voluntary euthanasia is the desire to avoid unnecessary suffering. Even in our medically advanced society, it is a sad fact that many people suffer unbearably before death comes as the only release.

I have known two people who have suffered in such a way, and hon. Members should be aware that they suffered because their pain could not be cured. I know one person who died after being bedridden for three years. He suffered awful pain and could not move from his bed and, despite the most modern treatment, he finally could not survive. I used to visit him. He lived in a small town in Kent and had spent his whole life fighting against British imperialism. When he returned to India, he became a very important person and was elected as a member of a state legislature.

When he started to suffer from awful pain, he got the best treatment in India because of his contacts with the medical profession and his political friends. When he could get no relief from the pain, he decided to come to this country. He had the best possible treatment here but could not get rid of his pain. At the age of 92, he told me that he had no wish to live in this world. He said that he had seen the whole world and asked why he could not take his life as he did not want to live. He said that he was not living but was just a cabbage. He could neither move nor talk properly but was mentally alert. He wanted to take his life but was not allowed to take that decision.

Another constituent who has spent nearly 35 years in this country has been in bed for nine years. He cannot sit without assistance, he cannot eat properly or go to the toilet. Despite the fact that he is a religious man and believes in God, he thinks that it is not worth living and wishes to die, but he cannot.

May I make it clear that I do not ignore or seek to downgrade the wonderful work of the hospice movement? Hospices are truly wonderful places that provide invaluable care for many people, allowing them to die with dignity and the minimum of suffering. I very much admire their work, but even the best-managed hospice cannot keep everyone free from pain. Palliative care experts, often hospice doctors, accept that not all terminal pain can be controlled.

I have heard the slippery slope argument, which is another scare story that is being spread around the world and this country. Opponents of voluntary euthanasia argue that voluntary euthanasia will soon lead to involuntary euthanasia—the so-called "slippery slope". The slippery slope argument has been used against every social reform in the history of this country, but there is no evidence for it. Voluntary euthanasia is entirely about personal choice and is distinct from murdering people whom others judge to be of less worth. I would not support legislation for involuntary euthanasia.

Some people are afraid that, if euthanasia becomes legal, it will be abused. I recognise and fully understand that fear, but nobody knows how much abuse takes place at present. Active euthanasia is practised outside the law. If it were brought out into the open and strictly controlled, as it is in the Netherlands, abuse would be less likely. For instance, at present, doctors allow patients to die by withholding treatment or not resuscitating after a heart attack. No one suggests that they do so because they want to free beds or are conspiring with greedy relatives. Safeguards against such abuse can be incorporated in future legislation.

It is time that the House reflected public opinion and brought the issue of decision making at the end of life out into the open. The decision to end life should be in the hands of those most involved—the patients. In the absence of a law permitting medical help to die, the power to control one's own destiny can be exercised by completing an advance directive or "living will", as they are often called. Drawing up an advance directive while a patient is of sound mind and body allows the patient to state clearly that, with a given prognosis, he or she does not want life-prolonging treatment.

Many thousands of people have already signed advance directives because they live in fear of having a tortured experience prolonged by medical technology and want to express their wishes in advance. Personally, I believe that prolonging life through artificial, modern technological means was also against the wish of God.

I welcome the great advance in patients' rights with the recent report by the Law Commission and the new code of practice recently issued by the British Medical Association. Between them, they have established that advance directives have legal force, which must be respected by an attending doctor. They also acknowledge that patients have autonomy over their decision, which doctors must respect. If unwanted life-prolonging treatment is given, the doctor is liable to be charged with assault. Those of us who do not want our lives prolonged unnecessarily are grateful for the acceptance of our right to refuse unwanted medical treatment.

Allowing patients to die by withholding medical treatment is not enough. Those of us who want medical help to die should have our pleas for help answered, as that can be the only humane and compassionate response to people's need.

The House should consider the fact that the country wants some sort of legislation so that those who suffer from incurable disease and want to take their own life should be allowed to do so. Obviously, there should be guarantees against abuse. If a law is passed by the House, it must incorporate guarantees and safeguards to prevent people from using unauthorised means or exploiting the situation, and make them responsible under the law if that happens. I hope that the House will consider the fact that there is another viewpoint, although the majority of hon. Members are not yet prepared to support such legislation.

I admire and praise the Voluntary Euthanasia Society's efforts to start this democratic debate, which people have a right to discuss. People should not be muzzled. A Bill should be introduced so that we can take further steps to discuss this important issue.

12.47 pm

**Rev. Martin Smyth** (Belfast, South): I welcome the opportunity to make just a short contribution and to share my thoughts with my hon. Friends and those under whose chairmanship I have sat on the Select Committee over the years. The fact that we are debating this subject today shows that there is no stricture on open debate, and I am amazed at the closing comment by the hon. Member for Ealing, South (Mr. Khabra). It was obvious that he had not even listened to the presentation of the Select Committee Chairman, who underlined the fact that euthanasia was not properly controlled in Holland and said that even the Netherlands ambassador to this country was not aware of what was going on.

*[Rev. Martin Smyth]*

When one denies the concept of a slippery slope, one must face the fact that doctors, nurses, lawyers and parliamentarians are all human. In every walk of life, people try to broaden the law to suit themselves. To suggest that it is not necessary to have restrictions stands against the revelations that have been made, even in the House today. An outstanding physician decided to terminate a monarch's life to hit a *Times* headline. The reality is that the law has been just ignored. Now we find that there are moves to broaden that law, which will be further ignored.

Depression hits most of us to some degree or other. The Old Testament contains a lovely illustration of a prophet who was in absolute depression and who wished that he might die. There was no Voluntary Euthanasia Society to help him then and the Almighty did not answer that prayer because He had something better for him. One may deny the authenticity of the scripture, but it tells us that he was taken to heaven later in a fiery chariot.

The apostle Paul, who suffered as much as any person, physically, mentally and morally, in prison and out of prison, had that most human of all wishes, that he might die, to be absent from the body and to be present with Christ, which would have been better by far. He realised, however, that there was a task to be done, and he continued to do that task.

Today, I not only support the speech by the hon. Member for Macclesfield (Mr. Winterton), but ask that we examine a little further the people who propose these movements. I know that in the House from time to time—I speak as a non-member of the masonic order—some people constantly see the masons behind everything. In the move to change society's thinking, could we ask the Eugenic Society to publish a list of its members so that we might know who is to the fore in so many spheres of life and changing society?

It is fascinating to see how people come along. The commission recommending changes in euthanasia includes a person who spent some time in Northern Ireland—Professor Simon Lee. He used the same philosophy to try to introduce into Northern Ireland the concepts of the Abortion Act 1967. He is seeking to broaden what is called voluntary euthanasia in the commission.

On living wills, I would have thought that lawyers would recognise that even people of sound mind regularly change their minds through life, and change their wills. I would have thought that, even on their death beds, some of those folk make valid changes to their wills. I do not believe in the concept of living wills because people change their minds.

I ask you, Mr. Deputy Speaker, and right hon. and hon. Members to bear in mind the let-out that one doctor suggested—that a voluntary living will may just say, "I wish to die at home". This might sound like music to the Treasury, because it would obviate any extra hospital expenses, but it could open the door for doctors, of whom some have taken the decision into their own hands, to administer the fatal dose that would terminate a person's life. We should not go further down that road—ostensibly in the name of freedom of choice—because we would create a position whereby people who need care and treatment will not be given a choice..

12.53 pm

**The Parliamentary Under-Secretary of State for Health (Mr. Tom Sackville):** I am sorry that, because of the large interest in the debate, at least one hon. Member who wished to speak has been unable to do so, but I feel obliged briefly to give the Government's view, as my hon. Friend the Member for Macclesfield (Mr. Winterton), who secured the debate, asked me to do.

Euthanasia, as literally defined, means "an easy death" but the term is commonly used and is understood to mean mercy killing—the deliberate killing of someone, at his or her request, in a terminal condition and usually in severe pain or distress.

That topic provides scope for enormous argument, as has been shown today. It is not surprising that the House of Lords was inspired to set up the Select Committee on Medical Ethics, which considered that topic and the issues surrounding it. That Committee did an excellent job in sifting and analysing the mass of evidence that was put to it, and it reached some conclusions on what is a sensitive issue. That could not have been easy, given the opposing views held by many of the people who gave evidence.

Some of the key issues were debated in another place on 9 May last year. I am pleased that the House has had an opportunity to do likewise and to pay tribute to my hon. Friend the Member for Macclesfield for raising the matter. The Government's overriding concern in the issue is to protect patients' interests, to safeguard the patient's right to consent to or refuse treatment, to ensure that adequate protection is given to people who are in no position to speak for themselves, and, most important, to ensure that actions that have as their intention another person's death continue to be unlawful.

As the Government's published response has made clear, we welcome the Select Committee's report, and we agree with the majority of its findings. The report's key element was the clear rejection of the case for the legalisation of euthanasia. The Committee did not accept that the arguments in favour were sufficient reasons to weaken society's prohibition of intentional killing. It said:

"prohibition is the cornerstone of law and of social relationships."

It also said:

"The message which society sends to vulnerable and disadvantaged people should not, however obliquely, encourage them to seek death, but should assure them of our care and support in life."

We entirely agree.

It is essential to draw a clear distinction between euthanasia, which is a positive intervention to end life, and the withholding or withdrawal of treatment that has no curative or beneficial effect. The question of whether to withhold treatment from someone who is not benefiting from it is different from euthanasia, although it raises similar moral and ethical questions. It is a doctor's duty to advise and provide for his patient such treatment as is, in his professional judgment, in the best interests of that patient and consistent with a responsible body of medical opinion.

A person's right to refuse treatment is an important one. A patient has a right to say no to his doctors. That applies whether a patient's reasons are, and I quote a legal judgment:

"rational, irrational, unknown or even non-existent."

Doctors have both an ethical and legal duty to abide by their patients' wishes. A clinician must of course be satisfied that a patient's decision to refuse treatment is genuine, made in a full understanding of the consequences, and not influenced by others. Someone who has a learning disability, who is mentally ill, confused as a result of drugs, or a child may not be capable of making a proper decision.

As the House has already noted, some people draw up advance directives or "living wills". They have been referred to in literature recently as advance statements, which are drawn up so that people's wishes may be taken into account in the future if, at that time, they are unable to express their views. Such statements are an extension of the patient's right to say no to treatment, and are supported by the House of Lords Select Committee on Medical Ethics and the Law Commission.

The commission makes recommendations, however, that advance statements be defined in legislation and their status clarified in law. We shall consider that proposal. Advance statements are of course nothing to do with euthanasia. They cannot require doctors to perform an illegal act such as deliberate killing.

I regard palliative care as one of the great advances in our society in recent years, as has been mentioned eloquently by hon. Members on both sides of the House. In recent years, we have continued to support, with a sixfold rise in central funding, hospices and palliative care services. We shall continue to do so. We recognise their enormous contribution. To echo what my hon. Friend the Member for Broxbourne (Mrs. Rowe) said, in Holland there is little palliative care.

In conclusion, I shall re-state the Government's opinion. We are not engaged in any action that we believe would take us down a slippery slope. We envisage no change to the law or practice at present. I emphasise that the Government remain firmly opposed to euthanasia.



## Neath General Hospital

12.59 pm

**Mr. Peter Hain** (Neath): On 18 and 19 March 1995, Neath hospital hit national headlines because its casualty unit was closed overnight; but that was only the tip of the iceberg. There is a crisis at the hospital, of which that casualty closure was simply an example. I believe that the hospital is deliberately being allowed to bleed to death as a result of Welsh Office policy.

The Secretary of State for Wales favours local hospitals and opposes centralisation. I applaud that. The way in which he has openly nailed his colours to the mast in that respect is very welcome. However, paradoxically, in practice his officials are sabotaging the policy that he has advocated, and that is no more clearly shown than in the impact on Neath hospital.

On 19 January 1995, my right hon. and learned Friend the Member for Aberavon (Mr. Morris) and I met the Secretary of State. To be fair, we were very impressed with his response. The Secretary of State said that he supported the local hospital. He said that he would agree to additional recruitment in excess of the going rate, and that he would give a clear commitment to the future of the hospital. That was very welcome.

However, since then, we have had two more vacancies in anaesthetics and one more vacancy among surgical consultants. The hospital now says that it cannot recruit any more senior house officers after August, except by going to Germany and except by allowing a trend to continue whereby the hospital will soon be staffed almost entirely by overseas doctors.

Neath hospital has traditionally functioned as the only district hospital in West Glamorgan supplying a full range of facilities and opportunities in general medicine, general surgery, obstetrics, gynaecology, trauma, orthopaedics, paediatrics and accident and emergency. It has always had the reputation of being an efficient hospital with low costs, short waiting lists and strong support from the local public, local general practitioners and the purchasing health authority.

For some years, there has been a demand—indeed there were proposals—for a replacement hospital. That has at last been agreed, but only after the saga has dragged on for many years. The outcome was that, following a review by the Welsh Office, the Secretary of State agreed that there would be a replacement general hospital. However, it would have only 250 beds instead of the present 350-bed facility at Neath, and, instead of providing the full range of general hospital facilities that are provided at Neath, the new hospital would admit all emergency and elective planned cases with a mix of medical emergency cases and elective surgery work but would require that all trauma and high risk elective surgical cases—by that, I mean emergency surgical patients—would be treated elsewhere. It was hoped that, if that model were implemented, the hospital would be up and running in about three years.

That model was accepted by the local community, not because we favoured it—we had grave suspicions about it, which are now proving well founded—but because we felt that it was necessary to get the new hospital up and running, and that half a loaf was better than no bread.

# GREAT BRITAIN HOUSE OF COMMONS
# PARLIAMENTARY DEBATES (HANSARD)
# 1994/1995

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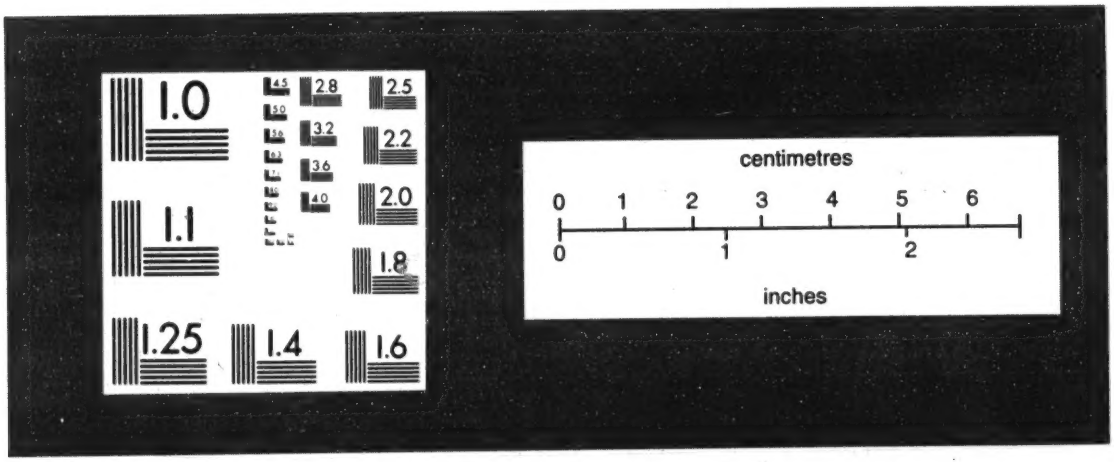

*[Mr. Peter Hain]*

Many consultants, and all local GPs, believe that the model that the Secretary of State has proposed for the new hospital, which is now being introduced by stealth, is not feasible—is seriously flawed—because it was based on the proposition that there is over-capacity in West Glamorgan, whereas anyone who knows the region knows that that is not the case.

Last year, Neath hospital was closed 90 times because it was full. This year, it has already been closed 31 times. I know of many cases that have been referred to Bridgend, Llanelli and even Cardiff because the hospital at Neath cannot cope with the referrals to it. If that is the case now, reducing the hospital bed capacity by a further 100, as will happen when the new hospital replaces it, will be a disaster. It is a myth that there is over-capacity in West Glamorgan. For that reason, the model that the Welsh Office persuaded the Secretary of State to adopt is fundamentally flawed.

The majority of the consultants in West Glamorgan have taken a different view. They say that the model is flawed because it is inappropriate to manage medical emergencies without back-up surgical facilities. They therefore seek to centralise all emergencies, including medicine, on Morriston hospital and leave the new Neath hospital—and, indeed, increasingly the present one—responsible only for dealing with out-patients and day cases and perhaps some non-acute medical cases. The implication is that there will be no obstetrics or in-patient paediatric facilities.

We are victims of what is effectively a conspiracy—I use the term deliberately, although it is a serious charge to make—by Welsh Office officials, by the Royal College of Surgeons and by consultants, to undermine the facility at Neath and to turn a once proud hospital into a pale shadow of itself, because, if one does not provide emergency surgery, training for junior staff is inadequate.

The university of Wales college of medicine allocates house officer posts. It is already signalling that it is unwilling to allocate house officer posts to Neath hospital on the basis of the existing deteriorating position, let alone the new model in the replacement hospital, in spite of the fact that Neath hospital has always had a very good reputation for training. Indeed, a recent survey placed it at the top of the list.

However, other hospitals are also in the market for house officer posts, so they are encouraging applicants, and indeed existing postholders, to withdraw from Neath and move to their own hospitals. The decision by the Royal College of Surgeons to withdraw training accreditation is making the position much worse.

I believe, and most—if not all—doctors in West Glamorgan would argue, that the model that the Secretary of State has proposed for the new hospital, which effectively is being put into practice from now on in anticipation, is fundamentally flawed, and that we should have a full range of emergency admissions, similar to that which exists, for example, at Llanelli hospital. Failure to do so has created a profound period of uncertainty, and many medical staff and other senior staff are voting with their feet. That has inevitably meant that a question mark hangs over the future of the hospital, and confidence has been destroyed.

The problem has been compounded by the requirement that the Secretary of State has introduced, to seek private finance funds for the new hospital, which has meant further delay and uncertainty, although he has given assurances that nevertheless it will be built on time, for which we are grateful.

The management of the hospital has tried several innovative approaches to recruit staff, but they struggle against a lack of commitment by many local consultants to the model that the Secretary of State has specified and active attempts to destabilise the position by the surrounding trusts, which are benefiting from having work taken away from Neath and moved to their hospitals.

The internal market of competitive trusts is strangling Neath hospital. That is clearly shown by the fact that independent trusts nearby are competing with Neath, not co-operating as the Secretary of State has asked. They deliberately poach staff and seek to undermine, rather than co-operate with, Neath hospital.

A whispering campaign is going on to undermine the hospital. It is happening in a variety of ways. Accreditation of junior staff is being undermined. The withdrawal of pre-registration house officer posts is having a serious effect. Disinformation is being provided to potential applicants at a junior staff level about the pace of change and the future of the hospital. Consultant staff are also being poached by adjacent trusts.

Those elements are collectively resulting in a crisis at the hospital, of which the closure of the casualty unit is simply one aspect. As a result, many of the specialties of Neath hospital rely on locum consultants, as it has proved impossible to recruit permanent staff.

We had a meeting with the Secretary of State in January, and since then, there have been a series of extra vacancies in anaesthetics and surgery. There are now four vacancies out of six in anaesthetics, and three vacancies out of four in surgery. Four of those vacancies have resulted from poaching by Morriston or Singleton hospital trusts in the neighbouring region. We suffer from direct competition.

In addition, there is one senior house office vacancy out of four in the accident and emergency unit, and house officers have threatened the withdrawal of all posts after August. That may be averted—the local management believe that that could be possible. If so, that will only be until next year, when emergency surgery is withdrawn almost completely. If that happens, there will be no casualty service—it will be closed not overnight, but permanently.

I welcomed the recent statement by the Secretary of State, in which he committed himself to local hospital provision, stressed the importance of local access and expressed his concerns about the impact of centralisation. He has shown some courage in doing so, and I welcome that. However, in terms of the way in which the internal market operates, Neath hospital was cost-effective and had strong purchaser support. It has had a reputation for being responsive to the needs of local general practitioners and the public. It has been torn apart, not because it was unsuccessful, but because of Welsh Office dogma.

That dogma is not necessarily shared by the Secretary of State, but it is implemented by his officials, and at present he seems unwilling to resist it. That has led to a disaster for outlying villages up the valleys—in former

mining villages such as Banwen, Glynneath and Tonmawr. Their residents now face journeys along the traffic-clogged M4 of up to half an hour to get to Morriston hospital, which has the nearest major accident and emergency and acute surgery provision. Any further traffic problems along that route could result in lives being put at risk, and many serious problems for outlying villages.

The position all depends on the environment in which the hospital now has to operate. In determining that some of the district general hospital services should transfer elsewhere, the Welsh Office has disrupted a well-established and effective pattern of services and replaced it with a model in which no one has confidence. Local medical staff, consultants, GPs, the local health authority and the local management have no confidence in it—I can find no one in my area or elsewhere who has confidence in it. The model is untested, and no one has confidence in the Secretary of State's proposal for the replacement hospital, prefigured in the way that Neath hospital is being run down.

It is not too late for the Secretary of State to act, which is why I am appealing to him in today's debate. I hope that the Under-Secretary of State for Wales, the hon. Member for Clwyd, North-West (Mr. Richards), will respond positively. I am seeking not to engage in a political knocking exercise, but to obtain the support of politicians and to persuade them to put themselves in charge of the Welsh Office, rather than leaving it to medical experts with fancy theories of centralisation that bear no resemblance to the need for local provision on the ground.

It is not too late for the Secretary of State to make a business case stating that the new hospital is based on retaining all the general hospital facilities. There is no evidence that the anticipated savings that some believe would come from the Secretary of State's proposals and the new model will be achieved. I would argue—I stand ready to be tested on it in future years—that the changes will cost more because, if cost-effective, small district general hospitals are replaced by high-cost, centralised, specialised facilities, they tend to ratchet up of costs. The provision will not be cheaper, but more expensive, and local people will suffer badly.

Officials at the Welsh Office continue to agree to increasing capacity in hospitals near Neath. New theatres have been built at Singleton, and there is a phase 2 development at the Princess of Wales hospital at Bridgend. The Morriston hospital has recently been provided with a burns and plastics unit. All those developments have been taken place while Neath hospital has been run down.

All those hospitals have the potential to ensure that the proposed 250-bed hospital that will be sited on Baglan moor in the constituency of my right hon. and learned Friend the Member for Aberavon is not viable. That will be particularly true if all the senior medical staff walk away from the hospital.

Civil servants at the Welsh Office seem hellbent on destroying what was once one of the most effective district general hospitals in Wales and replacing it with a new model of care which has yet to be tested anywhere in the United Kingdom, which has no local medical support and which has the potential to end up as an expensive cottage hospital, not the district general hospital that the Secretary of State promised my right hon. Friend and me in 1993.

I have two specific requests for the Under-Secretary of State. First, will he ensure, and make a commitment this afternoon, that admissions for emergency surgery will be kept in the new hospital and at Neath hospital? Why should we be inferior to Llanelli hospital which has that provision? Will he reject the centralisation of facilities and emergency provision which is inherent in the existing position and which will accelerate as it deteriorates, so that everything will be concentrated at either Morriston or Singleton hospitals?

If the Secretary of State genuinely believes—I have no reason to doubt him—in local hospitals and community provision, it is essential for him to reject that centralisation. It would not affect the capital requirements in the project. If the concern is to obtain private capital, such a policy may be more attractive to those interested in providing private capital, because they will recognise a model that is more familiar and more cost-effective. My first request is for the Minister to reverse the process towards centralisation, and agree that the new hospital will retain all district general hospital emergency facility capabilities.

Secondly, will the Minister instruct all the neighbouring trusts to support Neath general hospital? In the meeting which we had with him in January, the Secretary of State told my right hon. and learned Friend and me that he was keen to discourage neighbouring trust hospitals from competing and undermining Neath, and that, on the contrary, they should support it. But there has been no letter from the Secretary of State's office to those trust hospitals to implement that wish.

I ask the Secretary of State to send such a letter. If he does not do so, local people will face a catastrophe—a hospital which they have valued for generations, which is much loved and which has provided a range of district general hospital facilities upon which they have grown to depend, will be swept away. In its place, we shall have a hospital on Baglan moor that is a pale shadow of its former self, because Neath hospital is being allowed to bleed to death.

1.18 pm

**The Parliamentary Under-Secretary of State for Wales (Mr. Rod Richards):** I welcome the opportunity to discuss the current and future provision of accident and emergency services for the people of Neath and Port Talbot.

Accident and emergency facilities play an important role in the provision of health services to meet the needs of the public. My right hon. Friend the Secretary of State and I are committed to ensuring that both the current service at Neath general hospital and the future service at Baglan hospital will meet those needs. Contrary to recent media reports and to what the hon. Member for Neath (Mr. Hain) has said, there is no conspiracy against Neath general hospital, although there are difficulties in achieving the outcome that we desire.

I thought that the hon. Member's attack on Welsh Office officials was quite disgraceful. He knows perfectly well that they are in no position to answer his outrageous charges against them. If the hon. Gentleman thinks for one moment that my right hon. Friend the Secretary of State for Wales is not in full charge of the Welsh Office, he clearly does not know my right hon. Friend very well.

*[Mr. Rod Richards]*

The hon. Gentleman went on to talk about a whispering campaign designed to undermine the morale of Neath general hospital. Nothing is more likely to undermine the morale of the hospital's staff or the recruitment of future staff than his standing on the world stage and drawing attention to some of the difficulties that Neath general hospital currently faces.

**Mr. Hain:** That is an outrageous charge. I know what is going on in Neath general hospital. The Minister talks to his officials from on high; he does not know what is going on at Neath hospital. What I have said has nothing to do with accusations; I have presented the factually supported results of the Minister's policies. People are walking away from Neath hospital. The whispering campaign is being conducted not by politicians, but by his own Welsh Office officials and by consultants working in concert with them.

**Mr. Richards:** I am grateful for the hon. Gentleman's intervention, because it leads me to my next remarks. I visited Neath general hospital on 16 February 1995 to see at first hand the excellent work that all involved at the hospital have achieved. I also talked to the local clinicians, and listened to their concerns.

I share the concerns expressed at the staffing difficulties that led recently to the temporary closure of the accident unit at Neath general hospital. I understand that efforts are being made to avoid further disruption, first through the appointment of a full-time locum consultant in the accident and emergency department in order to cover the maternity leave of the present consultant; and, secondly, by attempting to recruit accident and emergency senior house officers from a wider field, such as Germany. I think that the hon. Gentleman's comments about medical staff from overseas being employed at Neath general hospital are a bit rich, in view of the fact that he is an overseas Member of Parliament.

Should that exercise be unsuccessful, I understand that efforts will be made to identify other career-grade doctors who could be employed on a permanent basis. I am assured that five candidates have been shortlisted for anaesthetist positions at the hospital. That is an encouraging response, and interviews will be held shortly.

My right hon. Friend the Secretary of State and I are determined that everything shall be done to ensure that accident and emergency units in Wales—not just in Neath—avoid further temporary closures due to staffing problems. But the staffing problems are not particular to Neath or to Wales; they are being experienced in many parts of the United Kingdom.

My right hon. Friend wrote to the hon. Member for Neath on 28 March, summarising the urgent action that he has asked for in order to address the staffing problems. That aims to ensure that any short-term staffing difficulties in accident and emergency units are identified as soon as possible. It also seeks to ensure that effective measures are taken to reduce significantly the risk of disruption to patients.

Senior medical staff from the Welsh Office recently met accident and emergency experts in South Wales to identify the problems involved. They also agreed what needs to be done to ensure continuity of service in this essential area of care. I am told that the meeting identified a number of the more important factors which have made it difficult to recruit enough experienced staff to the casualty service.

The meeting also proposed possible solutions to those difficulties. They include the employment of nurse practitioners, more career-grade appointments, and the rotation of medical posts to include a number of other accident and emergency departments. The co-operation that the hon. Member for Neath referred to, and specifically asked me to comment upon, is taking place already. I assure him that the chairman of West Glamorgan health authority recently wrote to the chairmen of the three existing national health service trusts to emphasise the need for local cooperation.

More work will be required in order to build on that promising start, but I am hopeful that a satisfactory understanding can be reached between hospitals in South Wales as to how they can work together to minimise the risk of further disruption to those essential services.

In July 1994, my right hon. Friend the Secretary of State gave his approval to West Glamorgan health authority proposals for improving health services for the people of Neath and Port Talbot. The plans included the provision of a 24-hour local accident unit at the new hospital at Baglan.

In giving his approval, my right hon. Friend recognised the need for the people of Neath and Port Talbot to have an appropriate local accident and emergency service. The new local accident unit will provide for the majority of cases currently cared for by the existing accident and emergency departments—including about 75 per cent. of all cases at Neath hospital—including simple fractures, and it will do so in state-of-the-art facilities.

It remains the view of my right hon. Friend and me, based on the best medical advice available to us, that seriously injured patients and those requiring more complex or high-risk emergency surgery should be treated in centres where full back-up services are available, including neurosurgery in the case of Morriston. It is centres such as those which have been shown to deliver the best results in terms of reducing the threat to life and avoiding permanent disability.

I have talked about accident and emergency services at Neath, and our commitment to providing appropriate local accident services at the new hospital at Baglan. I would also like to take this opportunity to comment on progress with the new hospital as a whole.

My right hon. Friend the Secretary of State met the hon. Member for Neath, together with the right hon. and learned Member for Aberavon (Mr. Morris), on 19 January 1995, and confirmed he his commitment to developing services for the people of Neath and Port Talbot. Contrary to what the hon. Member for Neath has said today, we want to see services maintained at Neath general hospital while planning for the new Baglan hospital goes ahead.

I am aware that local medical opinion remains divided about the precise role of the new hospital. Concern has been expressed about the recruitment of medical staff for the new hospital, and the opportunities there will be for the training and development of such staff. When my right hon. Friend gave his approval to the new hospital, his three main criteria were: clinical safety, access to services for the local population, and value for money. Of those, the most important are clinical safety and access.

A judgment was made that, in order to maximise access for the local population, the widest range of health services that could be safely delivered locally should be provided at Baglan. As well as the local accident unit, the new hospital will therefore offer out-patient clinics and the most up-to-date facilities to deal with non-emergency surgery, as well as acute general medicine, care of the elderly, rehabilitation services and facilities for people with acute mental illness.

When the decision was made, all of the local national health service interests were asked to work together to ensure that the new hospital was developed as quickly as possible, without disruption of services. It is therefore with disappointment that my right hon. Friend and I have observed the continuing public disagreements in West Glamorgan about the role of the new hospital. The hon. Gentleman does his constituents no favours by continuing that argument in the Chamber. I am sure that many—including, patients and local people—will see the disagreements as blocking the way to early progress with the development of Baglan.

At the end of the day, the Welsh Office can provide only the framework and funding, where needed, in order to improve local health services. The delivery of improved services depends entirely on local health professionals and managers putting aside any differences and working together to improve services for patients. Local people expect no less.

I was therefore encouraged to learn that the chairman of West Glamorgan health authority has invited the chairmen and chief executives of local NHS trusts to meet to agree what needs to be done in order to resolve local differences and how best to finalise the planning for the new hospital at Baglan. I very much welcome his initiative, and I have asked for a report on the outcome of the meeting.

From 1 April 1996, when the new West Glamorgan health authority is to be established, the area will be well served by four national health service trusts, which will provide high-quality patient care from four main district general hospitals. A full range of community care and health services will also be provided for many local hospitals and clinics throughout the area. The services in West Glamorgan will then comprise the regional burns and plastics centre, a magnetic resonance imaging scanner, a special care baby unit and a centrally funded treatment centre, in addition to acute and community services.

The trusts will employ a dedicated staff of around 10,000, including highly qualified clinicians and nurses. When my right hon. Friend the Secretary of State announced the proposal to build a hospital at Baglan, he said that, if there was insufficient capacity there in terms of the number of beds, it would be looked at again, and the hon. Member for Neath knows that.

I hope that what I have said confirms the Department's determination to ensure that health services for the people of Neath and Port Talbot meet the high standards which the public rightly expects from today's NHS. I also emphasise—

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** Order.

## Grant-maintained schools

1.30 pm

**Mr. Patrick McLoughlin** (West Derbyshire): I am grateful for the opportunity to raise the issue of grant-maintained schools, and I also wish to talk widely about funding. There is no doubt that the Government's reforms have given parents better choice and information about their children's education while raising standards significantly. Since 1979, spending per pupil has risen by 50 per cent. over inflation. We have also given schools the opportunity to become grant-maintained, which provides a form of choice within the state system.

There are three secondary schools in my constituency which have become grant-maintained—Belper, with approximately 1,000 pupils; Ecclesbourne, with approximately 1,300 pupils; and Lady Manners school at Bakewell, which has more than 1,400 pupils.

The head of Belper said that the school had benefited from enhanced funding because

"although we are linked to the Derbyshire formula the element of central costs can be spent specifically to meet our own needs. Independence enables us to manage our finances far more effectively because we have full control."

The head of Ecclesbourne said that the last four years

"have been the most professionally fulfilling of nearly two decades of headship. Not only have we been able to put right most of the physical deficiencies of the School's site and buildings, we have been able to assign a much higher proportion of what was our share of the resources allocated to Derbyshire for education to the business of teaching and learning."

The head of Lady Manners said:

"Independence, control of policies or developments and the direction of resources to achieve these priorities for the benefit of student counts among the major gains of GM status. So too the renewed enthusiasm of Governors and staff which flows from being able to plan with a realistic hope of delivery. Staff morale is greatly strengthened reflecting improved working conditions, extra ancillary support, more teachers . . . , hefty increase in spending on books and equipment and a major programme of redecoration".

Those are some of the genuine changes that the grant-maintained system has brought to state education, and I welcome them. However, I must acknowledge that not all schools wish to go down the route of becoming grant-maintained. That is something that I respect, although schools that have become grant-maintained have found enhanced freedoms.

I would like to bring to my hon. Friend the Minister's attention one of the problems for grant-maintained schools, which is the way in which the budgets for grant-maintained schools are set. I would like the Government to embark on a national funding formula for all schools—whether grant-maintained or not. At the moment, there are great variations as to what money is made available by LEAs to go into schools.

For example, in Hertfordshire the delegation is 91.3 per cent, while the delegation in Derbyshire is 85 per cent.

**Mr. Harry Barnes** (Derbyshire, North-East): Will the hon. Gentleman give way?

**Mr. McLoughlin:** I shall not give way. If the hon. Gentleman wants to be an apologist for Derbyshire county council, he can apply for his own debate. There are problems in my constituency which are related to the fact that Derbyshire county council is holding back far too much finance.

*[Mr. McLoughlin]*

Derbyshire's overall schools budget represents spending of about £2,280 pounds per pupil—higher than 12 other counties—while the potential school budget represents £1,840 per pupil, which is higher only than Dorset, Gloucestershire and Staffordshire. The actual amount delegated to schools in Derbyshire is £1,560 per pupil—the second lowest of any county after Gloucestershire. The hold-back in Derbyshire amounts to some £720 per pupil which is spent by the LEA.

**Dame Elaine Kellett-Bowman** (Lancaster): My local council is about as bad as Derbyshire. For village schools, however, it is not only a question of funding. My county council has repeatedly attempted to close village schools, and was prevented from doing so only by my hon. Friend the Member for Dartford (Mr. Dunn). The county council is rumoured to be about to attempt again to close village schools. If those schools were to become grant-maintained, they would not only get better funding but be safe. Once a school has become grant-maintained, a county council cannot close it—even if it wishes to do so.

**Mr. McLoughlin:** My hon. Friend might also find that schools that become grant-maintained become far more attractive to parents. The schools would find their numbers going up, which would improve their position.

There are so many different ways in which people look at finance for education. One of my beliefs is that we desperately need a national funding formula. Of the amount withheld from its potential schools budget, Staffordshire spends £2,975,000 on management, or 1 per cent., to manage some 160,000 pupils. In Derbyshire, the figure is £3,787,000, or 1.6 per cent., to manage some 128,000 pupils. That £1 million is spent by the LEA and is not available to go to schools.

My point—as I have said before—is that one cannot spend money twice. If one is spending more money on administration, that money is not available to go into schools in the county. We need a national understanding of the way in which education finance is worked out. The differences between the potential schools budget and the aggregate schools budget create confusion. That has allowed county councils to receive money for education without putting that money directly into schools.

Some £720 per pupil was spent by Derbyshire LEA in addition to the amount delegated to each school, compared with £570 in Nottinghamshire and £550 in Staffordshire. That is a difference of £150 per pupil, which makes a vast sum when we are talking about a primary school with 200 pupils—let alone what it amounts to in secondary schools. I urge my hon. Friend and the Government seriously to consider a national funding formula.

In 1994-95, the education standard spending assessment for Derbyshire rose by 2 per cent., but the county council cut it by 2 per cent. This year, the education SSA is to rise by 0.7 per cent., but schools are receiving cuts in their budgets. Cuts are coming at the sharp end, and the council has started to blame everyone but itself.

The power of local authority decisions to affect the funding of grant-maintained schools must be removed. The Minister and the Secretary of State have stated that local authorities have a right to set their own priorities, but the interests of pupils in the grant-maintained sector are not among the priorities of local education authorities which have done everything they possibly can to stop schools becoming grant-maintained. More generally, protecting front-line services conflicts with a local authority's desire to protect its own powers of control and employees who want to carry out their instructions.

The current funding formula goes some way towards improving the position of GM schools. It protects them from changes in the local management of schools formula, which can be manipulated to their disadvantage. However, it is subject to the removal of the top slice, which the LEA can plan to increase, leaving a reduced amount for front-line services. The link with LEA spending decisions contributes to unacceptable delays in receiving funding information.

My hon. Friend the Minister knows that I have been pursuing with the Funding Agency for Schools the difference between the amounts originally promised to GM schools and the actual grants. One explanation given by the agency is the discrepancy between estimated pupil numbers provided by schools and those provided by LEAs. If the agency cannot even get agreement on pupil numbers, that matter must be seriously addressed.

A national funding formula is the only way to ensure long-term accountability for decisions on school incomes and major items of expenditure. In return, a school can be expected to account to parents for proper management of the funds that it receives and to accept its share of responsibility. National funding should be distributed in an equitable, predictable and simple manner dissociated from historical and current spending issues, and be transparent.

Experience shows that it is sometimes unwise to make major changes without a pilot scheme. The grant-maintained sector should, and could, be used for a pilot, and then the scheme ought to be made available to every school in the country. In that way, the Government can ensure that the money that they set aside for education gets to front-line services. I do not mind taking the blame for decisions when I have responsibility for them, but not when I do not have any responsibility. Local education authorities are ensuring that money that should go to front-line services is used in other ways.

We have never blinked or taken a backward step from radical approaches in education now endorsed by many hon. Members. Some of them have taken advantage of those changes—for example, by sending their children to schools that best meet their needs, even when that means crossing borders. Ten years ago, such choices were unknown, before the Bill for which my hon. Friend the Member for Dartford (Mr. Dunn) had much responsibility, jointly with other Ministers.

I do not want those excellent changes to be put at risk but want further changes to be made. I want the money designated for education to be used in schools, not in county halls. At the moment, there are too many ways in which funds can be diverted into the pet areas of chief education officers or education committee chairmen. The right way forward is a national funding formula for all schools. Until then, let us have a pilot scheme.

Perhaps my hon. Friend the Minister will consider also making a minor change. When a county becomes part of a common funding formula, why not announce that all primary and secondary schools in that county will be part of that formula? Let us do away with the differential

between primary and secondary schools. That would be a small start, but a small start in a major direction—and one of major significance to our state education system.

1.44 pm

**Mr. Bob Dunn** (Dartford): I thank my hon. Friend the Member for West Derbyshire (Mr. McLoughlin) for allowing me to speak in this timely debate. He kindly mentioned my role in the enactment of the Education Reform Act 1988, which gave powers and opportunities to schools to opt out of local authority control if that was the wish of parents expressed in a ballot. I am delighted that, in my constituency, nine schools have become grant-maintained since 1988. Together with the city technology college, they offer choice and variety second to none in any other part of the United Kingdom.

Perhaps I may point out gently to the House and to the people of Dartford that the range of schools in north-west Kent exists not because of spontaneous combustion or divine intervention but because of the election and re-election of Conservative Governments since 1979. It is an indisputable fact that Labour would end that choice. Despite all the efforts of the spin doctors and soundbite merchants who currently dominate the Labour party, it would take away grant-maintained status, close grammar schools, CTCs and high schools and require all schools in Dartford to become comprehensives for 11 to 16-year-olds. Of that there is no doubt.

One message that came out of Blackpool over the last few days from the National Union of Teachers conference—apart from showing a trade union out of control—was that the union expected a Labour Government to return the 1,050 opted-out schools to local authority control, despite the wishes of parents, expressed in the democratic process, for those schools to opt out.

Gravesend grammar school for boys, in the constituency of my hon. Friend the Member for Gravesham (Mr. Arnold) but to which many parents in my constituency send their children, recently voted by a 70 per cent. majority to become grant-maintained. Parents from Hartley, Fawkham, Ash-cum-Ridley, Longfield, New Barn and Southfleet voted with others from Gravesend to that effect. Of significance was the success of that vote, despite the best endeavours of the county council, and the fact that the campaign was led, motivated and supported by the chairman of governors, Mr. Eric Hammond—who I suspect has more to do with Labour Members than with the Conservative party. That campaign was successful because parents had seen the value and benefit of grant-maintained status.

Sixty thousand children in Kent are currently educated in grant-maintained schools. A vote for Labour in the forthcoming local elections would be a vote to end that situation. It would be a vote against grammar schools, CTCs and high schools, and a vote against local freedom for local schools in the way that my hon. Friend the Member for West Derbyshire described.

Only the Conservative party, believing in Conservative policies, would ensure the continuation of the current position. I advise the people of Dartford to think carefully before they vote on 4 May. A vote for Labour is a vote to end range, variety and freedom of choice. The grant-maintained policy was one of the best that this Government have ever introduced. More and more schools and parents will see that as time goes on. I congratulate my hon. Friend on his speech.

1.48 pm

**The Parliamentary Under-Secretary of State for Schools (Mr. Robin Squire):** The House has been privileged to hear powerful and well-informed speeches from my hon. Friends the Members for West Derbyshire (Mr. McLoughlin) and for Dartford (Mr. Dunn), a former Education Minister who speaks with great authority on these matters. I confess that the subject of grant-maintained schools is one close to my heart, and it allowed my hon. Friends to refer to several other aspects of funding and related issues. In the time available, I shall seek to respond to the points made, particularly by my hon. Friend the Member for West Derbyshire.

Perhaps the obvious starting point on funding is to confirm that Derbyshire county council, like every other local authority, is responsible for setting its own budget and deciding its own priorities between and within services. It is the council that has the final say on how much is spent on education and how much on other services. As we are all aware, there are wide variations between and within authorities, because local management of schools schemes devote additional funding to schools with high levels of need.

It is important to put on record yet again the fact that the Government and Ministers are not seeking to pass the buck. Our role is clear in funding local authority services. We set the overall framework for the funding of local authority services nationally. We determine the way in which national standard spending totals are distributed between local authorities through the standard spending assessment system.

My hon. Friend may be interested to know that, over the past five years, Derbyshire's SSA has increased by over 23 per cent., which has been well above the rate of inflation. As he knows, the SSA is scheduled to increase during the current year, 1995-96. The capping rules allow Derbyshire to spend more than the council did in 1994-95. In total, Derbyshire is able to spend about £550 million on all its services. That is a significant sum.

My hon. Friend drew attention to some funding per pupil comparisons with other authorities. He mentioned Hertfordshire and Staffordshire. I shall not bedevil the debate with a mass of statistics, but it is important that I take up a couple of central issues, not least because I know from the correspondence that the Department receives that there is some misunderstanding when it comes to funding per pupil comparisons.

The SSA system does not set out to allow the same level of spending for each pupil. Indeed, it should not do so. The aim is to provide for funding for a common standard of service throughout the country, taking account of the fact that the costs of providing education inevitably vary from local education authority to local education authority. Need varies from one council to another and so, therefore, does poundage for pupil as implied in each authority's SSA.

The SSAs reflect the additional costs of educating children in sparsely populated areas, for example. They take account of socio-economic disadvantage, high proportions of non-English-speaking children and higher labour and other costs through what is known in the trade as the area cost adjustment. As my hon. Friend knows, the ACA is fairly controversial. Very few local authorities, whether they are recipients of the ACA or non-recipients, agree on its calculation. However, no local authority

*[Mr. Robin Squire]*

association questions the need for some way of recovering the inevitably higher costs that councils in the south-east face in running their schools. These considerations are not limited purely to teachers' salaries. They read across into other expenditure areas and other employment areas within schools.

We are interested in considering whether the present methodology could be improved, and we shall consider carefully the different representations that we have received on the issue. In doing that, however, we must take account of all the factors—I have listed only a few—that cause education costs to vary throughout the country.

My hon. Friend spoke with great feeling about the share of budget retained by the Derbyshire LEA.

**Dame Elaine Kellett-Bowman:** Hear, hear.

**Mr. Squire:** As echoed by my hon. Friend.

As both my hon. Friends are aware, the level of resources retained by LEAs has to be a matter for them to determine, subject only to a minimum requirement that they must delegate 85 per cent. of the potential schools budget to schools.

In 1994-95, Derbyshire just managed to achieve the minimum requirement. Despite an intervention from a sedentary position that I heard earlier, I must say that the matter has not yet formally been advised to my Department. I understand that preliminary signs for the current year, 1995-96, are that Derbyshire will be in the middle of the range when it comes to examining the amounts that authorities hold back.

It is important that we should encourage delegation, but not for delegation's sake alone, which would be foolish. It is important that the scheme should command the support of schools within an LEA. It is clear, however, from our experience of grant-maintained schools, to which my hon. Friend the Member for West Derbyshire made correct and proper reference, that the more that schools control their own budgets, the better value for money they get, to the benefit of the pupils in their care.

**Mr. McLoughlin:** Does my hon. Friend accept that there is a difference between the potential schools budget and the allocation of 85 per cent. and the general schools budget? If we consider delegation over the two budgets, we see that the figure is substantially lower than 85 per cent.

**Mr. Squire:** There is a difference between the two budgets, from which I was endeavouring to protect the House. In terms of the potential schools budget, 85 per cent. is covered by regulation. I readily confirm that there are at least two separate figures involved.

My hon. Friend mentioned the possibility of a national funding formula. Here we are in extremely interesting waters. I need no persuading that there are attractions in principle in a national uniform system that is simple to understand, more manageable to operate and demonstrably fair and transparent. As I am sure other Ministers have said in other contexts, however, it is not quite as simple as that. There are several strategic questions.

My hon. Friend made it clear that he would apply a national funding formula to GM schools and non-GM schools. He will understand immediately that that is not necessarily the outcome of such a formula. If it were to apply only to GM schools, what would be the position of LEA schools? My hon. Friend recognises that that question would arise. If a national funding formula covered all schools, what would we do about local discretion, which presently allows local authorities to spend more or less of their education SSA on a school as they deem fit? Where in all this would SSAs fit in?

In terms of principle, the local management of schools and the common funding formula have already demonstrated the tensions that can be created between self-evident ideals. How do we reconcile the simplicity argument with meeting a wide range of needs? I say with certainty as someone who has wrestled—I hope advantageously—with the common funding formula over the past year or two that there is a difficult trade-off between simplicity and meeting the needs of schools. I am sure that all hon. Members would wish to see schools with higher expenditure finding relief within the funding system.

The issue is topical and my right hon. Friend the Secretary of State is sympathetic in principle. However, I urge my hon. Friend and other supporters of a national funding formula to allow us to proceed carefully. The worst option of all would be to produce an entirely new formula that contained within it, because of the speed with which it had been created, the seeds of great and significant problems. I hope that I have persuaded my hon. Friend on that issue and that he accepts that we are open to persuasion.

The central factor, to which all my hon. Friends have referred, is the glowing success of the GM movement and self-governing in schools in general.

**Dame Elaine Kellett-Bowman:** Will my hon. Friend confirm that, once a school has become grant-maintained, the county cannot close it?

**Mr. Squire:** I confirm that the county cannot close it. All school closures, by definition, come before my right hon. Friend the Secretary of State. Although a county can comment on the position of a grant-maintained school, it does not have the power to close it. I give my hon. Friend that assurance.

By controlling their budgets, as hon. Members have said, grant-maintained schools control their own destiny. We have heard all the advantages, but I shall not repeat them, because time does not allow me to do so. I do not wish to suggest that grant-maintained status is the only precondition of success, as there are good schools that are not grant-maintained, but there is a disproportionate number of successful schools in the grant-maintained sector. That is striking. It is the freedom that grant-maintained schools enjoy, to release energy, enterprise and commitment, that allows schools to realise success throughout the country, and many found that impossible under local authority control.

## Bull Bars

2 pm

**Mr. Paul Flynn** (Newport, West): Mr. Ian Farnworth, aged 17, of Whitley Bay, was killed last November by a bull bar. His father asked me to mention his son's name in today's debate, because both his parents, his surgeon, Mr. Charles Goring, and the local newspaper, the Newcastle *Evening Chronicle*, are convinced that Mr. Farnworth would be alive today if the vehicle that hit him had not had a bull bar. I could fill the next half an hour with a litany of similar sad stories. This one is particularly harrowing because it involved a young man in the prime of life, who had just left school and was about to embark on his first job. His life was destroyed by a part of a vehicle that has no practical value and is merely a fashion accessory.

There are many other vivid reports. I shall mention one of them, but I will not mention the man's name because I do not have the permission of his family. The son of a man killed in Cleveland described his father's injuries. He said:

> "My father's spine was broken in five places and his pelvis was so bad that his leg virtually fell off. His body was shattered. The doctor said it was as if he had been hit by a ten-ton going at 70mph. The bull bars made a terrible impact."

The man was hit not by a truck but by a police van, travelling, as in the other case, below the speed limit.

These terrible adornments on cars concentrate the impact of the collision on a tiny area rather than a larger area, as would be the case if someone were struck by a car that did not have a bull bar. I am grateful to the researchers in this country, including the Transport Research Laboratory, and the researchers in Germany, New Zealand and Australia, who have sent me a huge number of reports and information, all of which come to the same conclusion: bull bars turn slight injury accidents into serious injury accidents, and serious accidents into fatalities.

**Mr. Jon Owen Jones** (Cardiff, Central): I thank my hon. Friend for raising this important subject today. I shall give him one example—a personal example. My son, two years ago, when he was two, was involved in an accident in which a car hit him. The car was probably travelling at about 10 mph at the time. He ended up with a very bloody head injury, which caused him and his parents enormous distress for 24 hours, but fortunately that was all it was. If that car had been equipped with bull bars, my son might not be alive today, so I hope that the Minister will pay due attention to the debate that my hon. Friend has introduced.

**Mr. Flynn:** There is a particular peril for children, because the height of the bar is often the same height as a child's head. The research from Germany shows that 95 per cent. of children would be expected to survive the impact of a crash at about 20 mph, but a vehicle fitted with bull bars would inflict life-threatening injuries on all children if it were travelling at 12 mph, and that they could possibly die even at 10 mph. Those are horrific figures. In fact, the German researchers stopped using the plastic domes to represent a child's head in any of their trials because they were shattering at such low speeds.

The argument against bull bars has been proven. Figures from the TRL, backed up by all the other research, show that the fitting of bull bars in the United Kingdom could lead to 35 additional deaths and 350 additional serious injuries each year by 1996. But things are far worse than that, because, as the Royal Automobile Club pointed out—it has conducted a splendid campaign on this matter—the figures were based on a projection of 2.4 per cent. of the vehicle fleet being fitted with bull bars. Now that they are increasingly being fitted to delivery vans, pick-up trucks—even—ambulances—the total potential market for bull bars is about 12 per cent. of the UK vehicle market. If we extrapolate from those figures, we are talking about an additional 175 fatal accidents and an additional 1,750 serious accidents.

What is the purpose of bull bars? They started in Australia, and even as long ago as 1980 the Australians said that they were dangerous and that they had no useful purpose other than in agricultural use. In Australia, they were known as "roo" bars, because kangaroos were attracted to vehicles and the bars were used to protect the headlights of vehicles. There is a case to be made, as many people have told me, for the use of bull bars on farmland and so on. It is quite reasonable that they should be used, like other farm implements, on agricultural land, but banned on the road. It is quite simple to make them demountable, as many of them are at the moment. That is simple. We are talking about the cars that are used on public roads.

I am grateful to the Minister and to his predecessor for the many letters that they have sent me, which have been considerate and thoughtful. They understand the position precisely, but the area with which I disagree is that they have not taken any effective action to reduce the numbers. The Minister told me in July last year that his Department was asking the motor industry to act and not to fit bull bars or advertise them. Unfortunately, that was a failure. Only one company—Volvo, I understand—has banned them, to its great credit.

I received a letter from a gentleman in London, who told me that, in the interests of road safety, he wanted to fit two additional lamps on his Rover Discovery, but the only way of fitting them was to install a bull bar and to screw them to the frame. So to achieve the safety that he needed on the road, he had to do what he thought to be unsafe and install a bull bar. The rest of the industry has not responded to the Government's attempt to remove bull bars and reduce their number. In fact their number is increasing.

There have been other attempts by the Government to reduce the use of bull bars. In 1992, the Government asked the TRL to consider whether a code of practice could be a way of avoiding the increased risk in the short term until the European directive could be agreed and implemented. The TRL carried out a very limited test programme. It showed that the suggested code was impractical, because a prototype bull bar made to the code gave a worse test result than a standard bar.

Sadly, the TRL, in a letter that was written a week ago today, tells me that it does not see any further research taking place, apart from the police statistics that are being collected, because it does not have a sponsor for further research. It is a side issue, although an important one, but no one has a vested financial interest in saving lives, particularly those of people whose identity we do not know. It would be terrible if the work of the TRL was skewed into serving the motor trade, which is mainly

*[Mr. Flynn]*

responsible for encouraging these bars, rather than serving the interest of the future casualties and their families; we need someone to undertake that research.

The insurance companies have been helpful and are concerned. The Norwich Union told me that, when such devices are fitted to vehicles after manufacturing stage as modifications and the appropriate modifications have not been notified to it, it would consider voiding policies if it believed that bull bars had contributed seriously to the accident. The insurance trade is doing a great deal of research in that area. But there seems to be no way out.

In a letter to me in the early part of this year, the Minister suggested that we have to rely on a European directive which is on its way. I shall not give the figure from memory, but the Minister said that a large number of casualties might result from future accidents in the European Community. But we are informed that the directive is unlikely to come through the machinery of the European Union for at least a decade. Commissioner Neil Kinnock assures us that there is no need to wait for that directive, and that we can act now.

**Mr. Peter Bottomley** (Eltham): It is possible for vehicle owners to be required to inform their insurance companies if they make modifications to their vehicles, especially if the result is to make them less roadworthy. There are regulations which the police and others can enforce for vehicles in an unroadworthy condition. Given that roadworthiness is designed to protect the road user, which should include bicyclists and pedestrians as much as the person inside, should not insurance companies invalidate insurance if bully bars or injury bars are put on the front of vehicles? Is not it open to Government to say that, unless putting a bull bar or bully bar on the front of a vehicle reduces the risks to other road users, such vehicles are unroadworthy?

**Mr. Flynn:** I am grateful to the hon. Gentleman, who has a distinguished record in opposing bully bars, as he rightly called them. The Royal Automobile Club has identified two pieces of legislation which can be used now in order to prosecute owners of vehicles with such bars because they are in an unroadworthy condition. There has been one conviction in the Manchester area. That remedy can be taken up immediately.

The suggestion that there can be some kind of soft bull bar was investigated in several countries. Australian researchers came to the conclusion that it is not possible to design a bull bar which is friendly to pedestrians because even a soft bull bar is more dangerous than a standard vehicle. Regardless of the specific design, severe head and pelvic injuries seem to be the inevitable consequence in a collision with a pedestrian where a bull bar is fitted.

During his period as a Minister, the hon. Member for Eltham (Mr. Bottomley) told us that one of the great improvements in casualty reduction was achieved by making the front of cars pedestrian—friendly so that the front of the car absorbs the force of the collision by giving. Everyone is at more risk from a bull bar, even the driver of the car and his passengers. The effect of a bull bar is to make the car a more rigid object so that the force of the impact, instead of being taken by the body of the car, is taken by the passengers. There are also other disadvantages.

Bull bars certainly pose a greater risk to cyclists and pedestrians. The Pedestrian Association has given me a great deal of information. Pedestrians and cyclists who have written to me feel intimidated by such bars. The psychology of those who add them to vehicles is difficult to understand. They seem to be part of a fashion for having vehicles that look threatening and dominating on the road. They are big and they look aggressive. That fashion has reached unreasonable proportions. A huge number of such vehicles are on the road at the moment, reflecting the growing popularity of bull bars.

Bull bars appear to be a fashion accessory. They in no way add to the safety of vehicles. Not one researcher has come up with the idea that they make a vehicle safer. There is a hallelujah chorus from those with a vested interest in the safety business and other road matters saying that they are highly dangerous and should be banned. The only argument in their favour comes from the farming community. I have already said that a case can be made for their use on farms.

A case can also be made for the jobs provided by the manufacture of bull bars. Nudge bars, as they are called, are manufactured within a few miles of my constituency and almost certainly my constituents are involved in that. One local firm from Gwent has written to the Secretary of State about today's debate. But the interest in those jobs is very much secondary to the interests of future road casualties.

The Minister must tell us today in clear terms what his views are and take this opportunity to make a clear and unambiguous statement that there is no answer to be found in Europe within the foreseeable future and there is no chance of devising an acceptable bull bar. We know that people will die and hundreds will be injured every month because of the growing fashion for crash bars.

The Government must act now. The Minister has in his hands today the chance to save lives. There is a growing awareness of the danger. I look to local papers, such as the *Evening Chronicle (Newcastle)* and other papers such as *The Independent on Sunday* and *The Times* which have led campaigns on the subject, to highlight every single accident, every death and every serious injury that can be put down to a bull bar. I give an assurance that I will bring to the attention of the House every case that I hear of where a bull bar has resulted in a fatality.

The Minister cannot introduce legislation tomorrow, but he can take the course taken in Manchester, where a man was found guilty of driving a car in a dangerous condition, and ensure that the laws that are there are implemented. Most of all, he can send a clarion call from the House today to warn all those who manufacture bull bars, advertise them or profit from them, who are about to buy them or who already have them on their cars, that the time of such bull bars is limited, that a ban will come in the foreseeable future, so it would be foolish to invest in them now.

We want those who would otherwise choose to have bull bars to avoid the terrible experience that might result. None of us ever expects to collide with a pedestrian but, sadly, it happens. Children run into the road unexpectedly. We want to avoid people suffering the terrible trauma of having the guilt of a death on their consciences and the dreadful agony of bereavement for parents. I ask the Minister to make a clear statement today, not of concern which I know he genuinely has, but of action.

2.16 pm

**The Minister for Transport in London (Mr. Steve Norris):** I congratulate the hon. Member for Newport, West (Mr. Flynn) on bringing forward this important subject. As he implies, I welcome the opportunity to outline the present position on the subject and to say how we can take matters forward. I am grateful for the contributions from other hon. Members to this necessarily short debate.

The Government are committed to improving all aspects of road and vehicle safety so as to reduce the terrible toll of deaths and injuries on our roads. We have been concerned for some time now that the fitment of bull bars on road-going vehicles will do nothing to help us meet that objective.

Let us be clear. As the hon. Gentleman suggested in his speech, I suspect that the majority of bull bars currently seen on vehicles are fitted as fashion accessories, as he described them. A macho fashion accessory is an adequate description of what they represent. No one denies that in some off-road circumstances they may be of practical value, but few vehicles which carry them are being regularly used in such circumstances. Therefore, it is difficult to see how they provide any worthwhile benefits.

Some bull bars are quite crude in nature and design. I make it clear that such devices can only be detrimental to the safety of vulnerable road users such as pedestrians and cyclists who, if they come into contact with a vehicle fitted with such apparatus, will almost certainly suffer more severe injuries. One need only imagine, as has been said, what happens when a child's head comes into contact with a bull bar in the unfortunate event of a collision. Given that both are at the same height, it is not difficult to divine which would come off worse.

The Transport Research Laboratory, which was mentioned by the hon. Member for Newport, West, supports that view. It was asked to carry out impact tests using an instrumented child-size headform and other instrumented impactors on a bull bar, to demonstrate the severity of the possible impact and compare it with the severity of collision with a normal flexible vehicle bonnet. The research showed that, if the fitting of vehicles with bull bars continued unabated, it could result in an extra 35 deaths and 350 serious injuries per annum in the United Kingdom among vulnerable road users.

The hon. Gentleman pointed out that, because that research was necessarily based on extrapolation from a proportion of the vehicle population, any underestimate of that proportion could mean a higher figure. I believe that he and I—and, indeed, all other hon. Members—agree that, given the current needless loss of life on our roads, which still amounts to nearly 80 deaths a week, we are not prepared to contemplate 35 more deaths and 350 more serious injuries with equanimity.

Because of those findings, our agreement about the seriousness of the issue and our concern about the increasing use of bull bars, we have taken steps to gather evidence of a slightly different nature—evidence of specific injuries caused on the road by bull bars. Sadly, because of the way in which the police collect accident data, until a recent initiative taken by my Department no specific evidence about the impact of bull bars was available.

Towards the end of 1993, we asked all police forces to identify specific injury accidents during 1994 involving vehicles fitted with bull bars, using the "special studies" box on the normal STATS 19 accident reporting form that the police must complete for every injury accident. Analysis of the information gathered from that exercise will be used to supplement the earlier Transport Research Laboratory estimates, and I expect the results to be known towards the end of the year. We agree, then, that the problem is serious and that we should do all that we can to end such needless loss of life.

The hon. Member for Newport, West asserted that the Government were dragging their heels. I understand why he should make such an assertion, given the frustration that surrounds the issue; but in no sense are we dragging our heels. Bull bars are not banned in Germany, the Netherlands, the United States, Australia, Sweden or any other safety-conscious country; indeed, the United Kingdom is probably ahead of all the others in recognising the seriousness of the problem. Let me add that, if other Europeans were as aware of the safety problems as we are, we should not have to battle so hard in Brussels to win the safety standards that we all want.

We welcome what has been said by Transport Commissioner Kinnock—a friend of the hon. Member for Bolsover (Mr. Skinner), whom I am delighted to see in his place. I know that he welcomes the elevation of his former right hon. Friend, and sends him his good wishes.

**Mr. Dennis Skinner** (Bolsover): Keep it up.

**Mr. Norris:** The hon. Gentleman asks Commissioner Kinnock to "keep it up". No doubt he will ponder that message.

Commissioner Kinnock simply said that, under European law, there was unlikely to be any obstacle to member states' banning bolt-on accessory bull bars. I fear that he actually meant that his directorate, the transport directorate, would experience no difficulty. That is comforting—the same applies to us—but I fear that, as ever when we are dealing with the European Union, it is not the whole story.

This important issue has been raised with me by, for example, Christian Wolmar of *The Independent*, who—as the hon. Member for Newport, West knows—is rightly concerned. The bull bar itself is not E-marked—marked with a European approval mark, which means that identification of bull bars that are European type-approved would be difficult. Legislation would fail to prevent the use of bull bars on many vehicles, because the more popular vehicles have been type-approved with their optional-bolt-on bull bars fitted at the time of their European type approval. That answers the point by my hon. Friend the Member for Eltham (Mr. Bottomley). Thus, the vehicle and bull bar are, as a whole, European type-approved. I am sorry to tell my hon. Friend—who, as usual, has been hugely helpful to Ministers—that the remedy that he offers would not be available in such circumstances.

**Mr. Peter Bottomley:** The most important thing, surely, is to ensure that fewer vehicles have bully bars, to persuade more vehicle owners to remove them and to make people understand that they are a deliberate threat to others. Can my hon. Friend also tell us why, although

*[Mr. Peter Bottomley]*

cars are usually constructed so that they collapse to protect those inside, idiots put hard objects on cars that will kill those outside?

**Mr. Norris:** I am about to deal with that—but it is an important point, and I thank my hon. Friend for his helpful intervention.

As I have said, vehicles fitted with bolt-on bull bars have European type approval. I stress that virtually every Member of Parliament—regardless of party or, indeed, absence of party—agrees that the free circulation of European type approved items cannot and should not be impeded within the European Union.

**Mr. Flynn:** We are aware of the European laws. Under the Construction and Use Regulations 1986 and other legislation, successful prosecutions have already been carried out, and the RAC tells us that legislation already exists in Britain to stop the use of dangerous bull bars on public roads. Why on earth do we not implement that legislation?

**Mr. Norris:** I am sorry to have to tell the hon. Gentleman yet again that what he has said is simply not true. Let me assure him unequivocally that, if it were possible to ban such fitments, the Government would not hesitate to do so. The reason why the Government do not do so is that they cannot ban the fitment of items that are in receipt of European type approval as fitments to vehicles, which receive a number of complex European type approvals.

That is a matter of some frustration for the Government, so we have taken two actions. First, we have pressed the virtue of the new directive on pedestrian protection, which we believe is the way to proceed in such matters. As the hon. Member for Newport, West said, it has the virtue of concentrating on the softer front, which is an important part of road safety.

Secondly, we have told manufacturers that although we do not have the power to legislate in this area—as the hon. Gentleman would wish, but I know that he is a fair-minded man—they have it within their power to take action now. Some have been prepared to do so openly; others have taken note of what we have said. It is an important area and I give an undertaking to the hon. Gentleman that we shall continue to bear it very much in mind.

We will press not only Commissioner Kinnock but the other directorates within the Community to ensure that this valuable aid to reducing road deaths is proceeded with. I strongly anticipate that it will be the British Government, once again, who will be the first to bring about, in due course, the welcome abolition of this accessory.

*It being half-past Two o'clock, the motion for the Adjournment of the House lapsed, pursuant to Order [19 December].*

# Oral Answers to Questions

## ENVIRONMENT

### House Building

1. **Mr. Sheerman:** To ask the Secretary of State for the Environment what steps he is taking to stimulate the building of houses suitable for tenants or buyers on lower incomes. [17876]

**The Minister for Local Government, Housing and Urban Regeneration (Mr. David Curry):** My Department has a housing programme of £6.7 billion this year, which goes mainly to provide new social lettings, to renovate existing housing, and to help finance rent rebates for council tenants. We also finance a number of low-cost home ownership programmes.

**Mr. Sheerman:** Is that not an appallingly complacent answer from a Minister who knows that in 1979 local councils built 75,600 houses, whereas last year they built just 1,600? Is it not a matter of shame for both the hon. Gentleman and the Government that there are tens of thousands homeless people throughout the country and that people are living in degrading and squalid conditions? Is it not time the Government liberated councils to build the homes that people deserve?

**Mr. Curry:** Why is the hon. Gentleman so obsessed with houses being built by councils? What is the difference between a house built by a council, one built by a housing association and one built by the private sector? It shows the Labour party's obsession with state ownership and state development. One of the greatest achievements, among others, of this Government has been to put housing associations in the front line in the development of new homes. That is infinitely better and more flexible than house building by councils.

**Dr. Spink:** Will my hon. Friend confirm that there are about 800,000 empty houses in this country and that councils, especially those under Labour control, have a responsibility to bring them into use? Would that not help those on low incomes?

**Mr. Curry:** It is true that there is a large number of empty homes in both the public and the private sectors. We have a housing partnership programme aimed at bringing them into use. It is also true that, if we could get more of them into use, that would make a significant dent in some of the housing problems.

**Mr. Raynsford:** Why will the Minister not admit to the true state of housing in Britain today, with house sales last month 14 per cent. down on 1994, 1.25 million home owners trapped in negative equity, repossessions running at 1,000 a week—50,000 a year—councils to all intents and purposes stopped from building new housing, and housing association budgets cut for two years running, thereby reducing the combined output of rented housing by councils and housing associations to the lowest levels since the second world war? Is it not clear that the Government have failed the nation and that they have lost the confidence of house builders, tenants and home owners alike, and that they should now make way for a Labour Government who will take housing seriously?

**Mr. Curry:** No.

### Right to Buy

2. **Mr. Congdon:** To ask the Secretary of State for the Environment how many homes have been sold under right to buy legislation. [17905]

**The Secretary of State for the Environment (Mr. John Gummer):** In England, more than 1.23 million homes have been sold under the right to buy. The figure for Great Britain as a whole is more than 1.6 million.

**Mr. Congdon:** I welcome those figures. Given the success of providing the right to buy to so many people—with the benefits evident throughout the country both in the physical improvements on council estates and in the wider mix of tenures—will my right hon. Friend consider extending the scheme to all housing association tenants, which is a particular issue in London?

**Mr. Gummer:** My hon. Friend is right to say how much the initiative has been welcomed. Under one or other of the schemes, 235 homes a day in Britain are being bought by tenants who are turning themselves into home owners. That is a remarkable achievement and wholly contrary to the rather pathetic comments of the hon. Member for Greenwich (Mr. Raynsford). However, we want to improve on that number and I am looking carefully at ways to extend the initiative to other people.

**Mr. Soley:** Is the Secretary of State aware that the total raised from council house sales is about £25 billion—close to the total amount raised from all other privatisations? Instead of frittering that money away, why do the Government not invest it in housing? It was the original plan of the housing spokesman of the Tory party to reinvest in housing, but the Government did not do so. As a result, we have homeless children begging in our streets. Is the Secretary of State not ashamed of that?

**Mr. Gummer:** Far from frittering it away, the first use of that money was to pay back the debts incurred to build the housing in the first place. The second use was to build other houses. The third use was for other local authority purposes. The concept that the money has been frittered away can be accurate only if the local authorities, many of which are controlled by the Labour party, frittered it away: it was their money and they have spent it.

As a result of the Government's policy on homelessness, fewer than a third of the number of people who were sleeping rough on the streets of London a few years ago do so now. That is the result of spending £129 million on the homeless. The hon. Gentleman ought to get his facts right.

**Mr. Beggs:** Does the Secretary of State agree that, under the right-to-buy legislation, many more families have a new pride in the ownership of their property, and that the improvements which they make give new confidence and interest in improvements to those living in neighbouring properties? Does he agree that, at this

time, many more families should consider the advantage to them which would be gained by applying to buy the property which they rent at present?

**Mr. Gummer:** My hon. Friend is absolutely right in expressing that view of home ownership. It is precisely what the Government have sought to do. Of course, all the 235 families per day who buy their own homes would not have had the chance to do so if the Labour party had been in control. Labour opposed the right to buy at every point and many Labour candidates put the right to buy in their manifestos as something that they would like to stop.

### Contaminated Land

3. **Mr. Dowd:** To ask the Secretary of State for the Environment what plans he has to ensure that the owners of contaminated land make that information available to the public. [17906]

**The Minister for the Environment and Countryside (Mr. Robert Atkins):** The contaminated land provisions in part II of the Environment Bill include proposals for local authorities to inspect their areas to identify contaminated land, to assess the seriousness of the contamination using guidelines to be set out by the Secretary of State, and taking into account the advice of the Environment Agency, to decide what should be done by way of remediation.

**Mr. Dowd:** Does the Secretary of State agree that if green-field and green-belt sites are to be protected from development, we need better to use brown-field and redevelopment sites, and that gaining public confidence in that redevelopment by fully disclosing information is instrumental in achieving that? Leaving aside the Government's historic bias towards commercial interests over the public interest, are the Government so unworthy of trust that they are unprepared to trust the people with the information?

**Mr. Atkins:** I share the hon. Gentleman's desire to bring contaminated or brown land back into the development cycle. That is why we have coined the phrase "suitable for use" which we talked about yesterday in the debate on the Environment Bill. I expect that in due course the hon. Gentleman and I will find out the extent of that in Committee. The point is surely that those who have caused the problem, either currently or in the past, or those in the same sort of market, are the ones who need to spend the money to rectify the problem. To allay the concerns of the insurance industry, the banks, and so on, we need to ensure that they believe that "suitable for use" means just that.

As for the hon. Gentleman's point about public registers, powers in the Environment Bill, which we discussed yesterday, will allow greater disclosure. In any case, local authorities have powers now to check and disclose details of contaminated land to those who are interested.

**Mr. Thomason:** Does my hon. Friend agree that, consequent on the proposals contained in the draft legislation which was before the House yesterday for Second Reading, it is likely that purchasers and others interested in developing a property will be able to gain the information that they require from normal conveyancing inquiries as well as from the usual inquiries with the local authorities?

**Mr. Atkins:** Yes.

### Strategic Authority for London

4. **Mr. Tony Banks:** To ask the Secretary of State for the Environment if he will make it his policy to reinstate a strategic local authority for London. [17908]

**Mr. Gummer:** No.

**Mr. Banks:** I asked the question more in hope than expectation, but when will the Government drop the dead dogma about London and accept what everyone in the public and private sector is saying—that London desperately needs a strategic authority to run it? Why is such a body good enough for every other capital city in the world, but not for London?

**Mr. Gummer:** I know that the hon. Gentleman has a long love of the Greater London council—so much so that he took its various insignia home to look after them at the end of its time—but he must remember that Paris, for example, has no such authority. It is not true, therefore, that every other capital city has one. The mayor of Paris controls an area which is not the whole of Paris by any means. As usual, the hon. Gentleman is wrong. That is the second time that he has been wrong during this Question Time.

The Government and the Cabinet Committee for London are our strategic authority. We deal with a range of problems throughout London, and the area covered depends on the issue. If one is talking about transport, the old GLC area is far too small. If one is talking about the Thames, it is the wrong shape and the area must go much beyond and below that. If one is talking about the problems of tourism and theatreland one is talking about two or three boroughs in the centre of London. On many of the issues, the sort of strategic authority that the hon. Gentleman wants would have no use and be very expensive and it would be largely opposed by his supporters in the borough councils, who are elected.

**Mr. John Marshall:** Does my right hon. Friend accept that the GLC gave London an intolerable bureaucracy, interminable delays and frequent differences of opinion with the London boroughs? Does he accept that outside London people would have looked to the Lord Mayor of London rather than the chairman of the GLC, of whom few, if any, had heard? Does he also accept that, since I became the Member for Hendon, South, I have not received one letter calling for the resurrection of the late and unlamented Greater London council?

**Mr. Gummer:** I am not surprised that my hon. Friend has received no letters. After all, in the last five years of the GLC, it put spending up by 170 per cent. when the total increase in the cost of living was 29 per cent., and it had 20,000 staff and a budget of more than £1 billion. It is difficult today to find anything it did which needed doing.

**Mr. Dobson:** Why do the Tories refuse to restore to Londoners their right to choose who governs their city? Why do the Government insist on ignoring the views of four out of five Londoners and of the *Evening Standard*? Will the right hon. Gentleman confirm that that rejection of the rights of Londoners was decided by a Cabinet

sub-committee which includes the chairman of the Tory party? Is that because the Tories are scared stiff to face the voters of London, just as they are running scared of voters in every other part of the country?

**Mr. Gummer:** I am glad that the hon. Gentleman managed to read that out word for word because he does not believe it any more than anyone else in the House, which is why he had to have it written down. The fact is that he is wrong on every point. The GLC did little that is discernible for the good of London and cost it a great deal. The needs of London are much better served by dealing with it as it really is. That is why there are elected borough authorities.

The idea that London—meaning its 32 boroughs—cannot elect its governor can be put forward only by someone who recognises that the Labour party, which runs most of those boroughs, does not act in the interests of the electors but in the interests of the Labour party. It is no wonder that the hon. Gentleman had to read out his question, lest he be led into the facts, which are that Lambeth, Hackney, Haringey and other examples of Labour London do not give anyone in London any chance to think that it would be better if there were a juggernaut such as the GLC again.

**Mr. Colvin:** Does my right hon. Friend agree that it is far better for the hon. Member for Newham, North-West (Mr. Banks) to be here entertaining us, rather than being chairman of one of the most profligate local authorities ever? Can my right hon. Friend tell us when we can expect that great Lutyens building, county hall, to be put to a more profitable use?

**Mr. Gummer:** I hope that that will happen soon. I am glad that my hon. Friend mentioned the past because it is worth remarking that when the GLC was the so-called "strategic authority for London" it spent only a sixth as much in real terms on the London tube as is spent now that the Government have that role.

### Out-of-town Developments

5. **Mr. Heppell:** To ask the Secretary of State for the Environment if he will make a statement as to when he will publish his review of planning policy guidance concerning out-of-town developments. [17909]

**The Parliamentary Under-Secretary of State for the Environment (Sir Paul Beresford):** Before the summer recess.

**Mr. Heppell:** How does the Minister plan to convince local authorities and commercial enterprises that the Government are serious about supporting town and city centres when planning guidance still lacks clarity? Does he agree that any out-of-town development is bound to have a serious effect on town and city centres?

**Sir Paul Beresford:** I would not absolutely agree with the last part of the hon. Gentleman's question, when he said that out-of-town development causes destruction to town and city centres. There is cross-party and local government support for the changes and for PPG6, which shows that local government recognises the positiveness of that report.

**Mr. Quentin Davies:** Does my hon. Friend agree that it would be an enormous tragedy if we followed the pattern of so many American cities, where all economic development has shifted out to new shopping malls in the suburbs and city centres have become an economic vacuum? Does he agree that imaginative planning policies can play an important role in preventing such development from taking place?

**Sir Paul Beresford:** I would certainly agree with that. Indeed, there is probably cross-party support on all the points that my hon. Friend has just made.

**Mr. Matthew Taylor:** Does the Minister accept that, apart from out-of-town centres which have already been built, many planning permissions for out-of-town developments are still outstanding and people are concerned that the stable door is being shut well after the horse has bolted? Will the Department review what it can do to help town centres regenerate and build investment through local authorities and others to push back the tide in favour of town centres, particularly in communities where town centres are already well down the path of decline?

**Sir Paul Beresford:** First, given the current number of outstanding planning permissions, the hon. Gentleman's question conveys a sense of doom rather than reality. The reality is very different. Secondly, not only local authorities and planning authorities are involved; the private sector, whose response towards city centres has been very positive so far, is also involved.

**Mr. Vaz:** Why does the Minister not have the courage to admit that current planning policy is in a state of complete confusion? No sooner is planning guidance issued than it is ridiculed, criticised, withdrawn and subjected to a fundamental review. Will he assure the House that, once that review is completed, the Government will for the first time have a coherent and clear policy on out-of-town development rather than the current mess?

**Sir Paul Beresford:** If the hon. Gentleman cares to look at PPG6 and the revision as it comes forward, he will recognise that the whole basis of his question is wrong.

**Mr. Anthony Coombs:** While welcoming PPG6 and tentative evidence reported in the *Estates Gazette* last week that relative values and rents in well managed town centres are rising compared with those in out-of-town shopping centres, will my hon. Friend look closely at an application to extend the Merry Hill centre, which would significantly affect surrounding towns such as Kidderminster, Bromsgrove and Worcester?

**Sir Paul Beresford:** I am sure that my hon. Friend would not want me to comment directly on a particular issue, but his point has been noted.

### Young Single Homeless

6. **Mr. Khabra:** To ask the Secretary of State for the Environment what recent assessment he has made of the extent of homelessness among young single people in England. [17910]

**The Parliamentary Under-Secretary of State for the Environment (Mr. Robert B. Jones):** The assessment of the number of homeless young people and consideration of their housing needs is the responsibility of each local authority. However, in central London the Government's

rough sleepers initiative has been particularly successful in helping young single homeless people. In November 1994, just two under-18s were found sleeping rough there.

**Mr. Khabra:** Has the Minister had time to read the report recently published by Crisis, a leading charity which cares for single homeless people, which shows that rates of tuberculosis among homeless people are comparable with those in third-world countries? Will he establish a working group to combat that danger and to co-ordinate agencies' work with help for homeless people? Does he agree that homelessness has a link with health? If so, what is his Ministry doing in relation to homeless people?

**Mr. Jones:** The hon. Gentleman asks me to establish a working group. Such a group was established last year under the leadership of the Department of Health. Furthermore, there is a sub-group on homelessness, on which Crisis has a representative. The report is likely to be available in a couple of months' time.

**Mr. Garnier:** Does my hon. Friend agree that, if Labour local authorities collected their rents efficiently and maintained their buildings properly, more houses would be available for homeless people?

**Mr. Jones:** Efficient use of existing housing stock is one of the most important strategies that any local authority can pursue. We try to encourage them to pursue that in every possible way.

**Mr. Betts:** Does the Minister agree, however, that outside London the Government have effectively washed their hands of the problem of homeless young people? The Government have altered the housing benefits arrangements so that in many cases young people are not entitled to benefit. At the same time, those people have no alternative but to go into the private sector. Local authorities which could provide housing for them are denied an opportunity to do so because their capital receipts from housing sales cannot be used to build new homes. Does the Minister have one single initiative outside London to offer those people, who are suffering the most appalling housing and other deprivation?

**Mr. Jones:** As I have said, responsibility lies with local authorities. The hon. Gentleman is saying that Labour local authorities have washed their hands of the problem. When we judge the housing investment programme submissions of every local authority, we look for evidence that local authorities have proper strategies in place. If the hon. Gentleman is criticising his local authority, he should provide the evidence.

### Conservation (Lewes)

7. **Mr. Rathbone:** To ask the Secretary of State for the Environment when next he plans to visit Lewes to discuss conservation matters. [17911]

**Sir Paul Beresford:** My right hon. Friend has no plans to visit Lewes at present.

**Mr. Rathbone:** Will my hon. Friend please pass to his right hon. Friend the regrets at that news and the hope that he will be able to accommodate a visit as soon as possible? When he comes, he will be welcome. While there, will he take advantage of that presence to reassure my constituents that the Government have no plans for additional dumping of radioactive waste at Beddingham pit in the beautiful Ouse valley south of Lewes? Will he give an assurance that inspectors' reports on the standards maintained at that pit will be published more quickly in the future than they have been in the past?

**Mr. Mackinlay:** I suppose the hon. Gentleman thinks that they should stick the waste in a working-class area.

**Sir Paul Beresford:** I understand that an application exists to take the load from my hon. Friend's area and to move it to Thurrock. Leaving that to one side, however, I assure my hon. Friend that there is no dumping. There is disposal of very low-level radioactive waste, which comes from one source only—the university. We are talking about things such as gloves and radioactive wrappings. No plans exist to expand on that. I understand that Her Majesty's inspectorate of pollution is working hard to respond to my hon. Friend's last request to speed up reporting.

### Unfit Housing

8. **Mr. Bayley:** To ask the Secretary of State for the Environment how many houses in England are unfit for human habitation. [17912]

**Mr. Robert B. Jones:** According to the statutory definition, in 1991 1.5 million such dwellings existed. Half of those are unfit on only one item, and we estimate that one third of the properties could be made fit for less than £500.

**Mr. Bayley:** What assessment has the Minister made of the effect of homes that are unfit for human habitation on the health of people who live in them? Are the Government planning to abolish the mandatory framework for grants, which they introduced in 1989, in their forthcoming housing White Paper? If so, what effect will that U-turn in Government policy have on the health of people condemned to live in houses which are unfit for human habitation?

**Mr. Jones:** We have made no decisions yet about the grant regime and have been consulting about that. Several authorities, primarily Labour controlled, have urged me to ensure that we scrap the mandatory grant system, but we have not reached a conclusion about that yet.

**Mr. Sykes:** The Minister knows that almost a year has passed since the Richmond hotel, a Department of Social Services hostel in my constituency, was burnt to the ground. Is he aware that there are many such hostels in my constituency, many of which are to the detriment of tourism, which is vital to our prosperity? When will the Minister promise to introduce a scheme to license and regulate those places, so that the unfortunate people who live there can live in safer conditions?

**Mr. Jones:** We have consulted on houses in multiple occupation, which are usually termed HMOs. The results are now to hand and we hope to announce our decision before long, once we have pulled those results together.

### Vauxhall Cross (Regeneration)

9. **Ms Hoey:** To ask the Secretary of State for the Environment what plans he has to help regenerate the area around Vauxhall Cross. [17913]

**Sir Paul Beresford:** As the hon. Lady is aware, regeneration is a co-operative activity and I look forward to receiving sensible proposals from Lambeth council, businesses in the area and other local organisations. It may also be helpful to her to know that I was minded to allow the appeal on the Effra site, subject to conditions and planning obligations.

**Ms Hoey:** I thank the Minister. Will he welcome the setting up of a Vauxhall employers group and the work that has initially been done on an SRB bid, or whatever the new name is, for the coming year for the Vauxhall Cross district? Will he also welcome the fact that one of the millennium fund bids will be for the recreation of the Vauxhall pleasure gardens in that district? Does he accept that the Vauxhall district, especially around that intersection between roads and railways, has a thriving local community and that anything he can do to bring together and support the partnership which now exists will be extremely welcome?

**Sir Paul Beresford:** I look forward to seeing those plans. I am intrigued, as an Edwardian historian has given me a description of the pleasure gardens which raises some rather interesting smirks and question marks.

**Mr. Simon Hughes:** Following the question asked by the hon. Member for Vauxhall (Ms Hoey), can the Minister confirm whether all planning applications for Vauxhall and along the riverside in central London are now as a matter of course brought in for review by his Department, as appears to have been the case in recent months?

**Sir Paul Beresford:** No, that is not so. It is selective.

### Council Estate Improvements

10. **Mr. Pike:** To ask the Secretary of State for the Environment what have been the financial implications for improvement of council house estates by the move from estate action funding to the single regeneration budget scheme. [17914]

**Mr. Curry:** About £750 million is expected to be spent through the single regeneration budget in the next three years on estate action commitments. In addition, more than 80 new schemes with significant public and private housing outputs were approved in round 1 of the SRB challenge fund, and will receive about £670 million of investment during their lifetime.

**Mr. Pike:** Does the Minister accept that, as a result of the changeover to SRB, less money is available to deal with problem housing estates? Are the Government not really bothered about helping people who by choice or by necessity live in council houses?

**Mr. Curry:** No, I do not accept that, for the following reason. The estate action programmes which are under way will continue and they will see out their life. The new money goes into the challenge process of a single regeneration budget, and the essence of that is that local groups should define their own priorities and needs. Nothing prevents them placing housing at the top of their list of needs. What is more, whereas estate action was a purely physical refurbishment and rebuilding programme, under the single regeneration budget it is possible to tackle more than one aspect of housing problems, as the successful SRB bid for Burnley is indeed doing.

**Mr. Barry Field:** Does my hon. Friend agree that the concept of the single regeneration budget is an ideal opportunity for small communities such as that on the Isle of Wight to make application for Government funds, especially in places where local councils and councillors concentrate on local issues? In that respect, will he contrast the statements by the leader of the Liberal Democrats on 10 April 1995 in the *Southern Daily Echo*, where he said that the elections were about local issues and asked people to please judge the councillors according to their record, with what he said when he crossed the Solent to the Isle of Wight, when he said that the elections were about national issues and asked people to please use a double-barrelled shotgun against the Government? Does he agree that, yet again, the leader of the Liberal Democrats is wedded to and inundated with inconsistency?

**Mr. Curry:** I have observed the same phenomenon in the same gentleman.

### London Docklands

11. **Sir Michael Neubert:** To ask the Secretary of State for the Environment when he next expects to make an official visit to the London docklands to discuss the prospects for further developments there. [17915]

**Mr. Curry:** I will meet the chairman of the board of the London docklands development corporation on 20 June to discuss the draft 1995 corporate plan.

**Sir Michael Neubert:** I thank my hon. Friend for that positive response. Will he confirm that development of London's docklands not only brings long overdue regenerative benefits to east London but materially enhances the potential of our capital city's national assets? In that context, will my hon. Friend lend his support to proposals for a major international exhibition centre at the royal docks to put us on a par with our European rivals?

**Mr. Curry:** It is very much the Government's intention to have high-quality development in the east Thames and east London area—the same sort of quality that we would find necessary in any other part of the country. As for the exhibition centre, my hon. Friend will know that the development corporation has nominated a consortium, with which it is negotiating. It has until the end of the year to come forward with a scheme that will stand up in financial terms. We have made it clear that that scheme, which I hope will be successful, must stand up with private finance—there is no public subsidy.

### Global Warming

12. **Mr. Flynn:** To ask the Secretary of State for the Environment what new proposals he has to combat global warming, following the Berlin conference. [17916]

**Mr. Gummer:** Britain set the pace at the Berlin conference by calling for others to join us in making reductions in greenhouse gas emissions in the decade after 2000. This enabled us to take the lead role in producing the Berlin mandate which provides the engine that will

make such reductions possible. We must work hard now to agree, and to get others to agree, real reductions in 1997.

**Mr. Flynn:** While the Minister is entitled to half a cheer for that complacent answer and for the fact that we are one of only three of the primary emitter countries likely to achieve our targets, does he not agree with the Alliance of Small Nations that the conference was a failure because it lacked any political will and the decisions were short sighted? Does he not know that many areas of this country, including many parts of my constituency, lie under the level of high tide and have to be protected by sea walls? Is it not true that the Government are failing, and the conference failed, to come up with new targets for a reduction in the emission of the gases that cause global warming? Is that not a failure to tackle the most serious problem facing our world civilisation?

**Mr. Gummer:** The hon. Gentleman should get his facts right. It would be good if we occasionally heard from the hon. Gentleman something congratulatory about his own country—on this occasion, we are leading the world. We shall not only meet our obligations in 2000, but do better than that. We are the country that has taken the lead in the European Union. We have got the European Union to put forward the basis of the agreement for the Berlin mandate.

The facts that the hon. Gentleman quotes are false. The Berlin conference was not a conference to decide on the amounts of reduction, but one to decide on the means by which we would achieve them and to agree that there would be reductions. When we arrived, we found that the United States and many other countries had no intention of signing up to reductions. We managed to bring those countries on board. We have played a key role, and have been helped in that by the support of the Opposition. It is sad that the hon. Gentleman should try to drive a wedge between us. As for the hon. Gentleman's constituency, I have the honour to represent a constituency almost all of which will disappear under the sea unless I am successful.

**Mr. Fabricant:** I congratulate my right hon. Friend on the moves that he made to produce the Berlin mandate. I also remind the House that it was Baroness Thatcher who initially proposed the Rio summit, the precursor of the Berlin conference. My right hon. Friend the Secretary of State should not get carried away with the single idea that it is greenhouse gases that cause global warming. Many scientists argue that the cause could be sun spots, and that changes in the earth's core could also have an effect on global warming. May I commend to my right hon. Friend an excellent article that was published in *The Spectator* a few months ago on that very subject?

**Mr. Gummer:** I agree with my hon. Friend that my right hon. and noble Friend Baroness Thatcher was the person who most immediately raised the subject in the political debate, as is natural for a Conservative—concern for the next generation is part of our political creed. My hon. Friend would do better to follow my right hon. Friend Baroness Thatcher's example than that of the article in *The Spectator*. The truth is that the work that the Meteorological Office and the Hadley Centre have produced clearly shows that analysing historic evidence gives every indication of the link between the emission of greenhouse gases and global warming. At the very least, we have to say that the signs are so strong that it would be wrong and dangerous to ignore them.

**Mr. Bennett:** Before the Secretary of State gets too pleased with himself, will he confirm that the Energy Saving Trust originally intended to save 2.5 million tonnes in carbon dioxide emissions but that the Government have so far found no way of financing those savings and enabling the Energy Saving Trust to operate? What is the Secretary of State going to do about that?

**Mr. Gummer:** I will confirm that we thought originally that we might just reach our target in 2000, and it now looks as though we shall do better than that. Originally, we were not prepared to commit ourselves to reductions after 2000, but we are now committing ourselves to reductions of between 5 and 10 per cent., so long as we can encourage others to work with us, as we are responsible for only 3 per cent. of emissions. The hon. Gentleman underlines the fact that we have done better than we promised, and we shall continue to do so.

**Mr. Dafis:** Does the Secretary of State agree that the use of cost-benefit analysis in developing policies to combat climate change is, at best, questionable? Is he aware that, as part of the policy development process, economists on the Intergovernmental Panel on Climate Change currently propose to ascribe monetary values to American lives that are 10 times greater than those for third-world lives? Will the Secretary of State unequivocally reject that idea and ensure that it plays no part in any policy negotiation process on climate change?

**Mr. Gummer:** I think that I would want to distinguish between the two parts of the hon. Gentleman's question. I think that the cost-benefit analysis applied in those circumstances could be extremely helpful. I cannot think of anything else that would demonstrate so clearly the importance of taking the steps that we are taking and the very considerable damage that would be done to many countries around the world if the climate change that seems possible as a result of man's intervention in gas emission were to occur. It is true that any kind of change would prove very costly indeed, so the benefits of avoiding it are extremely worth while.

I cannot comment on the other matter raised by the hon. Gentleman, but it is quite clear to me that one life is as worthy as another, wherever it may be.

**Mr. Ian Bruce:** Does my right hon. Friend agree that many of the savings in carbon dioxide and other greenhouse gas emissions have resulted from the increase in electricity production by the nuclear industry? Does he agree that we should promote the greater use of nuclear power within the United Kingdom and that we should support the spread of United Kingdom research overseas in order to establish nuclear power stations in other developed and developing nations?

**Mr. Gummer:** I am very proud of the nuclear industry, particularly Sizewell B in my constituency. There are many other ways in which we can ensure that we reduce gas emissions in power production. The fact is that we do not get aught for nowt, and there are disadvantages in all methods of power production. However, we must ensure

that we produce power with as little damage to the environment as possible. That is the policy of the Government.

**Ms Ruddock:** Is the Secretary of State aware that the Association of Small Island States—the territories most at risk from the threat of global warming—are pressing the developed countries for a 20 per cent. reduction in $CO_2$ emissions by 2005? Is he further aware that the energy technology support unit of the Department of Trade and Industry believes that a 20 per cent. reduction in energy consumption in Britain is possible with no-regrets policies?

As the Government have had it so easy to date and as the Secretary of State regards himself as a leader, will he now commit the Government and this country to a 20 per cent. reduction in $CO_2$ levels by 2005?

**Mr. Gummer:** I am interested to see that Labour party policy has changed on the issue and that the Labour party has evidently committed itself to a 20 per cent. reduction in carbon dioxide emissions by 2005.

**Ms Ruddock:** Answer the question.

**Mr. Gummer:** If the hon. Lady is asking me to answer the question, no doubt she has already committed her party to a 20 per cent. reduction in carbon dioxide levels by 2005. She has told the House that such a reduction would be easy and, if it is easy, she clearly wishes to achieve it. Therefore, unless she is prepared to deny in the House that the Labour party intends to go for a 20 per cent. reduction in energy use in this country by 2005, we will have to take that as Labour party policy until there is a public renunciation of her comment. According to the hon. Lady, the target is so easy that it should be accepted. Until I hear something different from her, that is what I shall be saying around the country.

### Gloucestershire County Council (Budget)

13. **Mr. Knapman:** To ask the Secretary of State for the Environment what plans he has to visit shire hall, Gloucester, in the foreseeable future to discuss the county council's budget. [17917]

**Mr. Curry:** None.

**Mr. Knapman:** I am sorry that my right hon. Friend is unable to visit shire hall in Gloucester, but my hon. Friend the Member for Gloucester (Mr. French)—my right hon. Friend's parliamentary private secretary—will confirm that primary schools in the county are having their budgets cut by an average of between 5 and 6 per cent., and in one case, by 10 per cent., despite an increase in the standard spending assessment permitted spending of 2.6 per cent. My right hon. Friend would also find that grant-maintained schools are being top-sliced by 20.73 per cent., compared with Wiltshire, where the figure is only 16 per cent. In those circumstances, do we not owe it to the pupils of Gloucestershire either to find a more direct and effective means of funding or, sadly, to relax the cap?

**Mr. Curry:** I rather think that shire hall will be coming to visit us in the next few weeks, because Gloucestershire is one of the counties which we have designated for capping. Gloucestershire must tell us by the end of the month whether it accepts the cap. No doubt it will wish to come and explain. When it does so, the information which my hon. Friend has given will be useful when we discuss the justification for the budget.

**Mr. Nigel Jones:** The Minister will be aware that Gloucestershire county councillors will be meeting on Monday to decide whether to appeal against the cap. Is he also aware that the budget that the council has set increases the council tax by nothing at all? It is a standstill council tax. Will he be open to persuasion by the councillors when they come to appeal to have the cap relaxed?

**Mr. Curry:** I hope that the county will set a budget at the cap that we have indicated. The council has the right to argue why it should be permitted to set a budget higher than the cap. When, and if, the nine local authorities involved come to argue their cases, we shall listen to what they have to say, and we shall ask some searching questions as well. At the end of the process, we shall decide whether to meet the budget that the councils have set, or whether we believe that a different figure would be appropriate.

**Mr. Tony Lloyd:** Why does the Minister think that he and his Government colleagues have a monopoly on the wisdom? It is not simply Labour and Liberal Democrat-controlled councils but Tory councils in Gloucestershire, Shropshire and other capped authorities which think that the Government have got it wrong. Why does not the Minister accept that the levels set for Gloucestershire and other counties are far too low to sustain decent services? The Government, not county councillors, should think again.

**Mr. Curry:** That doctrine is rather more dangerous in practice than it sounds in theory. The hon. Gentleman appears to be saying that local levels of taxation and local authority expenditure should be set entirely unilaterally by the authorities without the Government taking any view of what is a proper amount in the interests of the economy as a whole. That is a doctrine which even the Labour party would not wish to sustain if it ever came into office.

All Governments must take a view on the total volume of public expenditure. Local authorities contribute a quarter to that, and it is entirely proper that we should determine what we believe to be a sensible level for local authority expenditure while providing the means for authorities to argue why, in particular circumstances, they may need more or that their amount is incorrect. That is a process that we shall undertake over the next few weeks.

### Construction Industry

14. **Mr. Clifton-Brown:** To ask the Secretary of State for the Environment what action he has taken within his Department to support his sponsorship of the construction industry. [17918]

**Mr. Robert B. Jones:** My Department enhanced its capacity and focus for the sponsorship of the construction industry at the end of 1993.

Among other things we have: established with the industry the construction procurement group to help to reduce the UK's trade deficit in construction products; set up the construction benchmarking challenge under which my Department provides financial assistance towards the establishment of four benchmarking clubs; boosted the practical help that we give to UK construction companies

which wish to pursue business overseas. Ministers led six trade missions in 1994 covering 11 countries; and, most importantly, my Department co-sponsored with the industry Sir Michael Latham's report, "Constructing the team", on the procurement and contractual arrangements of the UK construction industry. My Department has also helped set up the Construction Industry Board to implement the recommendations of the report.

**Mr. Clifton-Brown:** I warmly welcome my hon. Friend's reply and the help that he has given to the construction industry. He will be aware that the Latham report published last year was warmly welcomed by the industry. One of the main recommendations of the report was a construction contracts Bill to oversee standard contract conditions and payment terms. When will the consultation paper for that Bill be published so that we can get that much-needed measure on the statute book?

**Mr. Jones:** I am grateful to my hon. Friend, and I congratulate him on being the first Member of Parliament in nine months to ask an oral question on the construction industry. That issue is extremely important for the whole industry and we will make sure, provided that there is consensus in the industry, that legislation is brought forward. I shall keep my hon. Friend informed.

**Mr. Robert Ainsworth:** Does the Minister accept that there is wide consensus on the Latham proposals for legislation and for the construction industry Bill? Can the Minister make a commitment to bring forward such legislation? What discussions has he had with colleagues in other Departments—particularly the Department of Trade and Industry—on whether they also will support legislation?

**Mr. Jones:** We consult all interested parties. At the moment, there is consensus in the industry and the Government have made it clear that we will be prepared to countenance legislation, provided that there is consensus on its form and impact.

### Council Housing Repairs

15. **Mr. Butler:** To ask the Secretary of State for the Environment what steps he is taking to ensure that councils repair properties promptly. [17919]

**Mr. Robert B. Jones:** On 1 April 1994, we introduced the new right-to-repair scheme, which requires councils to carry out repairs covered by the scheme quickly.

**Mr. Butler:** I welcome my hon. Friend's reply, and many tenants welcome the right-to-repair scheme. I invite my hon. Friend to comment on the inordinate and unnecessary delay between tenancies, when properties remain empty for weeks and sometimes months because of incompetent and inefficient local authorities. They are mainly Labour-controlled but, to be fair, some are Liberal-controlled. They seem incapable of having repairs made properly, partly because of their obsession with using direct labour organisations. Can anything be done to reduce waiting lists while cutting the number of empty properties?

**Mr. Jones:** My hon. Friend makes an extremely good point. We are keen to see through the housing investment programme evidence that local authorities are managing their existing housing stock properly. That includes making sure of a quick turnover of properties between tenants. If my hon. Friend has particular instances in mind, I will be pleased to see that they are raised when considering each local authority's HIP round.

### Council Tax Arrears

17. **Mr. Dunn:** To ask the Secretary of State for the Environment if he will list the council tax arrears for each inner London borough; and if he will make a statement. [17922]

**Mr. Gummer:** Council tax arrears for the 12 inner London boroughs at 31 March 1994 totalled £95 million. The worst council was Lambeth with £29.6 million arrears. The four worst local authorities nationally were all in inner London—Lambeth, Hackney, Islington and Southwark.

**Mr. Dunn:** Given that Labour-controlled inner-London councils are about as effective as a dying duck in a thunderstorm, will my right hon. Friend consider the advice that he might give the people of Dartford on how to avoid the nightmare of Lambeth?

**Mr. Gummer:** Dartford is one of the councils with an extremely good record of debt collection, and therefore is able to provide for council tax payers and others living in the borough an extremely good service at a reasonable price. The answer is clear. If one wants authorities of the sort found in inner London, such as Lambeth, Hackney, Islington and Southwark, vote Labour. If one wants a decent authority, such as Dartford, vote Conservative.

### Local Authority Staff

19. **Mr. Steen:** To ask the Secretary of State for the Environment what assessment he has made of the impact of delegated legislation on the numbers of staff employed by local authorities in each of the last three years. [17924]

**Mr. Curry:** Changes in requirements arising from transfers of responsibilities, as well as changes in costs through efficiency, are discussed with local authority associations. The consequences for staffing is a matter for councils.

**Mr. Steen:** Is not the whole problem that we pass legislation and expect local authorities to observe the duties that we impose on them, without properly working out how much money they need? Surely the right way forward is a cost compliance assessment of all legislation passed, such as yesterday's Environment Bill, so that we do not impose on local authorities duties that they cannot afford to observe. Is that not the nub of the problem?

**Mr. Curry:** My hon. Friend will be aware that there is a constant demand that we entrust local authorities to do more. There are complaints whenever it is suggested that we are asking them to do less. It is important, therefore, that when they get new responsibilities the costs of them are evaluated properly. We undertake such evaluations with the local authority associations. The SSA system is designed to enable that to be done. If responsibilities are transferred within Government, transfers will follow that. We are following my hon. Friend's injunction.

### Carbon Monoxide Emissions

20. **Mr. Llwyd:** To ask the Secretary of State for the Environment what current initiatives his Department is

following to lessen carbon monoxide emissions in urban areas; and if he will make a statement. [17925]

**Mr. Atkins:** My right hon. Friend the Secretary of State published in January a statement of the Government's strategic policies for air quality management.

On the basis of those policies, national emissions of carbon monoxide are expect to drop by 36 per cent. by 2000 and by 56 per cent. by 2010, compared with present levels.

**Mr. Llwyd:** Is not the Minister being rather complacent? Surely it is time that the Government grasped the nettle and considered what is happening in other countries. For example, there is limited use now of private vehicles in Athens. Is it not time that the Government stopped slapping their own backs and saying that they are doing something, and started getting on with the job? We all know that pollution comes from conurbations, where often there is only one person in each car. Let us get better public transport and see an end to all that.

**Mr. Atkins:** Frankly, the hon. Gentleman is being complacent if he does not understand the facts of life in the context at least of air quality. The most recent figures available to us show that the World Health Organisation's standards of one hour, 30 minutes or 15 minutes on carbon monoxide were not exceeded anywhere in the United Kingdom. As the hon. Gentleman heard in my first answer, the future is just as bright.

### Housing Association Dwellings

21. **Dr. Lynne Jones:** To ask the Secretary of State for the Environment what assessment he has made of the ability of those on low incomes to afford the rent of new housing association dwellings. [17926]

**Mr. Robert B. Jones:** The most recent analysis of affordability carried out by the Housing Corporation for the year 1992-93 demonstrates that, on average, tenants spent approximately 10 per cent. of their net income on rent for a newly completed housing association dwelling. Tenants who are in work spent approximately 18 per cent. of their net income on rent.

**Dr. Lynne Jones:** Does the Minister accept that the reduction of housing association grant to levels that even the Association of Mortgage Lenders describes as unrealistic means that many new housing association dwellings are now being let or put on offer at over £70 a week, which means that they are unaffordable for people who are not eligible for housing benefit? Is not the shift of subsidy from bricks and mortar to means-tested benefit leading to more dependency? Is that not proving more costly to the public purse in the long run?

**Mr. Robert B. Jones:** Of course there is a relationship between the subsidy to bricks and mortar, which on average is just under 60 per cent., and the subsidy to individuals through housing benefit. Naturally enough, where the two meet there is likely to be a problem in terms of a poverty trap. That is something that we keep under constant review. There has been no shortage of projects coming forward under the present rates. I should point out to the hon. Lady that all but 2 per cent. of the fall in housing association grant rates has been accounted for by falls in procurement costs.

**Mr. Nicholas Winterton:** Will my hon. Friend accept that there is a problem? I sit on the board of the Templar Housing Society Ltd., which is implementing—it says that it is forced to do so—an increase in rents of about £34 to £35 a month. Representations have been made to me by people on the state retirement pension, who have had only a small pension increase. They say that the increase in their housing costs are likely to exceed any increase in the old-age pension. Will not my hon. Friend consider these matters a little more carefully, perhaps understand that there is a problem and say that he will consider it? Perhaps I can write to him about the housing society of which I am a member.

**Mr. Jones:** My hon. Friend is welcome to write to me at any time about any subject that falls within my responsibilities. It sounds to me, from the instance that he gave, as if he is talking about pensioners with private pensions in addition to their state pension. We keep those matters under review, and, as I said during the last Environment Question Time, we are in contact with other interested Departments, including the Department of Social Security, about the interplay between housing benefits and HAG rates.

### Propaganda Expenditure

22. **Mr. Jacques Arnold:** To ask the Secretary of State for the Environment what is his policy on the spending of money by councils on propaganda. [17927]

**Mr. Curry:** I am against it.

**Mr. Arnold:** Is my hon. Friend aware that, immediately after the Lib-Lab pact took over Kent county council, it diverted £100,000 of the education funding to a propaganda campaign against grant-maintained schools in the county? Is he further aware that, when I asked it how much that had cost to date, because we are two years on, it refused to divulge that figure, which may now be as high as £250,000? Does he not think that that money would be far better spent on the education of our children?

**Mr. Curry:** There is a real problem with the ability of district auditors in particular to keep an effective check on local authority expenditure. The rules are quite clear on what local authorities can spend money in terms of information and propaganda. The trouble is that it depends on citizens bringing a complaint to the district auditor, and then the investigation takes place retroactively. That causes some difficulties, and it would be worth while, seeing, without in any way compromising the independence of the auditors, how we could give local people a more effective survey of the way in which the local authority spends money in their name.

**Mr. Skinner:** Does not the Government spend a lot of money on propaganda as well? A question costs about £100 to answer, and if the Minister studies the Order Paper for any given week, he will find that, as more than

50 Tory Members of Parliament ask planted questions, more than £5,000 is being spent by the Government to give out information on their own behalf.

**Mr. Curry:** In that case, it is rather curious that, whenever we answer an Opposition question by saying that it would cost a disproportionate amount to answer, Opposition Members get very indignant.

**Mr. McLoughlin:** Will my hon. Friend confirm that there is no standard spending assessment for local authority information departments and therefore that any money that local authorities spend on propaganda, or, indeed, information officers or press officers, is spent at the cost of the resources to other services? If county councils have that as their priority, their priority is not providing front-line services.

**Mr. Curry:** My hon. Friend is right. We think that it is quite right that local authorities should inform their electorates of what they are doing. That is a perfectly proper activity. Indeed, if the information is not given, it is difficult to assess the performance. We wish local people to be able to assess the performance of local authorities. We have done a great deal to place before people more evidence of performance, but at the end of the day we must depend on the good sense and integrity of local authorities to draw a sensible line between what really is information to the electorate and what is nothing less than propaganda. As I said in a previous answer, I am not yet satisfied that that line is drawn sharply or clearly enough.

## Water and Sewerage Charges

23. **Mrs. Helen Jackson:** To ask the Secretary of State for the Environment what assessment he has made of the effects of the current year's price increase for water and sewerage. [17928]

**Mr. Atkins:** The price increases will enable water companies to continue their investment programmes to fulfil their legal obligations to meet improved water quality and environmental standards.

**Mrs. Jackson:** Does the Minister recognise that this year's price increase will take more than 30 per cent. of this year's benefit increase and will therefore put people, particularly those who are on low incomes and benefit, in even more hardship than they were before? Will he take the opportunity today to urge water companies around the country to give a payback to their customers for the price increases over inflation that they have imposed on them, as North West Water has done this year? Will he suggest that all other water companies in the country follow its example?

**Mr. Atkins:** I am grateful to the hon. Lady for giving me the opportunity to congratulate my own regional water company, North West Water, on the results of its efficiencies and the effects of privatisation, which have done so much, and on offering a payback to my constituents and to many other payers. I would encourage every other water company to do the same as North West Water. The hon. Lady made a point about the more vulnerable members of society, and I join her in encouraging water companies to pay as much attention as possible to the needs of those people in terms of the schemes that they offer for the payment of water costs, and where necessary in providing cheap water meters.

**Mr. Dobson:** Does the Minister approve of the decision of Anglian Water to raise charges for people who are not receiving metered supplies but to hold down the price that is charged to people receiving metered supplies, or do the Government approve of that effort to blackmail people into taking water meters that they would not otherwise want?

**Mr. Atkins:** As many hon. Members will understand, the hon. Gentleman does not appreciate what is involved in the setting of water charges. He benefits, in the Thames region, from one of the best and cheapest supplies of water anywhere in the United Kingdom. Water companies throughout the United Kingdom invest a lot of money. They appreciate that the quality of water has to be improved as a result of directives from the European Union. All that costs money, which must come from the customer as well as the marketplace.

**Dame Elaine Kellett-Bowman:** On a point of order, Madam Speaker.

**Madam Speaker:** I shall take points of order after the statement.

**Mr. Steen** *rose—*

**Madam Speaker:** I am sorry, it is too late now. It is 3.30 pm.

## Stormont Fire (Doyle Report)

3.30 pm

**The Secretary of State for Northern Ireland (Sir Patrick Mayhew):** With permission, Madam Speaker, I shall make a statement about the report by Sir Reginald Doyle on the fire which took place on 2 January 1995 at Parliament buildings, Stormont, and the implications of that incident for fire safety precautions at other Crown buildings in Northern Ireland.

I have this morning placed copies of Sir Reginald's report in the Library of the House, and in the Vote Office.

Although I am glad to note that Sir Reginald has concluded that the overall standard of staff safety in Crown buildings is generally satisfactory, his report points up serious shortcomings, both in relation to the Parliament buildings fire itself and to wider procedures dealing with fire safety matters. Several of his findings are deeply disturbing, and I am determined to address the shortcomings in the most serious manner.

Sir Reginald's view is that the most likely cause of the fire at Parliament buildings was an electrical fault in the wiring below the Speaker's chair in the Commons chamber. He considers that it is improbable that the fire was started deliberately. His conclusion on the cause of the fire is in accordance with the findings of the Northern Ireland forensic science laboratory, assisted by an independent electrical consultant.

A number of matters relating to the fire give me very serious concern. First, the watchkeepers in Parliament buildings did not detect the fire and incorrectly attributed an unusual smell to new lagging on heating pipes.

Secondly, part of the first floor of the building was not patrolled because one section was subject to restricted access from 1992 as it had been set aside for political talks.

Thirdly, there was no water supply to the fire hydrant system at Parliament buildings when the fire broke out owing to a valve at the Stormont reservoir having been closed, despite the fact that non-availability of water had been reported 18 days before the fire to the Department of the Environment staff.

Fourthly, over a period of nearly five years, there was no fire drill in Parliament buildings even though there was official guidance that a fire drill should be carried out at least once every 12 months.

Finally, some fire brigade appliances did not approach the building by the agreed access—Massey avenue—but approached it by the Upper Newtownards road entrance, which was locked on 2 January 1995 as that date was a public holiday. I shall deal with those in turn.

The watchkeepers have been interviewed by the Royal Ulster Constabulary, Sir Reginald Doyle and their personnel officer in the Department of Finance and Personnel. They reported that on their regular patrols of the building they found no evidence of fire. Their written instructions are being revised with regard to the timing of patrols, the reporting of unusual circumstances and access to all parts of the building.

Further investigations have shown that, in addition to part of the first floor being inaccessible, the Commons chamber itself has customarily been regarded by the watchkeepers as outside their remit because it was normally locked. It is clearly wrong that any portion of the building should have been inaccessible to the watchkeepers. This has been rectified, and the management of the entire building has now been made the responsibility of a single Department, the Department of the Environment.

As for the absence of water in the fire hydrant system, it is clear that no action was taken to seek out the cause and to restore the supply following reports on 15 December 1994 that the system was dry. Three officials have been reprimanded. In addition, the Department of the Environment has reminded the contractor and the consultant responsible for the current contract at Parliament buildings of their continuing obligations in respect of maintenance of existing services and installations during the period of the contract. Sir Reginald notes that, by chance, the lack of water at the building was not a significant issue, owing to the prompt action of the fire brigade.

On the question of fire drills, there can of course be difficulty in setting a convenient date for a trial evacuation in a building that is often used for meetings with the public, but a gap of five years is inexcusable. It indicates that fire precautions were not accorded proper priority by management in Parliament buildings. I have taken steps to ensure that those responsible for these matters in all Crown buildings in Northern Ireland are in no doubt about their responsibilities, and of my continuing concern that those responsibilities are properly exercised. An accelerated training programme for premises officers is being implemented by the works service of the Department of the Environment; Departments have been reminded of their obligation to comply with the fire precautions guide, which provides advice on fire safety matters. Some aspects of the guide require revision or clarification, and that work has been initiated.

On the question of access, the fire brigade has been reminded of the agreed access route. Sir Reginald finds that, in the event, the resulting delay amounted to less than one minute.

The cost of restoring the Commons chamber as it was is estimated at about £1.5 million. I have authorised the Department of the Environment to proceed with the work, which will be part of a general refurbishment of Parliament buildings extending over two years at a cost of £20 million.

It is clear from the report that fire safety precautions have simply not been given a sufficiently high priority. As Secretary of State, I greatly regret that. Sir Reginald notes that at the time of the fire a refurbishment scheme for Parliament buildings had been under way since February 1994, concentrating on health and safety and fire precaution work. That programme had been extracted from a more extensive and general programme identified in the mid 1980s, but delayed first because of the need to relocate DOE staff into other accommodation and latterly because of other financial priorities.

Obvious difficulties are involved in arranging the refurbishment of aging but heavily used public buildings, but I accept that Government are responsible for doing it in order to ensure proper health and safety standards. Sir Reginald comments that fire safety work, once identified as necessary, should be carried out as a matter of urgency and should not be allowed to wait until it can be incorporated in a wider refurbishment scheme. I accept

*[Sir Patrick Mayhew]*

that, and have made it clear to all Departments that health and safety provision is of such fundamental importance that it must merit high priority in expenditure plans.

I have accepted all Sir Reginald's recommendations, and have instructed a senior official in the Department of the Environment to ensure their urgent implementation and report progress to me on a quarterly basis. A task force under his chairmanship has been established, and has already met on three occasions.

Sir Reginald indicates that the overall standard of staff safety in Crown buildings provided by fire alarms, escape routes, the protection of escape routes, fire extinguishers, hose reels and other means is generally satisfactory. However, he considers that the legislation for Crown buildings is not satisfactory, and recommends alternative informal safeguards to ensure that Crown buildings comply with the standards set out in the Fire Services Order (NI) 1984. That recommendation is accepted, and applications for all certifiable buildings are being submitted on an accelerated—but also prioritised—basis. The objective is to have complete certification coverage within two years. A comprehensive and definitive list of all Crown buildings requiring certification is being compiled.

For the protection of the fabric of buildings, modern fire detection systems will be installed on a phased and prioritised basis in buildings where it is considered necessary. In addition, an urgent review has been initiated to identify buildings in which the installation of sprinklers or gas flood systems might be justified.

I am grateful to Sir Reginald Doyle for his report, which I believe will lead—through the implementation of his recommendations—to a general improvement in fire safety arrangements in all Crown buildings in Northern Ireland.

**Ms Marjorie Mowlam** (Redcar): I thank the Secretary of State for his statement. I want to express our thanks for the courage and professionalism of those who tackled the blaze, especially the police and the firefighters. We are greatly relieved that the fire did not result in loss of life.

I agree with the Secretary of State about the recommendations in the report, which is deeply disturbing. I am pleased that he is determined to address the shortcomings in policy. I am equally pleased that he accepts that it is the Government's responsibility to ensure proper health and safety standards. It is sad that it has taken a fire to make those policy shortcomings transparent.

It is clear from Sir Reginald Doyle's comments that the Government's responsibility to protect public property and individual safety has been neglected in Northern Ireland. The exemption of Crown properties from the formal obligations under the Fire Services Order (Northern Ireland) 1984 should not stop the Government ensuring that buildings are kept up to the necessary standards. At a minimum, those standards require adequate means of escape for staff, means for ensuring that the escape can be used at all material times, means of giving warning and means of firefighting.

As the Secretary of State explained, the fire probably went undetected for as long as eight hours, the staff patrol bypassed the area, the new detection system was not connected and there was no water supply at the hydrants. The alarm and firefighting provisions at Stormont castle were inadequate at the time of the fire and it is clear that the minimum standards were not complied with.

I want to ask four specific and direct questions. First, the report refers to the Government's review of fire safety legislation and enforcement. I am sure that the Secretary of State will remember that the report said that there was

"no reason why the Government should not announce that in future fire precautions legislation"

will apply to Crown properties. Will the right hon. and learned Gentleman tell the House why the Government have made no specific response to that recommendation, which was made last summer? Will he now make it clear to the House that none of the more than 1,000 Crown buildings in Northern Ireland will be immune from fire and health and safety regulations?

Secondly, the Secretary of State announced that he will publish a quarterly report, to be produced by the Department of the Environment, on the implementation of Sir Reginald's recommendations. At the same time, will he tell us the date on which he will publish a list of all the Crown buildings requiring certification? Thirdly, will the right hon. and learned Gentleman recommend the reallocation of funds within the Department of Economic Development to respond to the four-year backlog of buildings waiting to be inspected?

Finally, the report also refers to the lack of awareness of contractors about where their specific responsibilities lay. Does the right hon. and learned Gentleman agree that the Government's policy for restructuring Departments and for contracting out services has led to confusion and a lack of transparency and accountability between those who make policy and those who implement it? What recommendations will he make to alleviate that chaos?

**Sir Patrick Mayhew:** First, I am grateful to the hon. Lady for her tribute to those who tackled the fire so extremely effectively. As Sir Reginald Doyle pointed out, it was only their very prompt action that saved the building from much worse damage, because there was no water in the hydrants. I am also grateful for the hon. Lady's endorsement of the Government's approach to this serious report.

The hon. Lady referred to exemptions for Crown buildings from the Fire Services Order (Northen Ireland) 1984, which is the legislation that applies to Northern Ireland. It relates to the first of her specific questions. There are difficulties inherent in applying that legislation, with its sanctions, to Crown buildings. These are matters of policy for the Home Secretary in Great Britain and for me in Northern Ireland and I should like to reflect on the matter and consult my right hon. and learned Friend the Home Secretary.

Secondly, the hon. Lady asked about the quarterly report that I mentioned and about the progress being made by the task force. I did not say that I would publish the quarterly reports and I do not think that to do so would be necessarily appropriate. What is important is that they are made quarterly, because regular progress and regular monitoring are necessary.

I believe that the third of the hon. Lady's questions—she will correct me if I am wrong—was about the list of buildings that have acquired certification. I have said that our target is that work on the whole backlog shall be

completed in two years. Of course I shall be perfectly prepared at any time to answer questions about the progress that is being made.

The hon. Lady's last question was about contractual obligations. I am not aware of any standard form of contractual obligation. I am given to understand that in this case there was a clear contractual obligation to maintain existing services on the part of the consultant and the contractor. As I have said to the House, each has been reminded of the importance of those obligations during the currency of the contract.

**Mr. Peter Robinson** (Belfast, East): I join the Secretary of State in thanking Sir Reginald Doyle for a useful and thorough report and, on a personal level, for the courtesy that he extended to me when I provided him with evidence and proposals. I also join the Opposition Front-Bench spokesperson, the hon. Member for Redcar (Ms Mowlam), in congratulating the RUC and in particular the fire brigade, whose professionalism stemmed the spread of the fire.

I welcome three things that the Secretary of State said in his statement. First, I welcome the undertaking that he is determined to remedy the shortcomings. Will he specifically state whether he is prepared to do so immediately in financial terms? We need more fire inspectors on the ground to reduce the length of time that it will take to inspect all Crown buildings. We need the resources to make the necessary changes to Crown buildings that the inspection report identified.

Secondly, I welcome the fact that the Secretary of State has said that he intends to restore the Commons chamber at Stormont. Will he confirm that it will be restored as closely as contractually possible to its former glory with all, let us say, the British trappings that it had previously? Will the Secretary of State confirm that, when he says that fire precautions were not given sufficiently high priority, it was because complacency had trickled down from the highest level to produce the incompetence that the report suggests?

For more than 18 months I have raised issues relating to fire safety in Crown buildings. They have been virtually ignored at the very highest levels. If heads are to roll on Stormont lawn, let there be some easily recognised heads among them.

**Sir Patrick Mayhew:** I am grateful for the hon. Gentleman's tribute to Sir Reginald Doyle and to the RUC and the fire brigade. That will be much appreciated. I also welcome what he had to say in the remainder of the first part of his question. He asked whether there would be practical expression of my determination to see the recommendations fulfilled, whether resources would be made available. The answer is yes, it is necessary to ensure that sufficient resources are available to fulfil what I have said. In particular, we intend to recruit an additional four ex-fire brigade officers to the fire inspection branch of the work service which has these responsibilities.

It is appropriate for me to pay tribute to the hon. Gentleman for the assiduity with which over a considerable period he has raised the safety of staff in the context of fire precautions. He will, I know, be as glad as I am that Sir Reginald has made the general finding that he has on the safety of staff—that it was generally satisfactory throughout the Government estate. However, that is not to underestimate the criticisms that have been made. As the Secretary of State, I of course take responsibility for that. It is of great importance that the problems should be rectified. It is of great value that we have a report of this thoroughness.

**Mr. A. J. Beith** (Berwick-upon-Tweed): Although the work of the emergency services in rescuing the building from a terrible fire was remarkable, was there not an appalling level of laxity in the management and care of the buildings, which is all the more worrying when security risks have meant that heightened awareness has been necessary all the time? In looking forward to the refurbishment of the building and its occupation by a democratic assembly serving the people of Northern Ireland, does the Secretary of State also look forward with some confidence to a building that will be looked after properly and with a continued level of awareness of risk appropriate to its importance and to the dangers to the people using it?

**Sir Patrick Mayhew:** I am grateful to the right hon. Gentleman for his tribute to the services. Naturally, there have been shortcomings in the management of the Parliament buildings. In part, that has been due to a division of responsibility. As from noon today, the Department of the Environment has attained full responsibility for the management of that building. That division led to the misunderstandings and lack of communication that were apparent in the instructions to the watchkeepers and their understanding of those instructions, for example.

What the right hon. Gentleman said about the chamber enables me to reply to one of the questions of the hon. Member for Belfast, East (Mr. Robinson), which I omitted to do. It is my intention to restore the chamber to its former position and state, but that will be subject to representations that parties—whether political or otherwise—may make to me, especially in the context of a possible assembly, which everyone hopes will come into being. That is the contingent intention, but it is open to that qualification. I believe that, as a result of this inquiry, we shall have a much tighter management, which is desirable for the reasons that the right hon. Gentleman gave.

**Lady Olga Maitland** (Sutton and Cheam): May I congratulate my right hon. and learned Friend on his swift response in accepting full responsibility for this report and the events that led up to the fire? May I also add that it is entirely characteristic of my right hon. and learned Friend to accept the blame and not to duck it in any way? When does he expect the work to start?

**Sir Patrick Mayhew:** I am grateful to my hon. Friend. To be perfectly frank, there are not many grounds for congratulation in this story, but she has characteristically found one—perhaps the only one. The work on restoration of the Commons chamber is already under way and I am told that the refurbishment programme for the whole of Parliament Buildings should take about two years.

**Mr. John D. Taylor** (Strangford): May I declare an interest, Madam Speaker, as chairman of a company that owns one of the properties listed in the report? The Parliament building at Stormont is of importance in Northern Ireland and of architectural and historical interest. It is also a listed building. Hon. and right hon. Members who have visited it cannot but be impressed at the entire building and its location and setting outside Belfast.

*[Mr. John D. Taylor]*

I join other hon. Members in placing on record our thanks to the Royal Ulster Constabulary and the Northern Ireland fire brigade for their prompt attention to the fire. It should be placed on record that the fire brigade was called at 9.5 in the morning. Even with the difficulties presented to it, the brigade gained access and was on the spot at 9.12.

We have heard that the fire might well have been caused by an electric wire under the Speaker's chair. Does the right hon. and learned Gentleman conclude that there was no criminal or terrorist-related involvement in the fire? If so, can he confirm whether all the workmen involved in the work in the Chamber at the time were screened? The fire was detected by a member of the public at 8.50 in the morning. The patrol within the building had checked it only 30 minutes beforehand, yet the fire had been going for some eight hours. It seems most unusual that the patrol had not observed a fire that had been smouldering away for eight hours but that a member of the public out for a walk with his dog should have noticed it outside.

We now hear that one reason why the security patrol within the building did not observe the fire was that it was not allowed to enter parts of the building because of political talks going on in that section of the building. Will the Secretary of State confirm whether the security patrol within the building walked along the corridor that passes the main door into the House of Commons chamber? That is the key question. How close did they get to the location of the fire?

It is outrageous that no fire drill had taken place for the past five years in Parliament buildings at Stormont, and it is incredible that that is confirmed in the report. There has certainly been a degree of incompetence. My hon. Friend the Member for Antrim, East (Mr. Beggs) had a question listed on yesterday's Order Paper asking whether the chamber would be restored and the estimated price of that restoration. Unfortunately, that question was not answered, but we have had the reply in today's statement. As the Secretary of State knows the estimated cost, he must have some idea about the design for the new chamber. Will it be designed to accommodate a parliament, a legislative or administrative assembly, or a regional authority? He must be in a position to answer that question.

**Madam Speaker:** Order. I hesitate to interrupt the right hon. Gentleman, but this is not a debate. It is questions to the Secretary of State on his statement and I should be grateful if he would come to some pertinent questions so that we might hear a response from the Secretary of State.

**Mr. Taylor:** I am trying to find out what kind of chamber will be rebuilt now that the Secretary of State has confirmed that it will be restored.

I shall move on to the subject of the lack of fire certificates for Crown buildings throughout Northern Ireland. Why will it not become a legal requirement that Crown buildings have fire certificates, as private owners in Northern Ireland must have? In that connection, I refer the Secretary of State to paragraph 10.4 on page 53 of the report, which says that sufficient resources do not exist and that it will take at least four years for the buildings to be examined.

That means that civil servants will have to work in dangerous conditions for many more years, because, even after the four years, the work must then be carried out. In relation to paragraph 10.14, why cannot the fire brigade in Northern Ireland be responsible for inspecting Crown buildings and deciding on the issue of fire certificates, rather than retaining that power within the Department of the Environment?

**Sir Patrick Mayhew:** I am grateful to the right hon. Gentleman for his tribute to the services. He asked whether I had definitely concluded that the fire was accidental rather than deliberate. I can go only on the evidence that has been given to Sir Reginald and on his conclusion, which is set out at paragraph 3.5.9, that it is improbable that the fire was started deliberately. The right hon. Gentleman will remember the photograph of wiring beneath or close to the Speaker's chair, the insulation of which appears to have been eroded, and the course that the fire took is consistent with that. I can go no further than that of my own knowledge.

The right hon. Gentleman asked whether the workmen engaged in the refurbishment scheme, which had been going on since February 1994, had been screened. I am told that each workman had been screened for security clearance. He also asked whether the watchkeepers walked past the door. I understand that that was the evidence given to Sir Reginald, but the right hon. Gentleman will remember that Sir Reginald also says that the fire broke out in the one room or chamber in Parliament buildings least likely to result in a warning being made apparent to people because it had no open windows and the doors were very close-fitting.

Reference is made to the fact that the doors, being so stout and close-fitting, confined the fire's spread. It is a remarkable feature of the story, however, that those watchkeepers did not notice, over a period apparently of some eight hours, that a fire was going on. The right hon. Gentleman will remember that they attributed a curious smell to some lagging that had been placed on pipes. I cannot take the matter further than that.

I have already dealt with the design of the restored Commons chamber. I do not want to add to anything that I have said to the right hon. Member for Berwick-upon-Tweed (Mr. Beith). On certification, the position is—I think I have this correct—that Crown buildings must have a certificate, but no legal requirement exists for an application for such a certificate to be made under the Fire Service Order (Northern Ireland) 1984. I am, of course, prepared to consider the legislation following what Sir Reginald and the right hon. Member for Strangford (Mr. Taylor) have said about that matter. The important thing is that certification is carried out. That has been the practice, albeit with insufficient sense of urgency, as I must concede.

On the right hon. Gentleman's last point, I have already said that it is not a question of four years being the target. He referred to paragraph 10.4 of the report. I have said that the target for total certification of the Government estate is two years.

**Mr. Mark Robinson** (Somerton and Frome): It may be belated, but the Doyle report is still extremely welcome by hon. Members on both sides of the House. Will my right hon. and learned Friend just clarify that he intends to implement all the report's recommendations?

**Sir Patrick Mayhew:** I am most grateful to my hon. Friend. The answer is yes.

**Mr. Tam Dalyell** (Linlithgow): Would the Secretary of State, as a UK Cabinet Minister, care to speculate as to how many people in Scotland and England who are responsible for Government buildings muttered under their breath sotto voce, when they heard of the Stormont fire, "There but for the grace of God went we"?

**Sir Patrick Mayhew:** Fortunately, I have enough responsibilities without acquiring responsibility for this place. I do not want to take that matter any further.

**Mr. Peter Viggers** (Gosport): Does my right hon. and learned Friend agree that he had to read to us a most disturbing catalogue of errors and omissions? Does he perhaps think that, in recent years in Northern Ireland, it has been necessary for security to take such a high priority that other matters have been subordinated to it?

Has my right hon. and learned Friend ever heard in Northern Ireland a local resident say to him, "Things are different over here, Minister"? Does he agree that that must not mean that standards are lower? In groping to find some way to ensure that standards are the same throughout the UK, might it be appropriate to have a slightly higher level of roulement between officials and inspectors in the UK to ensure that standards are uniformly high?

**Sir Patrick Mayhew:** My hon. Friend makes a most interesting suggestion. Of course, the House remembers his long experience as a Minister with responsibility for Northern Ireland. It is important that Northern Ireland's standards should be no less satisfactory than those in the rest of the UK. This Administration intend to ensure that that is the case. I do not know whether the lifeline that he threw me—the need for concentration on security—has led to the laxity. All that has to be said, grateful though I am, is that that laxity has ended and must never be allowed to return.

**Rev. Martin Smyth** (Belfast, South): May I press the Secretary of State? As responsibility for fire protection has gone to the Department of the Environment, is he satisfied that it is able to deal with that, bearing in mind that some of us are concerned that departmental officials' guidance to local councils on fire regulation standards in new building is still being debated?

May I press the Secretary of State on the concept of finances? I recognise that he may not be able to give me the answers today, but will he tell us—the answer may even be available in the Library—the amount of money returned from the Northern Ireland budget at a time when not enough money was available to deal with recommendations to protect from fire? Will he tell us how that now compares with the amount that the nation will have to spend on repairing the damage?

**Sir Patrick Mayhew:** I wish to look at the point with which the hon. Gentleman concluded his question. I want to give him an assurance that both my hon. Friend the Under-Secretary of State, the Member for Cambridgeshire, North-East (Mr. Moss), and I will closely consider the Department of the Environment and its capacity to undertake those very important responsibilities.

## Points of Order

4.5 pm

**Mr. Jack Straw** (Blackburn): On a point of order, Madam Speaker. I wish to raise with you a matter of which I have given you and the Secretary of State for Home Affairs notice. It relates to the proceedings of Standing Committee B on immigration and border controls on 22 March 1995, and the way in which the motion that was agreed by that Standing Committee was unilaterally amended, without advance notice being given to the House or to hon. Members attending the Committee by the Home Secretary.

That is a slightly complicated issue, as you know, Madam Speaker. I shall do my best to deal with it briefly.

The 29th report of the Select Committee on European Legislation recommended that the issue of European immigration and border controls was so important that it should be debated on the Floor of the House. The Government chose, for reasons of their own, not to debate it here but instead to send it upstairs to Committee. There, on 22 March, a vigorous debate did take place. A motion tabled by my hon. Friends was defeated by six votes to seven, and the Government motion was approved without Division.

Everyone assumed, in the terms of the face of Standing Order No. 102, that that motion, approved by Standing Committee B, would come before the House unamended and would then be voted on forthwith.

On 6 April, the day after the House had risen, I received in my mail—and I was there when it was opened—a letter from the Home Secretary's private secretary, to say that the Home Secretary had decided to amend the motion of Standing Committee B in three particulars.

Because of the way in which the letter from the private secretary is phrased, I assumed at least that I and other Members attending that Committee would be given advance notice of the Government's intention, but I subsequently discovered that the amended motion had been tabled on the Order Paper on 4 April, and had been nodded through without debate on 5 April.

**The Treasurer of Her Majesty's Household (Mr. Greg Knight):** Where were you?

**Mr. Straw:** The Whip asks, where was I? In spite of the fact that I assiduously check the Order Paper every day, there was absolutely no indication on the Order Paper that the motion from Standing Committee B had been amended in the way that the Prime Minister and the Home Secretary had proposed.

My point of order to you, Madam Speaker, is as follows. First, is it in order for Ministers to act in that way, unilaterally amending motions from Standing Committees? Secondly, even if it is in order, would you agree that it is unacceptable to treat hon. Members in the way that the Home Secretary treated hon. Members on both sides of the House, by ensuring that no hon. Member was given notice until after the motion had gone down? Lastly, would you accept that, if that practice is ever exercised again, there must be on the face of the Order Paper a clear indication that the Government are changing the terms of the Standing Committee's motion?

**Madam Speaker:** The matter raised by the hon. Gentleman is covered by Standing Order No. 102(9).

*[Madam Speaker]*

What has happened in this case may be unusual, but it is clearly within the terms of that Standing Order. In fact, the Standing Order does not lay down that the motion tabled in the House must be the same as that agreed to in the European Standing Committee. It does lay down that the motion in the House, and any amendment selected by the Speaker, has to be put forthwith without debate.

The procedure is, in fact, not unprecedented, but if the hon. Gentleman thinks that it is flawed, or that it has irregularities, he may wish to ask the Procedure Committee to have another look at it in case of any future occurrence. Perhaps he will consider that very seriously, and adopt that course of action.

**Mr. Straw:** Further to that point of order, Madam Speaker. I am grateful to you—my final point comes directly within your remit, not that of the Procedure Committee. Would you be willing to make it clear that, when Ministers act in that way, they should ensure that hon. Members on both sides of the House are told in advance?

**Madam Speaker:** I think that the hon. Gentleman and the House knows that I am always in favour of the House knowing precisely what is taking place in the House and in Standing Committees. I ask Ministers to give full notice to the House and those involved of what action is being taken.

**Dame Elaine Kellett-Bowman** (Lancaster): On a slightly less controversial point of order, Madam Speaker. May I express the relief which is no doubt shared on both sides of the House that you managed to escape from the mud of Morocco? You may well find that the mules that came to your rescue by swimming the river were easier to handle than some of the Members of Parliament.

**Madam Speaker:** I am grateful to the hon. Lady. I returned in good form, as she is no doubt aware.

**Mr. Alex Salmond** (Banff and Buchan): On a point of order, Madam Speaker. I have here a letter from the Secretary of State for Scotland which has been circulated to a large number of individuals in the Perth and Kinross constituency. It states:

"Until a successor is elected, the hon. Michael Forsyth MP has been asked to represent your interests in Parliament."

Can you confirm that, under the terms of our procedures, no one but an elected Member can represent a constituency in Parliament?

Given that it is now two months since the vacancy occurred, would it not be a better idea if the Government moved the writ for the by-election and let the people of Perth and Kinross choose who is to be their Member of Parliament, rather than attempting to foist the right hon. Member for Stirling (Mr. Forsyth) on an unwilling population?

**Madam Speaker:** The hon. Gentleman is correct to say that no one can represent a constituent in Parliament unless he or she is an elected Member. Whatever arrangements may be made locally in the area or by political parties are not a matter for the Speaker of the House.

**Mr. Harry Barnes** (Derbyshire, North-East): You will know, Madam Speaker, that for some time I have been attempting to get the Civil Rights (Disabled Persons) Bill, my private Member's Bill, into Committee. That has now been achieved, and the Bill will be in Committee next week. But that is not the end of the procedural problems I face. You will also remember that last year, the Civil Rights (Disabled Persons) Bill faced considerable problems on the Floor of the House, which led to criticisms of two hon. Members in particular.

Following the conclusion of the Committee stage of the Road Traffic (New Drivers) Bill, the hon. Member for Rochford (Dr. Clark) did not, as he was entitled to do, select this Friday for the Report stage of his Bill. Instead, he chose the following Friday—the fifth Friday, the final Friday, for the Report stage of private Members' Bills.

If my Bill, which is going into Committee next week, were able to complete its Committee stage in that time, I could have asked for it to be dealt with on Report on that Friday, so that it could then go to another place. That now becomes unlikely, as my Bill will be placed in second position by the actions of the hon. Member for Rochford. That is as serious as the blocking measures that took place last year, and is part of a procedure that has been taking place in a number of Committees, including Standing Committee C, in order to prevent other Bills from making progress.

Are the matters that have taken place in Standing Committee C, especially in connection with the Road Traffic (New Drivers) Bill, in order? If they are, are such practices seen as acceptable, or should we look for another method, so that private Member's who do well in the ballot, and whose measures are well supported in the House and in the country, are given the opportunity for those measures to be debated and voted on in the House?

**Several hon. Members** *rose—*

**Madam Speaker:** Let me respond to the point of order.

I think that I understand what the hon. Gentleman is concerned about. As far as I am aware, what has taken place in Standing Committee C is perfectly in order. I understand the hon. Gentleman's anxiety about the delay being experienced by his Bill. I can tell him honestly that there is virtually nothing that I as Speaker can do. He and other hon. Members in the House are well aware of the ways and means of getting things done and not getting things done in the House. It is matter for the business managers of the House. If I can help the hon. Gentleman, I shall certainly try to do so.

**Mr. Tom Clarke** (Monklands, West): Further to that point of order, Madam Speaker. I am sure that the whole House wishes to thank you for what you have just said. I think that you will recall that the House did not distinguish itself last year when we witnessed the disgraceful behaviour of the Government Front Bench and of the hon. Member for Sutton and Cheam (Lady Olga Maitland).

The Government are clearly manipulating the functions of the House for a third year so that they can block the Civil Rights (Disabled Persons) Bill. There is no reason why the hon. Member for Rochford (Dr. Clark) could not have put his Bill, which left Committee this morning, before the House on Friday. That would have allowed the House to consider both his Bill and that of my hon. Friend the Member for Derbyshire, North-East (Mr. Barnes). Is it not an absolute abuse of the Parliament for the Government and their supporters to behave so shamefully in stymieing civil rights for disabled people?

**Madam Speaker:** I believe that I have answered the earlier point of order. Whether manipulation has occurred is not a matter for the Speaker to determine. Bills must take their turn when going into or coming out of Committee, and we are all familiar with the procedures of the House.

**Mr. Dennis Skinner** (Bolsover): On a point of order, Madam Speaker. A few moments ago, you responded to a problem that my hon. Friend the Member for Blackburn (Mr. Straw) brought before you, by saying that you would deprecate the way in which Ministers were using the parliamentary system.

In view of the Jopling changes and the complications surrounding the Civil Rights (Disabled Persons) Bill and other legislation, do you agree that it seems a little odd that the Government have never tackled the question of Private Members' Bills in the House? Do you not think that a little word from you in the right direction might make a difference? If changes are to be made, perhaps under new Labour—new, improved Labour—we ought to turn our attention to doing something about that problem, which affects honest-to-goodness Bills which aim to help disabled persons, wild animals and so on.

**Madam Speaker:** The hon. Member is well aware that I cannot concern myself with the politics of a Private Member's Bill—or even a public Bill, for that matter. I am concerned about the procedures of the House: I want to help the House in general, and I want to help hon. Members, who work very hard on their Private Members' Bills. In the end, it is a matter for the business managers, and I will do all I can to be helpful.

**Mr. Don Touhig** (Islwyn): On a point of order, Madam Speaker. I seek your advice following a report which appeared in this morning's edition of the *Financial Times*. It stated that British Gas will lose its chartermark for high quality services unless it improves customer relations. The report also said that the Chancellor of the Duchy of Lancaster does not intend to come to the House to make a statement about the matter, but will report to the House by providing a written answer.

In view of your earlier comments about protecting the interests of hon. Members and of the House, I wonder whether you could provide some advice as to how we might persuade the Chancellor of the Duchy of Lancaster to come to the Chamber to answer questions about the matter.

**Madam Speaker:** The hon. Member may use the Order Paper to direct questions to the appropriate Minister. I am not sure whether he is aware that it is entirely up to the Minister concerned whether he answers a question by way of a written answer or comes to the Dispatch Box to make an oral statement. The Minister must determine by which method he will inform the House of any policy changes or statements he wishes to make; it is not for me to decide.

## BILLS PRESENTED

### Sports (Discrimination)

Mr. David Hinchliffe, supported by Mr. Ian McCartney, Mr. Gary Waller, Mrs. Elizabeth Peacock, Mr. Allan Rogers, Mr. Terry Rooney, Mr. Neil Gerrard, Dr. Norman A. Godman, Ms Liz Lynne, Mr. Alan Williams, Ms Kate Hoey and Mr. Tom Pendry, presented a Bill to make it unlawful for any administrative or rule-making body for a sport, or any affiliated club, to discriminate against persons who have participated, are participating or are expected to participate in any other lawful sport; and for connected purposes: And the same was read the First time; and ordered to be read a Second time upon 28 April, and to be printed. [Bill 100.]

### Merchant Shipping (Inquiries and Investigations) Amendment

Mr. Nigel Spearing, supported by Mr. Simon Hughes, Mr. Stephen Timms, Mr. Andrew Mackinlay, Ms Mildred Gordon, presented a Bill to provide for the High Court to order the holding of a formal investigation into a shipping casualty; and for connected purposes: And the same was read the First time; and ordered to be read a Second time upon 28 April, and to be printed. [Bill 101.]

## STATUTORY INSTRUMENTS, &c

*Motion made, and Question put forthwith pursuant to Standing Order No. 101(3) (Standing Committees on Statutory Instruments, &c.).*

### Wireless Telegraphy

That the Wireless Telegraphy (Television Licence Fees) (Amendment) Regulations 1995 (S.I., 1995, No. 655) be referred to a Standing Committee on Statutory Instruments, &c.—*[Mr. Bates.]*

*Question agreed to.*

# Transport (Motorway Safety)

4.18 pm

**Mrs. Cheryl Gillan** (Chesham and Amersham): I beg to move,

That leave be given to bring in a Bill to improve the safety of motorways and motorway driving; and for connected purposes.

I seek permission to introduce a Bill which would improve safety on our motorways and on all roads throughout the United Kingdom. I am glad to see my hon. Friend the Minister for Transport in London on the Front Bench. My hon. Friend has contributed much to motorway safety in his time at the Department of Transport, including the very sensible measure of banning coaches from the third lane of motorways. That is something on which he knows I am keen. I hope that my hon. Friend will look sympathetically at the proposals I am making today.

The Bill covers two main provisions, one relating to driver visibility in adverse conditions and the other to the behaviour of drivers on our roads. Issues of road safety are particularly relevant to my constituency, not least because we are close to the M25 and the M40. The last census revealed that my constituency is second only to Beaconsfield in the number of three-car families.

Science and technology have made a great contribution to the increased safety of drivers. We all now drive vehicles which give greater protection to drivers and passengers in the event of an accident. The transport and chemicals group of the Technology Foresight process reported last month, and introduced three achievable objectives—the informed traveller, who will be able to make the best decisions on a journey; the foresight vehicle, which would be more environmentally friendly as well as incorporating collision avoidance systems; and the clear zone, to provide high-quality access to central shops through nil-emission public transportation.

In all these future developments, technology will increase safety and reduce environmental impact from motor vehicles. In the meantime, there is a role for Parliament in tackling some of the simpler aspects of motoring safety, where the technology exists but needs stricter enforcement and monitoring, or where we are dealing with the most complex piece of technology—the human being.

In 1993, the last year for which statistics are available, there were 6,863 accidents on motorways. Some 201 people were killed, and 11,046 injured. More than 15,124 vehicles were involved, and 34 per cent. of accidents occurred when the motorway was wet or flooded.

I am sure that everyone in the House has found themselves driving on a motorway in wet conditions and—like me—knows the problems of overtaking heavy vehicles. The spray emanating from the rear of those vehicles can be frightening, and effectively one is are often overtaking blind for 10 or 20 seconds, or longer. If it is at night on an unlit stretch of motorway, it can be more hazardous for the smaller vehicle. I know of many normally excellent drivers who have been unnerved by the experience.

In 1984, the Department of Transport issued regulation 46E on spray suppression and, in 1989, EC directive 89/377 laid out comprehensive rules on spray suppression from HGVs throughout the Community. Many aspects of the regulations are still unsatisfactory, and work is continuing on the technology of both road surfaces and suppression devices to improve the situation.

In the meantime, there are vehicles on the road complying with the regulations at the time of their 12-monthly inspection for roadworthiness which, during a journey, sustain damage to their spray flaps or lose them completely. That immediately causes a vehicle in wet weather conditions to produce extra—often life-threatening—spray.

At present, under the Road Traffic Act 1988, a vehicle can be stopped and tested for brakes, silencer, steering, noise, tyres, lights, excessive fumes, smoke or vapours. I wish to add to that all spray suppression devices, including wheel guards, valances, wheel flaps, air/water separators and any longitudinal strips or flaps of spray suppressant material. Any driver in charge of a vehicle which has sustained damage to its spray suppression equipment should not be permitted to take that vehicle on to the highway until it has been remedied, in just the same way as if a brake light had failed or the tyres were bald.

Last week, while travelling to my constituency—a mere 45-minute drive—I counted no fewer than five heavy vehicles with broken flaps or missing a flap at the back. This simple measure would ensure that HGV drivers paid more attention to a simple device which could save lives by reducing spray in wet weather conditions. Drivers would have to make sure that that important piece of equipment was well maintained at all times.

The second part of the Bill relates to the driver, and to a relatively new phenomenon which appears to be an unwelcome import from America. It has been called road rage, or red mist. The issue first came to our attention in the 1980s, when four people were killed and several injured on Los Angeles freeways in a spate of armed violence. We are now seeing an increase in the number of incidents on our own roads, which must be addressed.

A driver in Newcastle had his nose bitten off in a row with another motorist. At traffic lights in Wakefield, a 78-year-old man died when he was punched by a much younger driver during a dispute at traffic lights. A young woman on the M6 at night was forced off the motorway by a male driver, which left her upside down in her car. The Royal Automobile Club, which was most helpful in helping to prepare my Bill, reports that one of its patrolmen was attacked by a motorist whom he stopped to help. I have been on the receiving end of aggressive driving by other motorists—not least, women. In securing support for my Bill, I spoke to several colleagues, and they repeated alarming stories.

Last November, a driver was given a jail sentence for attacking two other motorists in the space of 15 minutes. Mr. Justice Keane, sentencing the offender, said:

"You become highly aggressive behind the wheel. People should be allowed to drive around without being attacked. The courts will not tolerate aggression of this sort on the road, and the message must go out to other drivers loud and clear."

My Bill asks the Government to reinforce that message by introducing a campaign similar to the successful one against drink-driving, to improve driver awareness of the problem and of the discourteous behaviour that can turn a normally mild-mannered motorist into a fiend of the road.

Where road rage may be an element in an offence, the courts should have an additional power to require the offender to undergo a psychological assessment and counselling for anger and stress management before

having his or her driving licence returned. Rage counselling could help overcome attitude problems on the road, in the same way as drink-driving rehabilitation courses have helped offenders.

The RAC identified a number of incidents that cause great annoyance to drivers. They will be familiar to every motorist. Number one are drivers who cut into traffic queues at roadworks at the last minute. Others include the middle-lane monopoliser, motorists who drive too close at high speed, drivers who overtake on the inside, and parking-space stealers.

The RAC has also produced tips for avoiding confrontation on the roads. One should try to stay calm and avoid any challenge, leave room between one's one car and the vehicle in front so that one can drive away if necessary, avoid eye contact with an aggressor, keep the doors locked, and, if one cannot get away, draw attention by flashing one's headlights, sounding the horn or, if one has a mobile phone, calling the police.

Edmund King, head of campaigns at the RAC, and Richard Woods, campaign co-ordinator, have been doing sterling work in spreading the message. It is time for the Government to help spread the message of safety through courtesy on the roads, and to ensure that the punishment fits the crime.

I hope that my Bill will heighten awareness of safety matters, not at the leading edge of technology but at a more basic level, by improving the maintenance of spray-suppression devices and highlighting the need for a courtesy campaign, coupled with appropriate penalties to prevent accidents and violent and dangerous behaviour on our roads.

*Question put and agreed to.*

Bill ordered to be brought in by Mrs. Cheryl Gillan, Mr. Peter Butler, Mr. Bob Dunn, Mr. Hugh Bayley, Mr. Richard Spring, Mrs. Gwyneth Dunwoody, Mr. Oliver Heald, Ms Liz Lynne, Mr. Harold Elletson, Mr. Bernard Jenkin, Mr. Patrick McLoughlin and Mr. Hartley Booth.

TRANSPORT (MOTORWAY SAFETY)

Mrs. Cheryl Gillan accordingly presented a Bill to improve the safety of motorways and motorway driving; and for connected purposes: And the same was read the First time; and ordered to be read a Second time upon Friday 14 July, and to be printed. [Bill 102.]

# Orders of the Day

## Agricultural Tenancies Bill *[Lords]*

*As amended (in the Standing Committee), considered.*

**New clause 4**

MORTGAGES OF AGRICULTURAL LAND

'.—(1) Section 99 of the Law of Property Act 1925 (leasing powers of mortgagor and mortgagee in possession) shall be amended in accordance with subsections (2) and (3) below.

(2) At the beginning of subsection (13), there shall be inserted "Subject to subsection (13A) below,&.

(3) After that subsection, there shall be inserted—

"(13A) Subsection (13) of this section—

(a) shall not enable the application of any provision of this section to be excluded or restricted in relation to any mortgage of agricultural land made after 1st March 1948 but before 1st September 1995, and

(b) shall not enable the power to grant a lease of an agricultural holding to which, by virtue of section 4 of the Agricultural Tenancies Act 1995, the Agricultural Holdings Act 1986 will apply, to be excluded or restricted in relation to any mortgage of agricultural land made on or after 1st September 1995.

(13B) In subsection (13A) of this section—

'agricultural holding' has the same meaning as in the Agricultural Holdings Act 1986; and

'agricultural land' has the same meaning as in the Agriculture Act 1947.&

(4) Paragraph 12 of Schedule 14 to the Agricultural Holdings Act 1986 (which excludes the application of subsection (13) of section 99 of the Law of Property Act 1925 in relation to a mortgage of agricultural land and is superseded by the amendments made by subsections (1) to (3) above) shall cease to have effect.'.— *[Mr. Jack.]*

*Brought up, and read the First time.*

4.29 pm

**The Minister of State, Ministry of Agriculture, Fisheries and Food (Mr. Michael Jack):** I beg to move, That the clause be read a Second time.

This is a technical amendment, but the effect is simple. Since 1948, agricultural holdings legislation has effectively prevented mortgage lenders from placing restrictions on the letting of agricultural land by landowners who have mortgaged the land. The effect has been that banks discount land values in the farming sector because the land, even though mortgaged to a bank, can be let in a way that would adversely affect its realisable value in the event of default.

The banks have supported these far-reaching reforms which have been brought about by the Bill. They have suggested, however—the main organisations in the industry, with which we have worked closely throughout the passage of the Bill, have agreed—that there would be advantages in treating agricultural land like any other land or property which is mortgaged, and enabling mortgage lenders to control lettings if they so wish.

The industry sees that the banks would be encouraged to adopt a more flexible and confident policy in providing finance to landowners. That in turn would be of benefit to farmers seeking to take on new farm business tenancies. For their part, the banks welcome our action in drafting an amendment to the Law of Property Act 1925. They

understand our reasons for doing so in a way that avoids any possibility of the provision having any retrospective effect on parties who agreed to mortgages before the commencement of the Bill.

Subsection 4 contains the principal amendment, whereby paragraph 12 of schedule 14 to the Agricultural Holdings Act 1986 will cease to have effect. That will put mortgaged agricultural land on the same footing as any other mortgaged land. A substantive amendment to the 1925 Act is also needed, to avoid retrospection. As we have made clear throughout our discussions on tenancy law reform, the new legislation is not to be retrospective. The new clause adds a new subsection to section 99 of the 1925 Act to safeguard the interests of existing borrowers and people who are entitled to a new 1986 Act tenancy.

**Mr. Martyn Jones** (Clwyd, South-West): As the Minister said, the new clause relates to mortgages and the formation of new tenancies. It is a complex subject. There has been tinkering in at least three other Bills, dating back to the Law of Property Act 1925. I am by no means an expert on these matters, but the experts with whom I have been in contact believe the new clause to be a good measure, if a last-minute one.

The law as it stood left banks unable to recover losses when the original borrower had formed a new tenancy, often transferring to his wife or son. Such tenancies may well have been a way of holding on to the land when insolvency was imminent. The new clause will put agriculture on the same footing as any other mortgaged land. It is to be hoped that it will encourage banks to lend. I welcome the fact that the Government listened to the industry and have not made the changes retrospective. We support the clause.

*Question put and agreed to.*

*Clause read a Second Time and added to the Bill.*

**New clause 1**

AGRICULTURAL TENANCIES: ANNUAL REPORT

'—(1) The Secretary of State shall, annually from 1st September 1996, collate information on the actual amount and type of let agricultural land in England and Wales and publish a report containing this information, a copy of which shall be laid before Parliament.

(2) The report made under subsection (1) above shall in particular, though without prejudice to the generality of the requirement of that subsection, list separately land let under this Act and tenancies let under earlier Acts.'.—*[Mr. Martyn Jones.]*

*Brought up, and read the First time.*

**Mr. Martyn Jones:** I beg to move, That the clause be read a Second time.

The prime reason for the Bill, as stated by the industry, the Government and the Opposition, is to get more people into farming. We wish to give an incentive and impetus to new, younger farmers. We, the Opposition, believe that the Bill will not deliver the goods. It will do nothing to ease the life of the small tenant farmer. The Bill is clearly a licence for large farmers to become larger.

We need an independent annual report that shows clearly where the Bill is working, where it is failing and where it needs improving. Such a report needs to include records of people who never had a tenancy before, and of people who had a former tenancy. The report should make it clear what type of tenancy was held previously. We should also know through the report what new land has been tenanted out, the number and size of lettings to corporate tenants, and the length of term of new farm business tenancies.

The annual tenanted farm survey of the Central Association of Agricultural Valuers, although excellent in its own way, provides little of the information we seek. As two other organisations will be able to draw up tenancies, it is clearly the responsibility of Government to monitor what is happening.

**Dame Elaine Kellett-Bowman** (Lancaster): Has the hon. Gentleman made any estimate of the amount of time and money that his extraordinarily bureaucratic proposal would take? Forms are not popular with farmers—indeed, they are not popular with anybody. His proposal would require a massive amount of paperwork, to little effect.

**Mr. Jones:** I disagree entirely with the hon. Lady. She will get the reply she requires if she listens to what I have to say.

The Ministry's figures on land use are at present based on a sample of farms, which is rounded up to form percentages. We need totals, absolute figures and percentages of the whole to ensure that the Bill is doing what it should do.

The Bill could be seen as a landowners' Bill, and we are not going to be so naive as to swallow all the nonsense figures on new lettings which will be released over the next few years. The new figures will be produced by a range of interested parties, all with their own slant on the figures. As we have seen this month, with the reporting of the Government's figures on unemployment, their methods of statistical collection and analysis can be highly creative, to put it mildly—or to put it less mildly, totally untrustworthy. However, their data will be better than nothing, a good starting point and easily analysed.

It is not a huge and expensive project that we are asking for. As the Bill stands, only members from three organisations are allowed to draw up the new agricultural tenancies: members of the Central Association of Agricultural Valuers, fellows of the Incorporated Society of Valuers and Auctioneers, and fellows of the Royal Institution of Chartered Surveyors. With a tiny bit of planning, it would be possible to get the figures needed at a low cost and with the minimum of time. The whole cost will probably come to a lot less than what has been wasted by the Ministry on ties and wellies with logos for the new Meat Hygiene Service.

The only reason why anyone would want to oppose the new clause would be if they wanted to keep something hidden. What the Government want to keep hidden is the fact that most of the new tenancies under the Bill will go not to first-time tenant farmers but to existing large farmers and to large corporations.

**Mr. Paul Tyler** (North Cornwall): If the qualifications that the hon. Gentleman is rightly identifying are met and the information is as accurate and as comprehensive as he clearly requires, and if it proves that new tenancies will be coming forward between now, and when, perhaps, he is on the other side of the House, will he give an undertaking here and now that the Labour party will not repeal the proposed legislation?

**Mr. Jones:** We shall be giving assurances later, when we have had time to debate the Bill completely. The assurances that the hon. Gentleman wants have been asked for by industry, and we have been considering them. In due course, the hon. Gentleman may well get those assurances. At the moment, we are debating the need for the figures to assess what any future Government will need to do about tenancies, and whether the Bill has the effect of creating new business tenancies.

It is clear from the announcement this month of the introduction of a new orchard fruit survey that the Minister is not averse to new surveys. There is already an annual report to Parliament on smallholdings in England, and the 44th will be published in November. We are not calling for a radical, costly new imposition, but an easily collectable, and therefore cheap, but very important bit of research.

The Government want to say that they are supporting new entrants into farming, when all they are doing, we believe, is supporting landowners and big businesses. If the Minister denies that, he should support the new clause, and allow the effect of the Bill to be measured.

**Mr. Elfyn Llwyd** (Meirionnydd Nant Conwy): On Second Reading, or at some time when the Bill was being considered in Committee, the Minister said that he would be looking closely at the way in which the proposed legislation would work. I support the new clause tabled by the Opposition, as I believe that it would not entail a great deal of work.

Some time ago, a west country surveyor told me that he had some 25 branches throughout the west country. He was able to tell me within a matter of seconds how many full tenancies he or his firm had been involved with in the previous 18 months, so I do not necessarily see that it will mean a lot of bureaucracy and difficulty. Indeed, I would go further, and say that the facts and figures in agriculture are available here, there and everywhere, but they need to be collated in one short simple form, and it is necessary that we do so.

I do not profess to have the ultimate answer. I certainly do not have a crystal ball, any more than any other hon. Member. The Government may be right, in due course, to say that the Bill will release a great deal of new agricultural land for letting. I sincerely hope that they are right. I have definite misgivings and have made them known at several stages during the passage of the Bill. I am not necessarily playing the Opposition game. I am looking at the problem.

We may well encounter a situation in which experienced, well-established farmers again perpetuate a semi-Gladstone *v.* Bower situation. Further short tenancies will be taken on, and longer ones will not be needed. They will be the icing on the cake. What we need now—what I believe to be the purport of the Bill, and what I sincerely hope will be its effect—is new units for new entrants into agriculture. That is the task for the future.

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** Order. The hon. Gentleman is making a long intervention. Interventions are supposed to be short and to the point.

**Mr. Llwyd:** I shall keep my contribution short. I thought that I was being concise, but there we are. Lawyers are not always concise.

This is a proper, good new clause, worthy of support. It is a simple, straightforward measure to monitor the working of the Bill. It will enable us to see, in 18 months or two years from now, whether the Government's assurances were correct or whether the misgivings of Opposition Members were correct. I speak in the interests of agriculture, not in a narrow political sense.

**Mr. Deputy Speaker:** I apologise to the hon. Gentleman. He was making a speech, not intervening. My attention was distracted by a conversation at my side. The hon. Gentleman was in order.

**Mr. Alan W. Williams** (Carmarthen): I support new clause 1, which asks for an annual report of the type of lettings made under the Bill. That will not entail an enormous amount of work or bureaucracy. The questionnaire involved could be brief, simply asking for the length of a tenancy, its terms, what parcels of land are involved, and so on.

During the Bill's passage, we have heard several times about the amount of land being let having dropped from 90 per cent. at the turn of the century to just 35 per cent. of our land today. I am not sure that that is a bad thing. In a sense, it reflects the rise of owner-occupation. One would be delighted with those figures if they were for housing. Similarly, I am happy to see them for land.

However, I am concerned that the number of holdings, the number of farms and the number of people working on the land are in decline year by year. That has terrific social consequences in the areas that the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) and I represent. It has consequences for the Welsh language and generally for rural areas. There is a real problem in the amalgamation of smallholdings. When farms come on to the market, they are gobbled up by their neighbours, and jobs disappear from the countryside. I am concerned that the Bill allows for that possibility.

The new clause asks for the amount and type of let agricultural land to be recorded. One of our concerns is the period of let—whether it is a three-year, five-year, 10-year, 15-year or lifetime let. In Committee, we argued for lifetime lets. The statistical exercise requested could tell us the average period of let. The Bill introduces short-termism into agriculture, and agriculture, by its nature, requires long-term investment.

Such a survey would also show us the extent of fragmentation of holdings, about which we are also concerned. It is more beneficial for a landlord to let a 100-acre holding in two or three parcels and to let the farmhouse, and even the farm buildings, separately. Once destroyed, that holding will never return. In rural areas such as the one I represent, retirement, second and holiday homes are popular, and, by definition, many farmhouses are in extremely attractive situations. If a lot of farms are split up as a result of the Bill, we need to know the environmental and social consequences.

The Minister keeps telling us that the Bill will make more land available for new entrants into agriculture. Like my hon. Friend the Member for Clwyd, South-West (Mr. Jones), however, I fear that not new entrants but existing farmers will take up the farm business contracts, and 15 or 20 acres of neighbouring farms.

*[Mr. Alan W. Williams]*

The annual survey for which the new clause asks is a perfectly reasonable statistical exercise, reflecting the extent of the Bill's success and the possible deleterious effects about which we are more concerned.

**Mr. Llwyd:** Could not the few questions involved be included in the much-maligned IACS—integrated administration and control system—form? That involves tenancies.

**Mr. Williams:** Absolutely. During the Easter recess, I spent some time with the Farmers Union of Wales discussing the IACS forms, which farmers find very troublesome. The details required by the new clause amount to only a small fraction of the amount of information demanded by the IACS forms, and could easily be included in them.

I hope that the Government will consider introducing the modest exercise for which the new clause asks.

4.45 pm

**Mr. Paddy Tipping** (Sherwood): As a matter of principle, the Government should take responsibility for their actions. Nearly two years ago, the Minister came in at a very late stage of the passage of the Bill to abolish the milk marketing boards. Some of the claims by Opposition Members then have the ring of truth now.

I hope that the new clause will be accepted. The Government claim that they want to put new land on the market and to create new entrants; they must now show that they mean it. I have always been sceptical about their claims: I believe that, although new land will come on to the market, most of it will go to established farmers and landowners, and there will be few new entrants. I also fear that there will be very short tenancies, rather than the 10, 15 or 25-year tenancies that would encourage capital investment. That will not be good for the industry. I hope that the survey required by the new clause will also examine rents, which I fear will become very high.

In Committee, we pressed the Minister about the sale of British Coal land. I acknowledge that the Minister was helpful throughout our discussions, but I remind him that, some weeks after the end of the Committee stage, problems remain.

I know that allotments are close to the Minister's heart; I hope that the first annual report will state clearly what has happened to British Coal allotment holders. I am not confident that the promises by Ministers in other Departments have the ring of authenticity. Nothing has happened yet, but I hope to read in the first report that allotment holders maintain their plots.

I also hope that the survey will reveal what has happened to larger pieces of land. Issues involving Crichel Down remain to be resolved—for instance, the question of tenants taking contaminated British Coal land and being indemnified. Large parts of the country are being blighted where the rural aspect coincides with the industrial; the sooner we get rid of that blight the better.

I hope that the new clause will be accepted, and that the first annual report shows that the decent thing has been done for British Coal tenancy holders.

**Mr. Jack:** This has been an interesting exchange on the question of monitoring the effects of the Bill. My hon. Friend the Member for Lancaster (Dame E. Kellett-Bowman) was right, in her sage intervention, to remind us of the question of cost and complexity when people seek information. I shall say more on that later.

The opening exchanges have shown us that Labour Members still have an underlying suspicion about the Bill, and do not fully endorse and rejoice in the benefits that it will bring to the world of agriculture. No doubt we shall hear more about that in due course.

I wrote down what the hon. Member for Clwyd, South-West (Mr. Jones) said, because I thought it quite interesting—that the Bill was a licence for big farms to get bigger. Clearly he has not read the latest parliamentary briefing sent out by the Tenant Farmers Association, which is an avowed enthusiast of the Bill. The conclusion to that eminently readable document states:

"Many owners no longer wish to farm. Family farms offer the opportunities to expand and others wish to enter the industry."

That is a succinct way of pointing out that the Bill has the potential to benefit all sorts of agricultural activity, whether large or small. It may well provide an opportunity for the younger farmer—perhaps the son of an existing farmer—to develop his own business on the existing farm by being able to take advantage of the additional amounts of new tenanted land that the Bill will bring on to the market. That deals with the point made by Labour Members on that matter.

The hon. Member for Clwyd, South-West also said that the Bill was seen as a landowners' Bill. I wonder where the hon. Gentleman was during the Committee stage. I seem to recall that organisations like the National Farmers Union, the Tenant Farmers Association and the Young Farmers were cited on many occasions as supporters of the Bill. Therefore, I rebut the hon. Gentleman's claim that it is a landowners' Bill; it is not.

The hon. Members for Meirionnydd Nant Conwy (Mr. Llwyd), for Carmarthen (Mr. Williams) and for Sherwood (Mr. Tipping) were, each in his own way, supportive of a measure to monitor the Bill's effects. The hon. Member for Carmarthen suggested that the IACS form could be used to collect data. Not everyone has to participate in schemes covered by IACS, so there could be a technical hole in that argument.

I want to come to the heart of the matter, and comment on the question of monitoring the uptake of farm business tenancies in the coming years. It is in the Government's interests, as it is in the hon. Gentleman's, to see what happens when, I hope, the House passes the Bill into law. As the hon. Gentleman said, in reply to a parliamentary question from him, I said that MAFF regularly reviews its requirements for statistics, and is considering how best to monitor the new farm business tenancies. Indeed, my officials were starting a review of the information currently available when the hon. Gentleman tabled his question.

As part of the review process, we shall be consulting professional organisations such as the Royal Institution of Chartered Surveyors and the Central Association of Agricultural Valuers, which conduct their own invaluable informative surveys, to ensure that there is no duplication of effort leading to unreasonable burdens on farmers and professional advisers. I hope that that point satisfies my hon. Friend the Member for Lancaster.

We will take careful stock of what needs to be done to put in place sensible arrangements for monitoring, and we will publish the results of that exercise.

**Mr. Tyler:** Could I put to the Minister the obverse of the challenge that I put to the hon. Member for Clwyd, South-West (Mr. Jones)? Will he give an undertaking to the House that, if the careful monitoring proves to the Minister and the Ministry that the success of the Bill, should it become an Act, has been less than he hoped for, he and his right hon. and hon. colleagues will review the legislation again?

Having raised the expectation of real improvements in access to new land for new entrants and those whom we all want to ensure have a first step on the ladder of agriculture, it would be damaging if those expectations were thwarted in practice.

**Mr. Jack:** It is nice to see the hon. Member for North Cornwall (Mr. Tyler) now participating in our proceedings. He gave a new definition to the expression "awayday" during the Committee proceedings.

As always, I shall do my best to respond positively to his request for review. It is almost a throwaway line, if one is not entirely certain of something, to say that it will be reviewed. I am certain that the Bill will give rise to opportunities for more tenanted land to become available. I am supported in that line of argument by the work of the Royal Institution of Chartered Surveyors, which, before measures were introduced to deal with the treatment of tenanted land for inheritance tax, forecast that more than 1 million new acres would become available in the first five years.

I hope that I have given the hon. Member for Clwyd, South-West sufficient assurances that we will establish proper monitoring of the effects of the Bill. Naturally, we want to see what will happen. The hon. Member for North Cornwall may perhaps be unaware of some of the inner workings of government, but we always keep under review the way in which a particular piece of legislation is operating. I will not give him the satisfaction this evening of giving a time scale within which some sort of review will be undertaken. We want to get the legislation in place and monitor carefully what is happening. Clearly, as always, if there were problems, matters could be looked at again.

**Mr. Roger Knapman** (Stroud): I am sure that my hon. Friend is right, but does he agree that the success of the Bill will be seen not in the maintenance of statistics, whether or not they show a huge increase in the amount of land to be let, but in the freedom of contract that it will provide between landlord and tenant?

**Mr. Jack:** My hon. Friend, who has much knowledge in the matter, makes his own sage comment.

**Mr. Tyler:** I want to be absolutely clear, and I am sure that the House will also want to be clear, that the Minister endorses the forecast by the RICS that 1 million acres will become available within the time scale referred to.

**Mr. Jack:** My task is to draw on the independent analyses that have been done. They give us a clear picture of how those who are informed about these matters estimate that the Bill will impact on the tenanted sector. I certainly do not wish to disagree with that.

We shall have to wait and see what the uptake is. The RICS has said that 1 million acres of land could be made available. It is my earnest hope that all those organisations which have been such strong supporters of the measure will find that their members—for example, young farmers, tenant farmers and others—will take up the opportunities provided. The monitoring exercise that I have described builds on the expertise of those organisations. We seek not to duplicate but to work with the industry on the matter. We want to make certain that all the relevant strands of monitoring are drawn together.

We agree with the hon. Member for Clwyd, South-West about the desirability of monitoring the effects of the Bill. In the light of what I have said and the consultations that we wish to have with the RICS and the Central Association of Agricultural Valuers so that all that expertise can be drawn together, I hope that the hon. Gentleman might see fit to withdraw the new clause.

**Mr. Llwyd:** It is accepted that the Bill has been some five or six years in gestation. I am astonished that the Ministry has not put something together in the way of monitoring at this stage. We have had so many years of discussion about it. Why does not the Minister have a form of monitoring ready and waiting which could be written into the Bill? That would have been preferable to leaving it on a hope basis for later.

5 pm

**Mr. Jack:** As I have told the hon. Member for Clwyd, South-West, because we have already started an exercise to review the way in which we will monitor the legislation. It would almost be discourteous to the House automatically to anticipate that we would simply get this measure through and then start, well in advance, to prepare a monitoring exercise. We want to make certain that we know exactly what we are monitoring. Until the Bill passes all its stages in this House, that is something that we cannot do. In timetabling terms, we have found a sensible balance on the matter.

**Mr. Derek Enright** (Hemsworth): The Minister asked whether we were suspicious of the Government, and I confess that I am now extremely suspicious, because he has not responded to the request of my hon. Friend the Member for Sherwood (Mr. Tipping) for information on allotment holders, which is extremely important to some of us.

**Mr. Jack:** The hon. Gentleman anticipates my next comment. I have a personal interest, having dug an allotment over Easter. Allotment land is not subject to the agricultural holdings legislation, but British Coal and the Department of Trade and Industry are reviewing how it will be treated, in the way the hon. Member for Sherwood (Mr. Tipping) described. Those concerned are well aware of the anxieties expressed that the land should be retained for its existing use. The hon Gentleman asked me a number of other questions, and I will ensure that he gets a definitive answer in some way, shape or form.

With those remarks, and our commitment to put in place a proper monitoring system, I hope that the hon. Member for Clwyd, South-West will see fit to withdraw the new clause.

**Dr. Gavin Strang** (Edinburgh, East): In his opening remarks, the Minister of State said that the Opposition

*[Dr. Gavin Strang]*

were not rejoicing in their support for the Bill. I can certainly confirm that. Indeed, we have been consistent in our opposition to it.

We oppose the Bill because we believe in security of tenure for tenant farmers, and we regard the relationship between a landlord and a tenant as fundamentally unequal. That means that legislation is required, and the Government have implicitly accepted that need in the Bill.

I think that the hon. Member for Stroud (Mr. Knapman) encapsulated the argument when he mentioned freedom of contract between the landlord and the tenant. We believe that the tenant needs something more, which is why we regard this legal framework for governing relationships between farmers and landowners as flawed and unacceptable on the fundamental points of social justice and security of tenure.

The argument for the Bill has been stated, and there is no doubt about the motives of some of the participants—there is a genuine wish to encourage new entrants into the industry. Labour Members certainly share that wish, which is why we published the consultative document that my hon. Friend the Member for Clwyd, South-West (Mr. Jones) produced. The document proposed some hard, practical and concrete proposals for encouraging new entrants into the industry, and I will return to the industry's reaction to it, but not during this debate.

**Mr. Jack:** The document published last September contained an intriguing little phrase. The author said:

"If the legislation . . . is not working sufficiently well"—

I presume he meant this legislation—

"the Labour Party would consider re-introducing a minimum term of farm tenancies".

Can the hon. Gentleman assist me by giving me a precise definition of what "not working well" means?

**Mr. Deputy Speaker:** Order. We are considering the new clause, and it would be helpful if the hon. Member would get back to that.

**Dr. Strang:** Since new clause 1 concerns working well and monitoring the legislation when it comes into force, I want to deal with those points explicitly. Working well includes, among other things, the question of new entrants. That is the whole purpose of the Bill—well, it is not the whole purpose, as I would not grant the Government that, but it is one of its purposes.

We want to monitor the effect of the legislation, and you have reminded us, Mr. Deputy Speaker, that the clause concerns monitoring. I hope to catch your eye on Third Reading, when I will be more explicit, but we want to give the legislation an opportunity to work, and do not intend, therefore, to introduce retrospective legislation.

Monitoring and whether it is a reasonable proposition in the context of this new legislation are the real issues. I interpret the Minister of State's remarks as positive on that account, and think that he is acknowledging that there is a good case for reviewing the effect of the legislation over a period of years. This is a long-term business. Frankly, it is because we regard farming as a long-term business that we are against the Bill. It will take some years to find out how the legislation is working out.

Various attempts have been made to anticipate the effects of the legislation. Many hon. Members, including, I think, the Minister of State, referred to the document produced by the Royal Institution of Chartered Surveyors, "Farm Business Tenancies, New Farms and Land 1995-97", which was a valuable report. Perhaps the House will allow me to quote from some of the key conclusions.

It is projected that

"nearly 900,000 acres will be let through chartered surveyors for five years or more under a farm business tenancy. This would comprise 1,166 equipped farms and 3,315 blocks of bare land . . . From a core of 9.4 million acres existing lifetime and qualifying succession tenancies will continue under the Agricultural Holdings Act 1986 for many years. Some owners' agents indicated that they will recommend reletting on the basis of long-term traditional type tenancies when this land falls vacant. Of the 8.56 million acres of land in England and Wales where chartered surveyors may not be retained continuously and which is likely to be predominantly owner-occupied it is probable that some will come into the let sector for the first time under farm business tenancies."

The survey could not identify the extent to which that might happen, and many respondents did not reply to the questionnaire. That shows that there is a case for looking at the effect of the legislation.

It was suggested, I think by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), that that might be done through the IACS form. No one is ruling that out, but the Minister of State correctly pointed out that implicit in that suggestion is an acceptance that one is going to survey every farm in the country, which is not necessary under our new clause. My hon. Friend the Member for Carmarthen (Mr. Williams) also commented on that.

We are interested in genuinely objective information about how the legislation is working. I will give some of the key factors that we should be considering in a minute. It may well be possible to do so through good samples. Obviously, they will have to be spread throughout England and Wales. The position in Scotland is different, and the legislation does not apply there, as tradition and attitude to the issue are in some respects rather different from those of the body politic in agriculture in England. The position in Wales is also slightly different.

Surely we are interested in the extent to which more land is owned by institutions. The institutional ownership of land was a major issue, as many hon. Members will remember, and was one reason why the last Labour Government set up what was probably the best and most authoritative report on the issue—the Northfield report, which was published after Labour lost power. The then Minister of Agriculture, who later became a Secretary of State for the Environment, handled the matter, and the incoming Conservative Government did nothing.

In those days, the ownership of land by non-British or non-European Union citizens was also an issue, and to an extent it still concerns people in some parts of Scotland when they see whole islands being bought and sold every year. Although there is less overall concern about those issues now, I should have thought that we would want to keep information on what is happening in that respect.

How many new farm business tenancies, which commence on 1 September 1995, will be created each year, and how many will be created on previously unoccupied land? Will the farmhouse stay with the farm? I think that the Conservative party supports our position, which is that we want to encourage family farms and family farming.

We criticise the Bill because we believe that, among other things, it will lead to the fragmentation and break-up of holdings. We may be wrong—who is to say? But we should monitor the extent to which land will simply be let to neighbouring farmers.

Will bona fide new entrants into the industry have proper tenancies, albeit short-term tenancies? I recognise that those may be enough to get them started, build up a fairly intensive business and then move on to something else. It goes without saying that we are interested in the duration of those tenancies. We are not going down the right road if we are to end up with the bulk of our tenanted land farmed on the basis of five-year tenancies.

We welcome the Government's constructive response on this matter and will therefore not push the new clause.

**Mr. Martyn Jones:** I beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

**New clause 2**

MILK QUOTAS: COMPENSATION

'Where a milk quota was registered in relation to land held on a tenancy under the Agricultural Holdings Act 1986, and that land is let immediately upon the expiry of that tenancy as a farm business tenancy, and where no claim was made for compensation in respect of that quota under the Agriculture Act 1986, that latter Act shall still apply to that milk quota which shall not be the subject of any other claim for compensation.'.—*[Mr. Martyn Jones.]*

*Brought up, and read the First time.*

**Mr. Martyn Jones:** I beg to move, That the clause be read a Second time.

The new clause is a redraft of new clauses originally discussed in the other place. It is a minor new clause that protects farmers in tenancies covered by the 1986 Act when the new farm business tenancy comes into effect. Clause 16(3) does away with the 1986 Act's formula for assessing milk quota compensation. Any compensation under a farm business tenancy will be under the general wording of clause 17 on landlords' consent.

Where a tenancy under the 1986 Act has been surrendered or terminated and the outgoing tenant enters into a farm business tenancy in respect of an area including the same land, either as an individual or in a partnership, he may not press for his milk quota compensation at the date of the changeover. He will thus forgo his entitlement to milk quota compensation under the 1986 Act, and his previous period of occupation will not be carried forward into the assessment of improvements made at the end of his farm business tenancy. If a tenant does not insist on payment of compensation for quota at the end of a 1986 lease, he will lose all rights to payment at a later date. The new clause ensures that that will not happen.

The Government should not allow the Bill to be used as a cloak for false undertakings so that landlords can avoid responsibility to pay compensation under the 1986 Act. The new clause is narrow and will not result in a major prolongation of the life of the 1986 Act.

5.15 pm

**Mr. Tyler:** I wish to endorse the purpose of the new clause. I hope that the Minister has taken seriously the points that have been made, not just by the hon. Member for Clwyd, South-West (Mr. Jones) but by many individuals in the industry.

Clearly, the question of milk quotas currently features in the calculations that anybody in the dairy sector must make because of the extraordinary value that can now be attached to them. I know that the Minister and his right hon. Friends share my concern at how milk quotas seem increasingly to be getting out of hand. In those circumstances, I hope a way will be found to ensure that no opportunity is lost to compensate those who might otherwise be put at considerable financial disadvantage. I am not in a position to say whether the new clause is the only or best way to do that. There may be another more technically secure way, but I hope that the Minister can reassure the House and the industry that a belt-and-braces system will be put in place to ensure that compensation will not be lost in the circumstances described by the hon. Member for Clwyd, South-West.

**Mr. Jack:** The hon. Member for Clwyd, South-West (Mr. Jones) was right to alert the House in his opening remarks to the fact that this matter was dealt with extensively in another place. I thought that the matter had been settled then, but I understand the concerns which the hon. Members for Clwyd, South-West and for North Cornwall (Mr. Tyler) have expressed. I shall deal with those matters at length because they are important and must be put on the record.

Milk quota is an important, complicated and technical matter but I see no good reason to add to existing complications by accepting the new clause. We have been over all these issues before in considerable detail and have genuinely satisfied the industry's concerns on this matter to such an extent that it does not support the new clause.

Tenants who take up a farm business tenancy immediately after a tenancy under the Agricultural Holdings Act has ended and who are eligible to do so can agree to use the current milk quota compensation provision in the Agriculture Act 1986 to determine compensation payable in respect of the original tenancy. They will also be free to agree on the timing of such compensation. For example, it might suit parties to make the actual payment at the end of the farm business tenancy. Such an agreement might make sense where both parties want to secure the benefits of a farm business tenancy but where the landlord cannot immediately raise the money to settle compensation under the Agriculture Act before the new tenancy starts.

It is vital to remember that not everyone with a dairy farm tenancy under the Agricultural Holdings Act 1986 would be eligible for compensation under the Agriculture Act 1986 in respect of milk quota. The statutory compensation scheme ensures that the respective shares of landlord and tenant in the value of quota allocated to a producer in occupation of a holding on 2 April 1984 are taken into account when the tenancy ends or when the last of any statutory succession tenancies have ended. But if the original tenant took up occupancy after 2 April 1984, there is no right to compensation.

With respect, the hon. Member for Clwyd, South-West may not have appreciated the difficulties of providing legal certainty if two systems of statutory compensation for milk quota were in operation in relation to the same holding. The first problem would be to ensure that any Agriculture Act rights are respected where a farm

*[Mr. Jack]*

business tenancy has begun and the tenant has an entirely different statutory entitlement to compensation for additional quota brought on to his holding under clause 16. It would be even more difficult in cases where tenancies occupy some other land for milk production as well as their farm business holdings. Because of the operation of European Community rules, such additional quota would have to be aggregated with all the existing quota registered in the producer's name and might, over the life of the tenancy, become impossible to identify.

I reassure Opposition Members that clause 16(3) does not prevent parties from agreeing the most appropriate arrangements on milk quota compensation in respect of a 1986 Act tenancy that comes to an end in such a way as to meet their particular needs. It may also be an important factor in detailed negotiations for a subsequent business tenancy that might be on offer to existing tenants. I assure the hon. Member for Clwyd, South-West that we have gone into the issue in substantial detail, that no danger exists of tenants being deprived of their compensation rights by the Bill, and that the industry is satisfied that that is so. With those assurances and that explanation—I apologise for the complexity, but it is a detailed matter—I hope that I have persuaded the hon. Gentleman that he should, on reflection, withdraw his amendment.

**Mr. Martyn Jones:** I am grateful for the Minister's assurances, following which I beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

**Clause 10**

NOTICE REQUIRING STATUTORY RENT REVIEW.

**Mr. Jack:** I beg to move amendment No. 1, in page 7, line 18, after 'rent', insert—

'( ) any date as from which there took effect a previous determination as to the amount of the rent made, otherwise than as arbitrator, by a person appointed under an agreement between the landlord and the tenant.'.

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** With this, it will be convenient to discuss Government amendment No. 2.

**Mr. Jack:** This is a technical amendment. Under the Bill, parties may agree to the appointment of a person to determine rent "otherwise than as arbitrator". The amendment is necessary so that the rent review cycle takes account of any such rent determination in the same way as if an arbitrator had determined the rent at a rent review. The amendment to clause 11 is consequential on that amendment.

*Amendment agreed to.*

**Clause 11**

REVIEW DATE WHERE NEW TENANCY OF SEVERED PART OF REVERSION

*Amendment made*: No. 2, in page 7, line 42, after 'direction', insert ', determination'.—[*Mr. Jack.*]

**Clause 19**

REFERENCE TO ARBITRATION OF REFUSAL OR FAILURE TO GIVE CONSENT OR OF CONDITION ATTACHED TO CONSENT.

**Mr. Jack:** I beg to move amendment No. 3, in page 10, line 22, leave out

'the proposed provision of a'

and insert 'any'.

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** With this, it will be convenient to discuss Government amendments Nos. 4 to 11.

**Mr. Jack:** This is one of the most important of the amendments that we are considering this afternoon. May I put on record my sincere appreciation to the hon. Member for Clwyd, South-West for withdrawing his amendment? I know that the matter caused hon. Members on both sides of the Committee some considerable concern. The Government thought carefully about that: hence the amendment. It deals with what is known as tenant-right matters. Those concerns arose because the system of compensation under the Bill is different from that under the Agricultural Holdings Act 1986.

Under that Act, improvements are divided into long-term improvements, for which the consent of the landlord is required, and short-term improvements, for which the tenant can claim compensation without having obtained the landlord's consent. Schedule 8 to that Act lists the short-term improvements and tenant-right matters.

Under the Bill, no such distinction is made. All improvements require landlords' consent to be eligible for compensation. In cases where consent is refused, the tenant has the right to go to arbitration, except in the case of planning permission. However, fears were expressed that some tenants, being used to the 1986 Act, might not realise that they needed a landlord's consent for certain routine operations, for which they later intended to claim compensation. The amendment deals with that point.

The principal concern related to growing crops left on the holding at the end of a tenancy, but there was also a strong feeling that a tenant's right to compensation should be safeguarded where he had performed other common activities that add to the value of the holding, such as liming or applying fertiliser. The amendment that the hon. Member for Clwyd, South-West tabled in Committee attempted to deal with those points by including a list of specified matters for which tenants would be entitled to compensation without the need to obtain the landlord's consent.

I explained in Committee why the Government were not attracted by that listing approach. I agreed, however, that I would reflect on what could be done about the position, and said that we would discuss it further with the industry. We have come up with a different approach, which can cover all those matters that I have mentioned—such as growing crops and applying fertiliser—as well as others that add value to the holding. I am pleased to say that that approach has the support of the industry group. Although it requires a number of amendments, the overall effect is straightforward.

The amendments to clause 19 will ensure that a tenant can carry out "routine improvements" without losing the right to seek arbitration if the landlord, for any reason, withholds consent, or attaches conditions that the tenant does not wish to accept.

Routine improvement is broadly defined as a physical improvement made in the normal course of farming the holding. It does not cover improvements to fixed equipment, or improvements prohibited by the tenancy agreement. It is intended to cover individual acts of husbandry of the type that we considered in Committee, including those that add only a small amount of value compared with the overall value of the holding. Compensation for routine improvements will be calculated on the same basis as end-of-tenancy compensation for other improvements—the increase, attributable to the improvement, in the value of the holding as land comprised in a tenancy.

Some concern has been expressed that that could result in routine improvements, which may have a small value relative to the overall value of the holding, being overlooked. However, the same principles of valuation will apply for small and routine improvements as for large ones. If they add value, they should be compensated accordingly.

Amendment No. 11 in relation to clause 22 will help the parties to keep the cost of arbitration to the minimum. If they are unable to agree on the appointment of an arbitrator, they may apply to the president of the Royal Institution of Chartered Surveyors, who will appoint one for them. The amendment says that, where two applications are being made at the same time for the appointment of an arbitrator, first to consider consent due to routine improvements, and, secondly, to consider the amount of compensation due, the RICS president must appoint the same arbitrator for both matters. If both applications are made by the same person, just one application fee is payable.

I hope, with those few words, that I have illustrated that we have fully responded to the concerns expressed on both sides of the Committee. We have consulted the industry. It supports the amendment, which deals comprehensively with matters concerning the tenant right.

**Mr. Tyler:** I pay tribute to the Minister for listening to a number of hon. Members, including myself. Indeed, I spoke on the tenant right issue on Second Reading. That was an important subject, which we returned to on a number of occasions in Committee. He has come up with an admirable solution to the problem.

Few of us were happy with the idea of a schedule of all the different tenant right compensation opportunities that might occur because those might change. The last thing that we want is to put on statute something that might become anachronistic in a comparatively short time or, by so doing, to exclude some other normal husbandry practice that might develop in the years to come.

The concept of routine improvement and the definition in amendment No. 10 seems admirable. If the industry and valuers think that they can work with it, the House will probably find that it will be a practical application of the principles with which we were all concerned.

I note the Minister's remarks about the need to restrain arbitration costs. That is important. We may find that, if the legislation is undermined, it will be only because the problems of compensation and arbitration become intractable. Therefore, people would seek to avoid those problems by various means and we may have to come back to the matter.

The legislation's main principles will prove to be well founded, but I am concerned about the problems of cost. Clearly, where a comparatively small sum is involved in the compensation that may be payable, to go to expensive arbitration would be absurd. I hope that amendment No. 11 will meet that point.

I hope that the House will support the proposals. I believe them to be extremely important for the success of the whole Bill. I give them my support.

**Mr. Geoffrey Clifton-Brown** (Cirencester and Tewkesbury): I rise briefly to give a warm welcome to the amendments, especially amendment No. 10.

The Tenants Reform Industry Group has throughout wanted the Bill to specify the way in which "routine improvements", as they are called in the amendment, should be dealt with. Although I largely favour the Bill because it is a deregulatory measure and it allows a large amount of latitude for agreement between the lessor and the lessee, in that specific respect it is right that the way in which one deals with routine improvements—the so-called tenant's right—should be specified on the face of the Bill.

If for no other reason, it should be specified because any legislation passed through this place should deal with the rogue landlord and the rogue tenant, and it would be possible, with the Bill in its present state, for a landlord to be especially awkward with a tenant in the last year of the tenancy and make life very difficult for that tenant as regards the way in which he should be compensated at the end of the tenancy.

It appears wholly wrong, when the agreement is supposed to exist to ensure that the holding is farmed as well as possible, if something that we do in the Bill impairs that. We want the farming to be conducted in the best possible manner right up to the end of the tenancy. I therefore welcome the amendment whole-heartedly.

That subject was originally mentioned by the noble Lord Gallacher in Committee in the other place. It was also mentioned in Committee in this House. I supported the amendments moved by the Opposition. There has been cross-party support.

I congratulate my hon. Friend the Minister and I urge the House to support the amendment.

5.30 pm

**Mr. Knapman:** I congratulate my right hon. Friend the Minister and my hon. Friend the Minister of State who, by giving the right to tenant right, have now got the Bill as near to perfection as possible, such even that the hon. Members for Clwyd, South-West (Mr. Jones) and for Edinburgh, East (Dr. Strang) would find it difficult to vote against any aspect of it.

We now have in the Bill, as I understand it, and especially by means of amendment No. 10, the right to tenant right. I suppose that we must now await the code by which the professionals in the industry will assess the way in which tenant right valuations are carried out. I very much hope that the code will be available before Royal Assent is given to the Bill. Then my cup of joy will be overflowing.

**Mr. Martyn Jones:** We obviously welcome amendments Nos. 3 to 11, because, in effect, they are equivalent to our new clause 3, which was not moved. We know that they are welcome to the industry. Opposition Members have been asking for tenant right since the first stages of the Bill in the Lords and we have done so again on Report in this House, with our new clause 3.

In the other place, Lord Howe, speaking about tenant rights, said that he thought that that was an issue that should be covered by the RICS guidelines, not the Bill; so Lord Howe was asking farmers to sign up to guidelines that had not even been written.

We understand that industry has been pushing the Government hard for those changes, while we have always been committed to tenant right. We are glad that, for once, the hard line dogma of deregulation at all costs, which appeared to be the major motivation of the Bill, has been ignored in favour of industry-driven good management.

We are sorry that it has taken the Government so much longer than us to come round to that way of thinking. We also hope that their loose wording of "routine improvements" will not lead to hardship to tenant farmers as landowners fight over the issues of the wording.

In addition, we can foresee that vague wording being used by less honest landlords as a way to bring pressure to bear on tenants seeking another tenancy from them, the landlord forcing the tenant, quite legally, to reduce his demands for compensation. We believe that the use of the phrase "tenant right" as used in our new clause would have been a defence against that. We hope, however, that the amendment will provide the protection demanded and required by the industry.

We should also like an assurance from the Minister that "routine improvements" includes crops in fields at the termination of the tenancy and emergency repairs without permission of the landlord.

In cases not covered by tenant right, we have worries about the delays in compensation. I know that that is not directly covered by the amendments, but there could be a two-month delay following written application to the landlord. Time could be lost while the arbitrator was appointed and a hearing date awaited before the tenant could do any major project not covered by the words "routine improvements".

I shall be grateful for any comments that the Minister wishes to make on those matters of concern.

**Mr. Jack:** I thank the hon. Members for North Cornwall (Mr. Tyler) and for Clwyd, South-West (Mr. Jones) and my hon. Friends the Members for Cirencester and Tewkesbury (Mr. Clifton-Brown) and for Stroud (Mr. Knapman) for their warm support for the amendment. My hon. Friends the Members for Cirencester and Tewkesbury and for Stroud spoke with knowledge in Committee and they reflected a genuine anxiety about those matters, as did other hon. Members.

Although the hon. Member for Clwyd, South-West and others pressed for what has become the amendment before the House this afternoon, we had given careful thought to some of the issues that tenant right tackled. I would say, almost as a precautionary note to anyone reading our proceedings, that all the issues that can be covered by the amendment could also have been covered by prior agreement between landlord and tenant. As a result of that discussion, the anxiety was expressed that people who might be used to older practices, or who did not necessarily take those matters into account as a result of difficulties in the landlord-tenant relationship or shoddy drafting of an agreement, might not cover those matters in their preliminary exchanges. That is very much the fail-safe long-stop mechanism that exists for that type of routine improvements.

The hon. Member for Clwyd, South-West perhaps went a little further than the definitions that I had placed on record. I would say to him that the routine improvements are a question of the differentials in valuations. He also asked me about repairs. Repairs would normally be covered by a separate part of the agreement between landlord and tenant, and I would expect that, as part of their discussions, issues of emergency matters would be discussed as a preliminary to their discussions about the way in which they wish to run the holdings, because the issue of dilapidations is also covered separately.

Those questions were largely about agricultural issues and I believe that they were motivated very much by an anxiety about what happened to the crop that might be left in the ground at the end of the tenancy. I hope that I have satisfied the hon. Member for Clwyd, South-West about that matter.

My hon. Friend the Member for Stroud rightly mentioned the RICS guidelines. I apologise to him for the fact that I had not been able to convey to him a message that the RICS would be delighted if he were to call upon it and discuss the progress that it is making with those guidelines. I gather that work is well advanced, and that it hopes that the documentation will be available, certainly in the early summer.

The RICS is wise to be cautious and careful in what it is doing, because that document will be a pivotal one, ensuring that good advice is available to people drawing up farm business tenancies. I told my hon. Friend the Member for Stroud also that there would be further sources of advice, but if he cares to take up that offer I shall be happy to act as an intermediary.

Following the warm words of hon. Members, I thank them for their co-operation on that matter.

**Mr. Knapman:** I am grateful to my hon. Friend for all that he says. However, the crucial matter—because my hon. Friend is so right that that is a pivotal part, not of the Bill but of the practice—is whether all that information is provided before the Bill is enacted. The critical point is not whether it is early or late summer but whether it is before the date of enactment.

**Mr. Jack:** I take slight issue with my hon. Friend. I could not commit the RICS to a specific date. It is obviously not in my gift; it is its document, not mine. I hope that I am right in interpreting what my hon. Friend says as meaning that he wants that advice to be available in good time for people who embark on drawing up the first of what we hope will be many successful farm business tenancies. I am sure that the RICS will read those proceedings and take note of my hon. Friend's sage words.

I hope that the House will support the amendments.

*Amendment agreed to.*

*Amendments made:* No. 4, in page 10, line 23, leave out from 'improvement' to 'is' in line 24 and insert

'the tenant under a farm business tenancy'.

No. 5, in page 10, line 32, at end insert

'but this subsection has effect subject to subsections (1A) and (2) below.

(1A) No notice under subsection (1) above may be given in relation to any tenant's improvement which the tenant has already provided or begun to provide, unless that improvement is a routine improvement.'.

No. 6, in page 10, line 45, after 'RICS', insert

'subject to subsection (7A) below'.

No. 7, in page 11, line 4, leave out 'proposed'.

No. 8, in page 11, line 5, at beginning insert

'Subject to subsection (7A) below'.

No. 9, in page 11, line 6, leave out 'proposed'.

No. 10, in page 11, line 14, at end insert—

'(7A) Where, at any time after giving a notice under subsection (1) above in relation to any tenant's improvement which is not a routine improvement, the tenant begins to provide the improvement—

(a) no application may be made under subsection (3) above after that time,

(b) where such an application has been made but no arbitrator has been appointed before that time, the application shall be ineffective, and

(c) no award may be made by virtue of subsection (5) above after that time except as to the costs of the reference and award in a case where the arbitrator was appointed before that time.

(7B) For the purposes of this section—

"fixed equipment& includes any building or structure affixed to land and any works constructed on, in, over or under land, and also includes anything grown on land for a purpose other than use after severance from the land, consumption of the thing grown or its produce, or amenity;

"routine improvement&, in relation to a farm business tenancy, means any tenant's improvement which—

(a) is a physical improvement made in the normal course of farming the holding or any part of the holding, and

(b) does not consist of fixed equipment or an improvement to fixed equipment,

but does not include any improvement whose provision is prohibited by the terms of the tenancy.'.—*[Mr. Jack.]*

## Clause 22

SETTLEMENT OF CLAIMS FOR COMPENSATION

*Amendment made:* No. 11, in page 12, line 25, at end insert—

'( ) Where—

(a) an application under subsection (3) above relates wholly or partly to compensation in respect of a routine improvement (within the meaning of section 19 of this Act) which the tenant has provided or has begun to provide, and

(b) that application is made at the same time as an application under section 19(3) of this Act relating to the provision of that improvement,

the President of the RICS shall appoint the same arbitrator on both applications and, if both applications are made by the same person, only one fee shall be payable by virtue of section 30(1) of this Act in respect of them.'.—*[Mr. Jack.]*

## Clause 40

SHORT TITLE, COMMENCEMENT AND EXTENT

**Mr. Jack:** I beg to move amendment No. 12, in page 20, line 35, at end insert

', except that paragraph 9 of the Schedule does not extend to Northern Ireland.'.

**Mr. Deputy Speaker:** With this, it will be convenient to discuss also Government amendment No. 13.

**Mr. Jack:** The amendments are minor and technical.

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 does not apply to Northern Ireland, but it may, in whole or in part, be extended to apply there by Order in Council. Section 27 was so extended to Northern Ireland in 1979, with necessary variations. Those provisions should be allowed to continue in force there.

The amendments to section 27 of the 1951 Act contained in paragraph 9 of the schedule to the Bill are not relevant to Northern Ireland as farm business tenancies will not exist there. As clause 40 is drafted they would, however, be applied. The amendment to clause 40 is necessary to rectify that and to ensure that the provisions of the 1979 Order in Council are not affected.

The amendment to paragraph 9 of the schedule is necessary because the reference in section 27 of the 1951 Act to the War Damaged Sites Act 1949 was repealed in 1989.

*Amendment agreed to.*

## Schedule

CONSEQUENTIAL AMENDMENTS

*Amendment made:* No. 13, in page 22, leave out lines 30 and 31.—*[Mr. Waldegrave.]*

*Bill reported, with amendments.*

*Order for Third Reading read.—[Queen's Consent, on behalf of the Crown, and Prince of Wales's Consent, on behalf of the Duchy of Cornwall, signified].*

5.42 pm

**The Minister of Agriculture, Fisheries and Food (Mr. William Waldegrave):** I beg to move, That the Bill be now read the Third time.

At the last election, the Conservative party gave a clear manifesto commitment to introduce proposals to liberalise agricultural tenancy laws. If passed by the House today, the Bill will deliver that commitment.

We can truly say that the Bill has not been particularly divisive in party terms. We have had the broad support of the Liberal Democrats; we shall perhaps return to the attitude of the Labour party later. At least we have heard support from the Labour party today for amendments and improvements that have been proposed, some of which were suggested by the Opposition Front-Bench team and Opposition Members.

Above all, the Bill responds to an unparalleled breadth of consensus within the industry. No one who has held my office, even for as short a time as I have, would expect to find unanimity in agriculture. If two or three farmers gather together, there are likely to be at least three or four opinions after a little bit of debate.

The work done over a number of years to bring together a coalition of the principal interests has been remarkable. I do not think that even five years ago people would have predicted such agreement on such a far-reaching and forward-looking package of reform. It took much discussion and much hard work and patience for that consensus to be reached. For that, I pay tribute to my two

*[Mr. William Waldegrave]*

predecessors in my ministerial office, who clearly set out their views on the direction of reform and who acted as midwives at the birth of the child who has come of age today.

I should particularly like to thank the various associations—perhaps, above all, the Tenant Farmers Association, as it would have been easiest for it to take a negative attitude. It did not, and it and its policy adviser, Jeremy Moody, played a key role in maintaining progress throughout. That organisation was ably supported by the National Farmers Union, the Country Landowners Association and the young farmers associations, and the dialogue has been good.

**Mr. Llwyd:** Will the Secretary of State comment on the attitude to the Bill of the larger of the two farming unions in Wales? Has he received representations from it?

**Mr. Waldegrave:** As is well known, the two organisations have taken a different view. I had a productive and positive meeting with them during one of my visits to the Principality. They remain sceptical. I am not claiming that there is total unanimity; some members of the National Farmers Union in different parts of the country remain doubtful. I do not want to over-exaggerate, but it is fair to say that there is wide consensus in a pluralistic industry. In my experience, most of the participants are characters with strongly held, independent views. Therefore, I think that the level and extent of agreement is remarkable.

I should add one additional word of thanks. The House is always sympathetic to constituency points. Without getting into trouble over advertising, I should like to thank the principal legal experts on the subject, Burges Salmon and Andrew Densham, and others of my constituents who have helped my Department and Members of Parliament with advice during the passage of the Bill. As I am talking on a personal basis, may I say that I should have begun my speech by repeating a declaration of interest? As the House knows, I have a shareholding in a family tenant farm. It is unaffected by the Bill, as we have not made the mistake of introducing retrospective legislation.

The Bill's aims, as we said on Second Reading, are to tackle the decline in tenancies offered, to open up opportunities to new entrants and to provide flexibility for agriculture to remain internationally competitive. The background must be not that the present position is a satisfactory one that we need to maintain but that it is unsatisfactory. Whatever the theoretical intentions behind previous Acts passed by the House may have been, we know what the position is.

We know that the great majority of tenancies that are being let are for fewer than two years under various loophole arrangements that have been devised—largely by Burges Salmon and other of my constituents. We are not removing rights that apply to secure tenancies that are being let. They are not being let—instead, short, loophole tenancies are being let. The number of new tenancies under the Agriculture (Miscellaneous Provisions) Act 1976 is minuscule—it has almost dried up. That has brought the present legislation into disrepute and has brought the Tenant Farmers Association and others to their present conclusions.

Many of my hon. Friends are knowledgeable on the subject and, as has been said, the Bill's main feature is to respect the freely entered into contract between landlord and tenant. There may have been periods in our social history when there has been a great imbalance one way or the other between the two partners. I would not deny that that happened in the 19th century, but if we look at the modern British farming industry we see that those days are long past. We can expect a reasonable degree of negotiation and a reasonable balancing of interests to emerge from freely entered into tenancies.

I think that we shall see a variety of such tenancies after September this year—some for long periods, some for medium-length periods and some for short tenancies. The length of each tenancy will reflect what is economically sensible and what suits the best interests of both parties. It will be affected by the nature of the holding and so on. The key point for new entrants is that, if they can overcome the all-important initial hurdle of gaining access to land, at least they have a chance to show their mettle and build up a track record and a long-term business.

All landlords want good tenants, and most want to keep them once they have found them. Longer tenancies will flow from mutual trust, not legal compulsion. We have tried that policy and it has not worked. That fact was well expressed in a press release issued by the Tenant Farmers Association, which states:

"It must be better to bring more land on to the market than to face the present steep decline in the long term let sector, one which would continue if the law imposed a long term tenancy."

That view now prevails in all the main industry organisations. Sir David Naish, the president of the NFU, is on record as saying:

"tenancy reform will breathe new life into the farming industry".

We have made a number of amendments to the Bill, both here and in another place, which we think have improved it. Some of those amendments have been introduced with the agreement of the Labour party; all of them, without exception, have been fully supported by the industry. Others have been argued for by my hon. Friends, as we heard today.

We have also included a new clause—a key complementary step—in the Finance Bill that will extend inheritance tax relief to new lettings. All in all, we are doing everything within our power to revitalise the tenanted sector.

Some commentators have expressed doubts about the extent to which we will succeed and about the lack of security for tenants. However, I have not heard anyone suggest a practical way in which the Bill could do more to persuade those who own agricultural land to provide new tenancy opportunities.

I was a little saddened by the fact that the Labour party voted against Second Reading. It seemed unwise for the Opposition to fly in the face of such wide support in the farming community and I had hoped that they would take a more constructive approach.

It is perhaps ironic that the House seems to take a more old-fashioned attitude to such matters than one would expect. The noble Lord Carter, in explaining the Labour party's position in another place, adopted a more temperate approach to the matter. I would hardly expect Labour Members to agree now that we have been right all

along and they have been wrong. One lives in hope, but I think that it would be surprising if they were to change their minds tonight.

I make one point to the Opposition. We have taken great care to avoid retrospection in the Bill. We could have decided quite reasonably—in fact, many people urged us to do so—to go back and clear up what many consider to be the mess that Labour created with its 1976 legislation. We could have decided to abolish the succession rights that applied to pre-1984 tenancies, to give security to generations of successors and so on. There was quite a lot of pressure on us to do that.

We resisted the temptation on the ground that in this area, above all others, retrospective legislation is bad. We did not intend to follow Labour's precedent of passing retrospective legislation. Where the Bill might have had retrospective effect unintentionally or indirectly—such as in relation to the constituents of my hon. Friend the Member for Worcestershire, South (Mr. Spicer), who followed the long-established Evesham custom with which the House is now expert—we took steps to amend it in order to avoid that consequence.

Surely it is right to ask the Opposition to make the same commitment today. I think that the Liberal Democrat spokesman, the hon. Member for North Cornwall (Mr. Tyler), made the same point. I advise people that the risk of a Labour Government in the foreseeable future is very small. Nonetheless, others are less well informed than me about the matter. Some landowners—for reasons best known to themselves—may harbour such fears. If they are to be encouraged to let land now—I think that that is the unanimous view of the House—it is vital that they should not be put off by the spectre of retrospective legislation introduced by a future Labour Government. In order to remove any disincentive to letting that may stem from such fears—unjustified though they may be—I call upon the Opposition to make a firm and clear pledge today not to introduce any future legislation on the subject which would have a retrospective effect.

Opposition Members have referred to monitoring today and my hon. Friend the Minister of State has responded positively to their points. We should allow the Bill to work effectively and not damage its chances of working by passing remarks about it or by making promises or pledges into the future. That is the least that the Labour party should be prepared to do in order to give the Bill a proper chance to work effectively in the interests of tenants.

I believe that we have improved the Bill a great deal during consideration in this and in another place. It is now a very good Bill which goes as far as it is reasonable to go. We should now look with confidence to a significant boost in the tenanted sector from 1 September this year onwards. Perhaps then the distant echoes of 1976 will finally die away. I commend the Bill to the House.

5.53 pm

**Dr. Gavin Strang** (Edinburgh, East): I am not sure about the distant echoes of 1976, given that I am closely associated with the Agricultural Holdings Act 1976. I shall refer to that later in my speech.

The Labour party has opposed the legislation and we stand four square in our continued opposition to it. My hon. Friends and I have put our case on a number of occasions in the House and we have taken that position because we are fundamentally committed to security of tenure for tenant farmers. We are concerned that the legislation will lead to inadequate security of tenure for tenant farmers. We regard that as, first, socially unjust and, secondly, not in the long-term interests of agriculture.

I do not need to restate all the arguments—indeed, I touched on some earlier this afternoon in relation to monitoring. We believe that we should be united in our desire to encourage long-term, secure tenancies. People who wish to move into farming should have a proper opportunity to make a profit, build up capital and provide an honest living for themselves and their families. That is why we are committed to the family farm.

We do not wish to stratify the industry; there may be a role for contract farming. As I said in the Second Reading debate, some people begin farming with contract farming companies and then enter the industry in their own right. We have set out our proposals for encouraging new entrants to go into the industry which I believe will prove extremely constructive.

We have tackled the issue of milk quotas which is a real barrier for young farmers entering the industry. Often in the past, people entered that type of farming because of the regular milk cheque. We have tackled the issue of the way in which county council holdings have ceased to provide a stepping stone into the industry. There are many reasons for that, for which I not blame the present Government. *[Interruption.]* I thank my hon. Friend the Member for Stoke-on-Trent, South (Mr. Stevenson) for his intervention.

I blame the Government for the fact that many Conservative-controlled councils have been selling those holdings and we are concerned that that will continue if there is further reorganisation of local government. We have already touched on our attitude to tenure and taxation and the prospect of taking advantage of European Union legislation on retirement for farmers—many of whom continue farming into their 70s, if not later—to create the opportunity for a son, or daughter or an outsider to enter the industry. I do not think that we need any lessons or lectures—to his credit, the Minister has not sought to deliver any—about encouraging new entrants into the industry.

Earlier this afternoon, I referred to the Northfield committee report, which contains a lot of viable material. The committee had a balanced membership—I think that is to the credit of John Silkin, who is no longer with us—which was certainly not loaded in favour of the Labour party. I shall refer to its report later.

I shall deal with the question of security of tenure most constructively by referring to the remarks of the Minister of State in his winding-up speech on Second Reading. He was challenged by me on the issue and said:

> "I was interested in a press release that the hon. Member for Edinburgh, East issued on 18 November 1994, in which he said:
>
> 'Security of tenure is essential for the family farm'—
>
> as though that was a newly-discovered truth, which had not dawned on the Conservative Benches for many a long year. I was surprised that neither he nor his hon. Friends mentioned the construction of the Bill in clauses 1, 5, 6, 7, 16, 23, 24 and 25, all of which concern various aspects of security that are central to the subject of agricultural tenancy".

The Minister went on to say:

> "I am afraid that the hon. Gentleman shows an inability to distinguish between the period of an agreement and the security embodied in that agreement. The Bill is drafted in terms of the

*[Dr. Gavin Strang]*

definition of farm business tenancy: willing partners come together, in mutual interest, to define their rights and responsibilities, and to make very clear one with another the length of time that they agree a tenancy should run. The Bill gives precise legal protection on the ending of a tenancy. Once agreed and signed, it is cast iron and copper-bottomed and provides excellent security of tender. That is the whole basis and construction of the Bill."—[*Official Report*, 6 February 1995; Vol. 254, c. 105.]

It may be that there is a difference in language, but the phrase "security of tenure" is explicit, in my view, in that it does not refer to whether a contract will be honoured, nor to how much money a farmer might get if the contract is terminated prematurely. It does not refer to how copper-bottomed a five-year or 10-year tenancy may be. It is either about lifetime tenancies or about long-term fixed tenancies. In relation to the individual farmer and his family who are running a farming business, the phrase "security of tenure" relates to the security that he has to go on farming.

The legislation will transform the position of new lettings, and there can be no argument about that. The new farm business tenancies will come into operation on 1 September 1995 and, for the purpose of shorthand, I shall describe these as Tory tenancies. Already in place—and, as the Minister pointed out, not interfered with by the legislation—will be the traditional tenancies governed by earlier legislation, and for shorthand I shall call them Labour tenancies.

Within the group of Labour tenancies, two types of tenancy operate. The first group are the tenancies governed by the Agricultural Holdings Act 1976, which is still operative in relation to some tenancies and about which the Minister feels strongly—as, I am sure, do many other owners of land. My local newspaper described his speech on the matter at the Conservative party conference last year as a personal attack on me. I am not sure whether that was a fair judgment, but the right hon. Gentleman certainly articulated his bitter opposition to the principle that a son or daughter of a tenant farmer, who has worked perhaps for the bulk of his or her life on the holding, should have a qualified right to succeed to the tenancy.

Nothing that has been said in the debate has altered my view on the subject. The Minister may accept that something should be encouraged on a voluntary basis, but I believe that there is a case for encouraging a working son or daughter on a tenant farm to have the opportunity to succeed, and we enacted legislation to give a guarantee of that. There is a Scottish tradition in that area, and I accept that it has not existed for the same duration in England.

The second type of Labour tenancy is the tenancy governed by the Agricultural Holdings Act 1984, which the Government enacted to remove the succession provisions. The tenancies are governed either by the 1976 Act or by the 1984 Act, although there was a consolidation of the legislation in 1986. Basically, the new Tory tenancies will be in place from 1 September 1995. We also have the Labour tenancies, within which are two groups—those with succession rights and those without.

**Mr. Waldegrave:** Let me make clear that we have no antipathy at all to the idea of children succeeding their parents in farming. My neighbour in Somerset is a fifth generation tenant, and a fine farmer. The trouble is that the introduction of the compulsory legal principle has not preserved the system, and it has so dried up the supply of tenancies that it has become a dead letter. It is the failure in reality—as to the theoretical principle—to which we have objected, and we have come to believe that radical reform is necessary.

**Dr. Strang:** I am happy that the right hon. Gentleman has clarified his position.

I am coming to what I regard as the crunch point. We want to give the legislation an opportunity to work. That means in essence that people who let land after 1 September 1995 must have the prospect of their contract remaining. Despite the fact that I have not used the word "retrospective" in the context of the Bill, I accept the right hon. Gentleman's use of the word on this issue.

In that sense, I am happy to give an undertaking that a Labour Government will not legislate retrospectively, and any new tenancy created after 1 September 1995 will be honoured. If we can treat the tenancies as contracts, a contract for five years will last for five years if the legislation provides that it can continue by mutual agreement. The same will apply should the contract be for 10 years, 50 years or whatever. No Labour Government will legislate to break that contract or tenancy. I cannot be clearer than that.

We are saying to the industry—including the Country Landowners Association, the National Farmers Union, the Tenant Farmers Association and the young farmers organisations in Wales and England which supported the agreement that provided the basis for the legislation—that we will honour the position that they have adopted and that the Government have put into the legislation, and we will give it an opportunity to work.

**Mr. Waldegrave:** May I be the first to welcome the hon. Gentleman's commitment? It will help. Although there is no doubt about what he said about no future Labour Government breaking a contract, would such a Government convert a tenancy into some other form of tenancy? The fear may be that a five-year or 10-year tenancy will be converted into a tenancy of some other form which might last longer. Will the hon. Gentleman make it clear that contracts will be honoured as they are made?

**Dr. Strang:** Yes, that is correct.

**Mr. Edward Garnier** (Harborough): Will the hon. Gentleman give way?

**Dr. Strang:** I shall give way, although I wish to wind up my remarks. A number of hon. Members—particularly Labour Members—wish to speak.

**Mr. Garnier:** I accept and welcome the undertaking on retrospection that the hon. Gentleman has given the House relating to what he calls "Tory tenancies". Can he explain in a few words the Labour party's policy on any new legislation that it might wish to introduce and that might affect tenancies not covered by the 1995 measure?

**Dr. Strang:** I am grateful to the hon. Gentleman for making a constructive intervention. Of course, any Labour Government reserve the right to enact new legislation in this area. It may well be that, in 10 years' time—from the Opposition Benches—the hon. Gentleman will appeal to a Labour Government to introduce new legislation. The point is that legislation such as this will relate only to the

new tenancies. It may apply to tenancies that commence in 2010, or whenever. *[Interruption.]* Did I say that the hon. Gentleman would be in opposition in 10 years' time? I am sorry. It may be during the next Parliament, or the one after—I am not sure. It is conceivable that the next Labour Government will be in power for longer than the Conservative party. Sixteen years is long enough—not long for an agricultural tenancy, but long enough to have the Conservative party in office.

We welcome the constructive way in which the Bill was dealt with in Committee. My hon. Friend the Member for Clwyd, South-West (Mr. Jones) and other members of the Committee helped to achieve security and protection for tenants, which we value.

**Mr. Clifton-Brown:** The industry will welcome the hon. Gentleman's important clarification on retrospective legislation. If a Labour Government wanted to legislate on existing tenancies when they could naturally be brought to an end, when the period of notice to quit could operate, would such tenancies be subject to the provisions of new Labour legislation—or would they be allowed to continue on the existing terms for a further period?

**Dr. Strang:** The hon. Gentleman seeks to draw me into impractical areas of debate. I accept his good intentions, but I met the essential point that anyone letting land on the basis of the Bill from 1 September 1995 will know that the contract between landlord and tenant will not be altered by Labour legislation.

We want to give the Bill an opportunity to work, but we will vote against it because we are committed to the principle of security for tenants. The key point is that we will not implement legislation in a way that would prevent the Bill working as the industry and the Government want it to work.

6.11 pm

**Mr. Clifton-Brown:** I am grateful to catch your eye, Mr. Deputy Speaker, to speak on Third Reading of what has been described as a milestone in landlord and tenant legislation. I pay great tribute to my right hon. Friend the Minister of Agriculture and to my hon. Friend the Minister of State, who piloted the Bill through Committee. They listened to the Country Landowners Association, National Farmers Union and associations representing young farmers and tenant farmers. I ought to declare that I am a member of the CLA and NFU and I farm, so I have an interest in the Bill—although its provisions do not affect me directly.

Land in England, Wales, Scotland and Northern Ireland should be farmed to the highest possible standard. The Bill can only enhance that standard. The word "stewardship" has not been mentioned, but it should be. All involved in agriculture should give stewardship the highest priority.

It was a remarkable milestone for all sections of the industry to reach an historic agreement on a deregulatory measure. All sides of the industry having agreed, my right hon. Friend drafted a Bill and brought it before the House, and today we are giving it a Third Reading. Is it not remarkable that the only people who cannot see that it is a worthwhile measure are Labour Members? Surely it is better to have a let farm than one that is not let. When, under Labour in 1976, a farm was let to a tenant and succeeding tenants, the letting market dried up almost overnight—as the hon. Member for Edinburgh, East (Dr. Strang) knows full well.

It is sad that Labour Members will vote against the Bill tonight, because they will be sending a signal to the industry not to let farms under its provisions. There are 10,000 short-term agreements.

**Dr. Strang:** The hon. Gentleman is in danger of distorting the position. We made it absolutely clear that new tenancies under the legislation would be honoured. I hope that he will not seek to muddy the waters and give landowners or tenants a misleading impression.

**Mr. Clifton-Brown:** I welcome that intervention, in the sense that I hope to be proved wrong and hope that the industry will have the confidence to let under the Bill's provisions, because I desperately want a flourishing landlord and tenant sector. The Opposition's stance can only endanger that process, which is why I appeal to them to think again, even at this late hour. I say as loudly and clearly as I know how that it is better to have a let farm than a farm not let.

I desperately want to encourage young farmers. As I said on Second Reading, the average age of tenants is 55. I want it reduced considerably. Only new blood and fresh and innovative ideas will make the industry flourish. I fear that the Opposition will impede that process.

I fear also for the 40,000 workers in agriculture. Whatever Labour does, farms will inevitably become bigger. The one thing that will accelerate enlargement is the absence of a flourishing landlord and tenant sector. I want lots of people letting farms under the legislation, and I am confident that the current 10,000 short-term arrangements to skirt the 1976 and 1986 legislation will be encompassed by the Bill.

Even if the average size is only 100 acres, that will produce the 1 million acres that the Royal Institute of Chartered Surveyors predicted. Even the hon. Member for Clwyd, South-West (Mr. Jones) predicted 3,200 new tenancies on an average farm size of 250 acres. On Second Reading, I calculated that would produce a total of 750,000 acres. There is no disputing the fact that a substantial amount of land will fall under the scope of the legislation.

**Mr. Llwyd:** Does the hon. Gentleman agree that the majority of the short lets to circumvent existing legislation and Gladstone *v.* Bower agreements were made by established farmers and cover small parcels of land tacked on to an already flourishing situation? Also, not all Opposition parties support the Bill, as the hon. Gentleman suggested. I have misgivings, and I hope to catch your eye, Mr. Deputy Speaker, to explain why.

**Mr. Clifton-Brown:** In my experience, the number of short-term agreements are increasing rather than decreasing. The number of contractual, Gladstone *v.* Bower agreements have actually increased over the past few years, because of uncertainty in the industry about embarking on full landlord and tenant letting under the 1986 legislation. I hope that the Bill will reverse that trend. I agree with the Opposition that longer-term lettings are wanted; only then can the tenant secure borrowings and plan for a proper farm system. I hope that the industry will have the confidence to let for reasonable terms, to give younger tenants more opportunities.

*[Mr. Clifton-Brown]*

I pay sincere tribute to my right hon. Friend the Minister for playing a major part in changes to inheritance tax legislation: equalising relief for let and vacant land is a major plank and will encourage lettings. But I would like him to go slightly further. There are two other tax impediments that may—

**Dame Elaine Kellett-Bowman:** Inhibit?

**Mr. Clifton-Brown:** I am grateful to my hon. Friend.

There are two other tax impediments that may inhibit landlords in letting land. The first one is income tax treatment. Vacant farms come under schedule D and are treated as a trade. Let farms come under schedule A and are treated as an investment. The reliefs that are available under A are much more limited than under D. I hope that my right hon. and learned Friend the Chancellor of the Exchequer will give consideration to the equalisation of tax treatment.

The second tax anomaly that will inhibit landlords in letting farms is treatment under capital gains roll-over relief. Again, there is different treatment for let and vacant farms. Perhaps my right hon. and learned Friend the Chancellor will consider whether that anomaly can be overcome.

I look forward to speculating on what the Bill, when enacted, will do. I would like the situation in the commercial property letting market to apply, whereby let commercial properties are worth the same—in many instances they are worth more—as vacant properties. That would be entirely healthy for agriculture. It would mean that let land and vacant land values were more nearly the same. At present, there is a 50 to 75 per cent. differential. I should like values to come much closer together, and that is possible.

I was discussing the Bill with some large institution farmers. They are beginning to have some exciting ideas about how institutional money might be put into agricultural land. Under the Bill, they would have the certainty of getting vacant possession at any time they wanted it. They would be able to let land to new, young entrants into farming. I hope that they would do so, for that is precisely what we want to see. I hope that that will happen because at this moment some agile minds are considering how it might be achieved.

**Mr. Tipping:** Will the hon. Gentleman give way?

**Mr. Clifton-Brown:** I shall be delighted to give way to a person with an agile mind.

**Mr. Tipping:** I am delighted to be thought to have an agile mind. I shall use that agility in trying to establish the hon. Gentleman's purpose. Earlier, he talked about getting new, young farmers on to the land, but now he is talking about institutions being able to get rid of new, young farmers when they want to do so. Clearly there is a contradiction.

**Mr. Clifton-Brown:** Either the hon. Gentleman was not listening or he did not understand what I was saying. I was talking about more institutional money being available to buy land specifically to let to younger tenants. That is exactly what I want to see. At present, younger people cannot afford to buy and farm the bulk of the agricultural land that is held. The capital involved is so great and the return on capital so low that unless someone has a huge amount of capital behind him or is lucky enough, as I was, to inherit a farm, it is impossible to enter the industry.

As a Conservative, I want to encourage young entrepreneurial individuals, who perhaps have been involved in the industry as contractors or merchants, for example. I hope that they will have the opportunity to farm a small amount of land, thereby getting on to the farming ladder. We want to encourage entrepreneurial and innovative people to go into the industry for the benefit of that industry, so that our industry remains the most efficient in Europe.

I wholeheartedly welcome the Bill. I urge the House to give it a Third Reading as soon as possible so that it can be put on to the statute book forthwith and the industry can benefit thereby.

6.23 pm

**Mr. Enright:** First, I apologise to the Minister for having to be absent during his wind-up speech. There was a joint meeting of the all-party rugby league group. I had to attend to put the case for the Featherstone rugby league club. I know that Mr. Deputy Speaker is even more devoted than am I. It was imperative that I should attend.

I was saddened to hear the Secretary of State praise the statement from the Tenant Farmers Association. In a previous incarnation, the right hon. Gentleman was responsible for good and clear English. I shall read one of the crucial passages in the statement, which states:

> "Instead, much professional effort is devoted to using the short term alternatives within the present law (such as 'Gladstone Bower' lettings which can not even be as along as two years), MAFF approved lettings (no more than five years and effectively unrepeatable) or to creating contrivances to avoid it."

That is the most appallingly unclear English that one has ever come across.

I invite the Secretary of State to read the conclusions. The last sentence, which is the last place in which one should make a mistake, is, to put it mildly, wrongly punctuated. The grammar and punctuation are wrong, but above all the reasoning is wrong.

No one would disagree with the Tenant Farmers Association that the present situation is not good. Indeed, it is bad, and it needs to be made better. The Bill merely makes it less worse. As my hon. Friend the Member for Edinburgh, East (Dr. Strang) has said, it will not create a vehicle to bring about the sort of justice that we want.

I shall briefly touch upon a subject on which the Secretary of State is well versed—the question of foedere aequo, foederi in aequo. We, the Opposition, are trying to introduce a measure of fairness in agreements. It is not fairness when City institutions become involved. The hon. Member for Cirencester and Tewkesbury (Mr. Clifton-Brown) sounded, although he tried to clarify his position later, like someone seeking a sort of highland clearance. He did not give the impression that he was seeking to encourage the future of real tenant farmers.

We in the manufacturing industry and we who represent mining areas know only too well the destruction that can be caused by short-term City funds. City funds are exactly the sort of funds that are not required for the long-term interests of farming. I am amazed—I apologise,

Mr. Deputy Speaker. I am not amazed, because the hon. Gentleman is a Tory. I am not amazed that he could say such a thing.

**Mr. Clifton-Brown:** I think that the hon. Gentleman misinterpreted what I said. There are few farmers who do not have some form of City funds, as the hon. Gentleman calls them, involved in their operations. They are called farm overdrafts. What is better: to have a long-term City institution owning the land on which they have a low return or for the tenant farmer to have an overdraft in the knowledge that short-term interest rates can fluctuate violently? Within the past three years, interest rates have increased to over 15 per cent., and that is base rate. What is better: to have a long-term stable arrangement or a short-term unstable arrangement?

**Mr. Enright:** If I had any evidence that institutions were lending money long-term on stable low interest rates, I would be delighted to accept the hon. Gentleman's proposition. Such evidence is not available. I agree wholeheartedly with the hon. Gentleman's criticism of the banks. They have been truly appalling in the money that they have been screwing out of farmers and of people in many other industries.

We are maintaining that this is not a fair Bill. It does not achieve parity between the landlord and the tenant farmer. The Government may say—it is a philosophy—that the landlord should be completely in control of what is happening, but we, the Opposition, would maintain that that gives the landlord the ability considerably to exploit tenants.

There is talk about a massive consensus. The Secretary of State has said that there is a consensus between the Tenant Farmers Association, that well-known follower of Gracchi agricultural reform, the Country Landowners Association and the National Farmers Union, which was so radical in the beliefs that it professed. We have also the young farmers, like David Archer, who is trying to get a contract for a new firm. These radical organisations are coming into agreement. What an amazing thing. The amazing thing would be if they in no way agreed.

The hon. Member for Stroud (Mr. Knapman) said—I shall finish on this point, as many hon. Members wish to speak—that the Bill was near perfection. Near perfection, indeed. We shall certainly monitor him on that. If he thinks that the Bill is near perfection, his standards are so low and his aims are in the mud instead of to the sky. We want to look after the long-term tenants, who are still being thrown to the wolves in the Bill.

6.30 pm

**Mr. Garnier:** I almost feel that I should congratulate the honourable Agricola for Hemsworth on his restraint during the past few minutes, for using only six Latin words during his entire speech. In Committee, I think that he spoke Latin on a number of occasions. On Second Reading, he may also have used Latin as well. It is a great pleasure to see someone who descends from the great Latin scholars and who farms so heavily the gooseberry patches of Hemsworth—*[Interruption.]* Is it rhubarb? That such great rhubarb should emanate from Hemsworth is something to be noted and welcomed.

**Mr. Enright:** The hon. and learned Member for Harborough will be aware that, in previous years, the fields in Hemsworth used to vote Conservative. I hope that he has taken on board the fact that this year they are voting Liberal Democrat.

**Mr. Garnier:** I do not know whether the hon. Gentleman is bragging or complaining. Perhaps we will draw a veil over his personal problems.

The Bill is widely welcomed throughout the industry, and it is a matter of some sadness that the most notable thing that the hon. Member for Edinburgh, East (Dr. Strang) found able to say during the course of his short remarks was—I hope that I quote him correctly—we stand four square in opposition to the Bill, because we are concerned for security of tenure. I paraphrased that. It is a pity that the hon. Gentleman has, with his colleagues, come forward with that attitude.

We had an interesting discussion of the detail of the Bill in Committee. Many amendments were tabled and withdrawn by the hon. Member for Clwyd, South-West (Mr. Jones). It was a sensible Committee, if I may say so, and we have come up with a good Bill. It generated an almost total lack of controversy—I make no criticism of the hon. Member for North Cornwall (Mr. Tyler), who represents the Liberal Democrats and who was unable to be in Committee for the most part—because it came to the House and to another place with the support of the whole industry. I shall not go through the acronyms of all the bodies that are represented in the TRIG. None the less, the Bill is welcome, and I am here today to welcome it on behalf of my landowning and tenant farmers in Harborough.

My hon. Friend the Member for Cirencester and Tewkesbury (Mr. Clifton-Brown) has already mentioned the other wing or leg of the argument that will help to increase the amount of acres let in England and Wales—the alteration to the capital tax provisions. It is worth mentioning that it is not every Cabinet Minister who can persuade the Treasury to yield to his blandishments. My right hon. Friend the Minister of Agriculture is to be congratulated on the subtle and effective way in which he has managed to persuade the Treasury to accede to his requests. It was a worthwhile aim, and I am delighted that he was so successful.

I have heard from a number of landowners that, because of the Bill, they will definitely let land as from 1 September. I regret that they may change their minds or feel rather less comfortable in having made those promises having heard the attitude of the official Opposition. It is regrettable that the Opposition are not coming at the Bill in the spirit in which it has been presented to Parliament and in the spirit in which it has been welcomed by all other interested parties.

In my view, the Bill restores balance. It is fair to say that, in the early 19th century, the balance in the relationship between the landlord and tenant was almost entirely in favour of the landlord. That situation pertained throughout the 19th century. Throughout this century, particularly since the second world war, the balance has gone too far in favour of the tenant, to the detriment of farming and of landowners. I believe that the Bill at last redresses the balance, so that both sides can now look at each other with equality. It is a pity that the Opposition do not recognise that.

It is perhaps ironic that the Opposition, who are so against the hereditary principle when they discuss the other place, should be so in favour of the hereditary

*[Mr. Garnier]*

tenancy legislation of 1976. I wish that the hon. Member for Edinburgh, East (Dr. Strang), who has made it clear that he will not act retrospectively, in the unlikely event of the Labour party coming to power in some future time, on tenancies under the Bill, had been clearer. He inaccurately described them as Tory tenancies. I think that industry tenancies is more accurate, or TRIG tenancies would be the better short form. It is a pity that Opposition Members seem to be putting in doubt the confidence of farmers and landowners who so avidly want to see the Bill work, and who want to see additional land let to new and young entrants to farming.

6.35 pm

**Mr. Llwyd:** I shall be brief, as I know that other hon. Members want to speak.

Undoubtedly, there was a need for the Bill. In the 1900s, 90 per cent. of the land was let. Today, the figure is 30 per cent. I suppose that the Bill is an attempt to address that problem. I do not support the Bill, because of some misgivings, which I shall briefly enumerate now. Although balance is important, as the hon. and learned Member for Harborough said, there has to be balance between the rights of the tenant and those of the landlord. I do not think that the Bill addresses that balance.

Farming is, of course, a long-term enterprise. There is no such thing as real, useful short-term farming. I do not know what the future holds, nor do I profess to have a monopoly of wisdom on the subject. I sincerely believe, however, that there are problems in the Bill.

It is quite evident that there will be short-term lets, as they are more beneficial to landlords. Short-term lets are not good for the environment. They are not particularly good for communities, for tenants or for the land at large.

I made the point in Committee about Tir Cymen, the Welsh version of country stewardship schemes. I am still not certain about the answer. Will the tenure schemes that are typically available under that scheme be available if land is let, say, for two or three years, or whatever? I still wish to hear from the Minister at some stage about that matter.

The farming industry is the backbone of our rural communities. It is a long-term occupation, and in my view is unlike any other business, because more often than not it provides a home as well. There is a village in my constituency where virtually every farm is let. Some 90 per cent. of the occupants of the village are directly involved in farming. It is important, therefore, that the Bill should work.

We understand full well the notion of freedom of contract, the equality of bargaining and so on, but one must look at supply and demand. There is an insufficient supply of land, but there is a great demand. Therefore, that in itself will dictate terms that may well be onerous for all concerned.

The amendments today are welcome and useful, and I wholeheartedly endorse each one of them. They show that the Minister listened to debates in Committee, for which I am grateful.

Earlier, the Minister curtly put down one of his hon. Friends, saying that he had no control over the timing of the RICS guidelines. That was disingenuous, because, on many occasions during the passage of the Bill, he relied on those coming forward. The hon. Member for Stroud (Mr. Knapman) was right: we may find ourselves in no man's land—I am sorry to use the word "land"—where people go on to the land without the necessary back-up of those provisions. Therefore, I again request the Minister please to bring as much influence as he can to bear on that point.

The change in inheritance tax has been mentioned. That measure is a double-edged sword. If the big investors move in, land values will escalate, which cannot be good for farming. With regard to the retirement scheme for farmers, European Union moneys are available, so why do we not apply for them?

I listened carefully to the debate about monitoring. It is 100 per cent. vital to many communities that we monitor the Bill. In my constituency, one family in every five relies wholly or in part on agriculture. That is how important the Bill is to me, as it is to many other hon. Members on both sides of the House.

I said on Second Reading that the Bill was a curate's egg, that it needed strengthening and bettering in many regards, but I am afraid that in many respects that has not happened. However, I do not have a monopoly on the future. I sincerely hope that the Government are right, and if they are, I hope that I shall have the good grace to admit it in due course.

I had misgivings, and I still have those misgivings. Monitoring the situation and making available parliamentary time if necessary are musts. I appreciate that the Government have in all sincerity tried to address the problem. I hope that they have been successful, but I still have grave doubts about it.

6.41 pm

**Mr. Tyler:** I have only one major quibble with the way in which the Minister introduced the Third Reading, and that is that he implied that his was the parentage of the Bill. If the Child Support Agency was to look at it more carefully, it would say that he might be the adoptive or the foster parent, but the real parentage was that of the Tenancy Reform Industry Group.

We should all pay tribute to the way in which the industry came together, without which the legislation would have been impossible. There was no sign of it coming forward from the Ministry until the Tenant Farmers Association, the National Farmers Union, the Country Landowners Association and the young farmers got together. That is a tribute to the work they have done.

I pay tribute to the Minister and his colleagues for persuading the Chancellor to make the important change in inheritance tax, but I remind him, as I reminded the House on Second Reading, that three years ago his colleagues on the Finance Bill Committee voted down just such a reform when I put it to that Committee. We must make it clear that that is not a concession; it is to try to introduce the end of some discrimination in tax. That is why hon. Members on both sides of the House believe that it is long overdue.

There seems to be some consensus now in the House that the present situation with regard to tenancy is unsatisfactory. Even the hon. Member for Hemsworth (Mr. Enright) said that the Bill would make things less worse. If all the legislation that came before us in the House and emerged into the open air made things less worse, we would all be much happier than we sometimes are at the standard and quality of legislation that is passed.

Earlier, the hon. Member for Stroud said that it was his objective to ensure that the purpose of legislation such as this was to ensure that there were freely negotiated contracts. It seemed from what the Minister said in introducing this debate that he concurred. I suggest that freely negotiated contracts are not themselves the end; they are the means to an end. The ends upon which we should surely all be agreed are threefold.

First, there should be ready access for new entrants. I think that that is agreed throughout the House. Secondly, we should seek wider involvement in agriculture generally. It filled with me with dismay to hear the hon. Member for Cirencester and Tewkesbury (Mr. Clifton-Brown) expecting a greater involvement of the large City institutions in the ownership of land. That is not the purpose of this legislation. Surely what we should be seeking is the greater involvement of a number of smaller enterprises, giving them more opportunity. The short-termism of the City institutions is not on all fours with the long-termism of stewardship to which the hon. Member referred.

Thirdly, we want to try to give wider opportunities to those who are making a success of agriculture, but on a small scale. When they seek to expand those opportunities, we want to ensure that more land is available.

It follows from all this that our previous discussion this evening about monitoring the success of the new tenancy arrangements, the new farm business tenancies, will be extremely important. We all take seriously what the Minister said in answer to the concerns expressed on both sides of the House.

It also follows that we need a period of stability to build up the confidence to enable those changes to take place. Therefore, I too welcome the declaration from the Opposition Front-Bench spokesman that the Opposition will not be seeking to introduce any retrospection if and when they are in a position to review the legislation.

I imagine that it is unlikely that any incoming Government, of whatever colour, or of multi-coloured, would seek to undo this legislation in a relatively short time, unless it had clearly gone wrong. I hope that even the present occupants of the Treasury Bench would accept that, if things have clearly gone wrong, we shall all have to return to the matter within a short period.

I do not have time to go into any great detail, but there is one nagging worry that I think hon. Members on both sides still have, and that concerns the timetable for the preparation and publication of the RICS guidelines. I hope that the Minister will use his good offices to ensure that those are brought forward as speedily as possible, even if they are not in their final form, for consultation and fine tuning.

Subject only to that particular concern, I welcome the legislation, and I hope for all our sakes that we will not have to return to the issue in the near future.

6.46 pm

**Mr. Martyn Jones:** I thank the Minister for handling the Bill with his usual courtesy. He has been wise in listening to the industry throughout its stages. Thanks must also be given to the Tenancy Reform Industry Group, the CLA, the NFU, the Tenant Farmers Association and the Federation of Young Farmers' Clubs, which have all worked extremely hard on the Bill during its passage here and in the other place. On Third Reading in the other place, Lord Carter said that he believed that they could fairly be described as the corporate midwives of the Bill.

However, the Opposition must express some concern about the amount of horse trading that has occurred behind closed doors to arrive at the industry agreement so often referred to by the Government.

The Bill addresses a serious problem in the United Kingdom. The decline in the numbers of people farming is a worrying trend. Farming is still the backbone of the rural economy in most parts of the United Kingdom—to save Britain's rural communities from terminal decline, we need a vital and energetic farming industry. To do that, we need urgently to increase the number of new entrants, and to decrease the average age of farmers, something which hon. Members on both sides of the House have stressed.

We all agree that, to increase the number of new entrants into farming, we must increase the letting of land. The Government, with the Bill, appear to believe that the only way to do that is to remove the security of tenure of agricultural tenancies.

How can we believe that the Government are sincere about encouraging more young farmers to enter farming, when all they have done is take from the people for whom they are supposedly providing? All they have given young farmers is less security, less time to obtain a return on their investments, and less of an incentive for banks to lend them the original investment in the first place.

We have been told that banks will be just as willing to lend money on even short-term tenancies, as the Bill provides a range of compensation measures. Those compensation measures will allow the farmer to regain his money from landlord-approved improvements, and some tenant right aspects. But have the Government heard that banks do not just want their original investment back—they actually charge something called interest? How is a small tenant farmer supposed to pay such sums back with only a two to three-year tenancy?

The Government have been nothing if not constant in doing everything in their power to wreck any chance of growth in the British dairy industry. Their policy on milk quotas, the uncertainty in milk marketing, and now the Bill, all make it impossible for a new entrant to dairy farming. On Third Reading in the other place and on Report here, we have seen Government hostility to protection of milk quotas for tenant farmers.

This is not a Bill for new entrants on small tenant farms. This is a Bill for big farmers to get bigger. As has been said, it will increase the ownership of land by companies with no interest in the rural community or the environment, but a single interest in increasing profits.

We may have to consider the sector that we are discussing again when we are in government. It is encouraging that Conservative Members show so much concern about that possibility, but methinks they do protest too much: if people in the industry were not sure that we would form the next Government, they would not be concerned about our views on the Bill. As I have said, we may have to consider the sector again, but to encourage new entrants we shall not legislate retrospectively.

The hon. Member for Cirencester and Tewkesbury (Mr. Clifton-Brown) and the hon. and learned Member for Harborough (Mr. Garnier) expressed sadness about the Opposition's decision to vote against the Bill. Let me

*[Mr. Martyn Jones]*

make it clear that, although we agree with the Bill's stated aims, we do not believe that it provides the way forward. It will not work. We consider ours a legitimate position, and we shall ask the House to reject the Bill for that reason alone.

6.50 pm

**Mr. Jack:** The Opposition have given a typically negative response to an enormously positive piece of legislation. Conservative Members have a right to know their attitude, and they have told us what it is—in uncompromising terms that will be noted not just in the House but in the world outside.

I thank the hon. Member for Clwyd, South-West (Mr. Jones) for his kind words about the courtesies that were extended throughout the Committee stage. I think that there was a genuine wish for those proceedings to be conducted properly, and I thank the hon. Gentleman and other hon. Members on both sides of the House for their contributions. At times, the discussion was learned, because I had experts behind me. I would not say that I had too many in front of me, but they made their contributions to the smooth passage of the Bill and the proper probing of areas that people outside the House wished to be raised within it.

The hon. Member for Clwyd, South-West spoke briefly about banks. It is remarkable—especially in view of the amendments relating to mortgages that have been moved this evening—that the banks have shown increasing enthusiasm for the measure. They see opportunities to assist agriculture and to make more land available. I rebut the hon. Gentleman's criticism of their attitudes.

The positive side of the Bill was highlighted by my hon. Friend—my hon. and learned Friend, indeed; I congratulate him—the Member for Harborough (Mr. Garnier). He praised the legislation, neatly—and forensically—exposing the Opposition's failure to understand our analysis of why it will succeed.

I also congratulate my hon. Friend the Member for Cirencester and Tewkesbury (Mr. Clifton-Brown) on the positive and assiduous way in which he suggested amendments, probed, put pressure on the Government in the right place, and enabled us to present useful measures today. He said that he considered the proposed length of tenancies reasonable, and I agree: it is in the interests of landlords to find good-quality tenants in whom they can have long-term confidence.

That is the basis of the Bill. The Opposition fail to understand that it is based on mutuality—on landlord and tenant acting together for a common purpose. Both landlord and tenant will get a good deal, and there will be security to protect their respective interests.

My hon. Friend rightly drew our attention to the importance of innovation in both human and monetary terms. In Committee, he also drew our attention to matters connected with privity. We shall have an opportunity to explore such matters further when we debate the Second Reading of the Bill to be introduced by my hon. Friend the Member for Bolton, North-East (Mr. Thurnham) later this month. My hon. Friend will know of the warm way in which the consultation document has dealt with the issues that he presented to the Committee so carefully, and he can take pride in the fact that the matter is to be addressed by the House.

The hon. Members for North Cornwall (Mr. Tyler), for Meirionnydd Nant Conwy (Mr. Llwyd), for Hemsworth (Mr. Enright) and for Clwyd, South-West entertained us with their views on the Bill. I have already dealt with the hon. Member for Clwyd, South-West. The hon. Member for North Cornwall rightly praised the Tenancy Reform Industry Group, but left what he described as a "nagging doubt" about his party's attitude. He spoke of a need for extra measures to encourage more lettings, but—as always happens with Liberals—did not let us into the secrets. He will be probed in due course. I welcome his comments about monitoring, however.

The hon. Member for Meirionnydd Nant Conwy and my hon. Friend the Member for Stroud (Mr. Knapman) drew our attention to the importance of the RICS guidelines. I hope that I can make it clear that, while I cannot make clear statements on behalf of the RICS, I accept the need for an early publication of the document: people want to see the basis of the advice, and I shall convey the message to the RICS.

We wrote to the hon. Member for Meirionnydd Nant Conwy on 31 May 1994 about Tir Cymen. If points in my letter still require attention, I shall be delighted to deal with them in further correspondence with the hon. Gentleman.

**Mr. Llwyd** *rose—*

**Mr. Jack:** I hope that the hon. Gentleman will forgive me if I do not give way. There is not much time left, and I want to deal with some of the other points that have been made.

The hon. Gentleman expressed misgivings about the length of tenancies, and about the environment. I refer him to an excellent article by Marie Skinner in *Farmers Weekly*, to which I referred in Committee. Marie Skinner said that there was no direct relationship between the length of a tenancy and the quality of farming. I think that, if the hon. Gentleman looks at the terms of the type of agreement that can be reached between landlord and tenant, he will see that some of those environmental matters can be properly agreed.

As usual, the hon. Member for Hemsworth took up points of detail. Let me pick up a failing that the hon. Gentleman revealed. He persisted in describing my right hon. Friend the Minister as "the Secretary of State"; let me refer him to section 1 of the Ministry of Agriculture and Fisheries Act 1919, which he will find singularly good reading. It gives the history of why we have a Minister of Agriculture, Fisheries and Food. Let me also point out to the hon. Gentleman that it was David Archer who wanted to become a tenant of the adjoining estate land, and Simon Pemberton who denied him that right. I, too, am an "Archers" fan.

Finally, let me deal with what was said by the hon. Member for Edinburgh, East (Dr. Strang). This week, *The Daily Telegraph*, of all newspapers, told us:

"Labour seeks to capture 'Tory shires'".

I read on with keen interest. The report said:

"Labour launched a new attempt to capture the 'Tory shires' yesterday with plans to boost wages, business investment"

and

"jobs."

The Labour rural millennium beckoned; but only new Labour could, with that in mind, then decide to vote against the very Bill that adds a great new dynamic to the rural economy.

It is the farm business tenancy that gives the real opportunity for innovation, initiative and youth, and allows the farm to be a centre for new business in a rural economy. It is what will enable the Tory party to sustain its support for that rural economy.

The hon. Gentleman talked of security. He ought to read the Bill carefully. The termination of tenancies, rent reviews and compensation are all dealt with in exact terms. There is no doubt that there is security of tenure for anyone entering a farm business tenancy. Without this reform, we should have only an endless succession of Gladstone *v.* Bower short-term tenancies.

This is a revoloutionary piece of legislation, which will ensure new lifeblood in rural England and in agriculture. I commend it to the House.

*Question put*, That the Bill be now read the Third time:—

*The House divided*: Ayes 238, Noes 181.

**Division No. 129]** **[6.58 pm**

**AYES**

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Amess, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Ashdown, Rt Hon Paddy
Atkins, Robert
Atkinson, David *(Bour'mouth E)*
Atkinson, Peter *(Hexham)*
Baker, Nicholas *(North Dorset)*
Banks, Matthew *(Southport)*
Bates, Michael
Batiste, Spencer
Beggs, Roy
Beith, Rt Hon A J
Bellingham, Henry
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(Dorset)*
Bruce, Malcolm *(Gordon)*
Burns, Simon
Burt, Alistair
Butler, Peter
Campbell, Menzies *(Fife NE)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Channon, Rt Hon Paul
Clappison, James
Clark, Dr Michael *(Rochford)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Simon *(Swindon)*
Cope, Rt Hon Sir John
Cormack, Sir Patrick
Couchman, James
Cran, James
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Duncan-Smith, Iain
Durant, Sir Anthony
Dykes, Hugh
Elletson, Harold
Emery, Rt Hon Sir Peter
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evennett, David
Faber, David
Fabricant, Michael
Field, Barry *(Isle of Wight)*
Forman, Nigel
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Foster, Don *(Bath)*
Fox, Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Fry, Sir Peter
Gale, Roger
Gardiner, Sir George
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Gillan, Cheryl
Goodson-Wickes, Dr Charles
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hague, William
Hamilton, Rt Hon Sir Archibald
Hampson, Dr Keith
Hanley, Rt Hon Jeremy
Hargreaves, Andrew
Harris, David
Harvey, Nick
Hawkins, Nick
Hawksley, Warren
Hayes, Jerry
Heald, Oliver
Heathcoat-Amory, David
Hendry, Charles
Heseltine, Rt Hon Michael
Hicks, Robert
Hogg, Rt Hon Douglas *(G'tham)*
Howard, Rt Hon Michael
Hughes, Robert G *(Harrow W)*
Hughes, Simon *(Southwark)*
Hunt, Rt Hon David *(Wirral W)*
Hunt, Sir John *(Ravensbourne)*
Jack, Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jessel, Toby
Jones, Gwilym *(Cardiff N)*
Jones, Nigel *(Cheltenham)*
Jones, Robert B *(W Hertfdshr)*
Kellett-Bowman, Dame Elaine
Kennedy, Charles *(Ross,C&S)*
Key, Robert
King, Rt Hon Tom
Kirkhope, Timothy
Kirkwood, Archy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lawrence, Sir Ivan
Legg, Barry
Lester, Jim *(Broxtowe)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
Lynne, Ms Liz
MacKay, Andrew
Maclean, David
Maclennan, Robert
McLoughlin, Patrick
Maddock, Diana
Maitland, Lady Olga
Malone, Gerald
Martin, David *(Portsmouth S)*
Mayhew, Rt Hon Sir Patrick
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Moate, Sir Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Nelson, Anthony
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Nicholson, Emma *(Devon West)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Page, Richard
Paice, James
Patnick, Sir Irvine
Pawsey, James
Porter, David *(Waveney)*
Powell, William *(Corby)*
Rathbone, Tim
Redwood, Rt Hon John
Rendel, David
Renton, Rt Hon Tim
Richards, Rod
Riddick, Graham
Rifkind, Rt Hon Malcolm
Robathan, Andrew
Robinson, Mark *(Somerton)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shephard, Rt Hon Gillian
Shepherd, Colin *(Hereford)*
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Speed, Sir Keith
Spicer, Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Steel, Rt Hon Sir David
Stephen, Michael
Stern, Michael
Sweeney, Walter
Sykes, John
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy *(Southend, E)*
Temple-Morris, Peter
Thomason, Roy
Thompson, Patrick *(Norwich N)*
Thurnham, Peter
Townend, John *(Bridlington)*
Tredinnick, David
Trend, Michael
Trotter, Neville
Twinn, Dr Ian
Tyler, Paul
Viggers, Peter
Waldegrave, Rt Hon William
Walden, George
Walker, Bill *(N Tayside)*
Wallace, James
Waller, Gary
Ward, John
Waterson, Nigel
Wells, Bowen
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Wilkinson, John
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy

**Tellers for the Ayes:**
**Mr. Sydney Chapman, and**
**Dr. Liam Fox.**

**NOES**

Adams, Mrs Irene
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Ms Janet *(Ros'dale)*
Ashton, Joe
Austin-Walker, John
Barnes, Harry
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Benn, Rt Hon Tony
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Blunkett, David
Boateng, Paul
Bradley, Keith
Brown, N *(N'c'tle upon Tyne E)*
Burden, Richard
Byers, Stephen
Caborn, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, D N
Chisholm, Malcolm
Church, Judith
Clapham, Michael
Clark, Dr David *(South Shields)*
Clarke, Tom *(Monklands W)*
Clwyd, Mrs Ann
Coffey, Ann
Connarty, Michael
Corbett, Robin
Cox, Tom
Cunliffe, Lawrence
Cunningham, Jim *(Covy SE)*
Cunningham, Rt Hon Dr John
Dafis, Cynog
Dalyell, Tam
Darling, Alistair
Davidson, Ian
Davis, Terry *(B'ham, H'dge H'l)*
Denham, John
Dewar, Donald
Dixon, Don
Dobson, Frank
Donohoe, Brian H
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eastham, Ken
Enright, Derek
Etherington, Bill
Evans, John *(St Helens N)*
Ewing, Mrs Margaret
Fatchett, Derek
Flynn, Paul
Forsythe, Clifford *(S Antrim)*
Foster, Rt Hon Derek
Foulkes, George
Fyfe, Maria
Galbraith, Sam
Gapes, Mike
George, Bruce
Gerrard, Neil
Godsiff, Roger
Golding, Mrs Llin
Grant, Bernie *(Tottenham)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Hall, Mike
Hardy, Peter
Henderson, Doug
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Hoon, Geoffrey
Howells, Dr. Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Kevin *(Doncaster N)*
Hughes, Roy *(Newport E)*
Illsley, Eric
Ingram, Adam
Jackson, Glenda *(H'stead)*
Jones, Barry *(Alyn and D'side)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd, SW)*
Jowell, Tessa
Kennedy, Jane *(Lpool Brdgn)*
Khabra, Piara S
Kilfoyle, Peter
Lestor, Joan *(Eccles)*
Lewis, Terry
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
McAllion, John
McAvoy, Thomas
McCartney, Ian
Macdonald, Calum
McFall, John
McLeish, Henry
McMaster, Gordon
McNamara, Kevin
MacShane, Denis
McWilliam, John
Madden, Max
Mandelson, Peter
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Martlew, Eric
Maxton, John
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Milburn, Alan
Miller, Andrew
Morgan, Rhodri
Morris, Rt Hon Alfred *(Wy'nshawe)*
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
Oakes, Rt Hon Gordon
O'Brien, Mike *(N W'kshire)*
Olner, Bill
O'Neill, Martin
Orme, Rt Hon Stanley
Pickthall, Colin
Pike, Peter L
Pope, Greg
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Quin, Ms Joyce
Redmond, Martin
Robertson, George *(Hamilton)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Salmond, Alex
Sedgemore, Brian
Sheerman, Barry
Shore, Rt Hon Peter
Short, Clare
Simpson, Alan
Skinner, Dennis
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spearing, Nigel
Spellar, John
Stevenson, George
Strang, Dr. Gavin
Taylor, Mrs Ann *(Dewsbury)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Turner, Dennis
Vaz, Keith
Walker, Rt Hon Sir Harold
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Welsh, Andrew
Wicks, Malcolm
Wigley, Dafydd
Williams, Alan W *(Carmarthen)*
Wilson, Brian
Winnick, David
Wise, Audrey
Worthington, Tony
Wray, Jimmy
Wright, Dr Tony

**Tellers for the Noes:**
**Mr. John Cummings and**
**Mr. Eric Clarke.**

*Question accordingly agreed to.*

*Bill read the Third time, and passed, with amendments.*

## Queen Mary and Westfield College Bill (By Order)

*Order for Second Reading read.*

7.14 pm

**Mr. D. N. Campbell-Savours** (Workington): On a point of order, Madam Deputy Speaker. I should draw your attention to a statement that has been made by Professor Graham Zellick, who I understand would be the new principal of the Queen Mary and Westfield college, as it has major implications for our proceedings.

I understand, that when Bills are laid before Parliament, they are part of the very process of legislating; that Parliament is supreme and Parliament decides. I should perhaps read you, Madam Deputy Speaker, a statement that undermines the credibility of what we are doing today. I will hand to the Clerks the statement so that you can be suitably advised.

It seems that Professor Zellick has said:

"Whether we experience a brief delay of two or three months or even if the Bill is more seriously obstructed and we are unable to secure its passage in this session of Parliament, we shall nevertheless be able to bring about the unified School of Medicine and Dentistry as an integral part of QMW and we shall do that by the beginning of the 1995/96 session whatever the fate of the Bill. . .

The QMW Council has already made the necessary amendments to its own Statutes and they can be approved by the Privy Council even though the Bill has not been enacted. That will put in place all the necessary structures. We can also do the same with our Ordinances, which do not require any external approval. The HEFC grant for all three institutions will be paid through QMW. We shall therefore be able to function as if the merger had been brought about . . . We have made enormous progress in the planning for merger and it is now too late to pull back or to delay. I am therefore pleased to report the unanimous view of the Merger Implementation Committee that nothing must now be allowed to impede progress . . . we shall be able to function as a single institution in accordance with the plans and policies already agreed as from August 1 or any date no later than the start of the new academic year."

That is a significant statement. It means that the managers of the new structure have already foreseen circumstances in which they will implement changes before Parliament decides upon the matter.

The statement is outrageous. You may wish to advise the House how we are to proceed. If these people have powers under prerogative arrangements whereby they can proceed without the approval of Parliament, that changes the nature of the speeches that hon. Members may want to make this evening. Hon. Members would be debating another issue, not whether we should proceed. They would be debating the basis on which those people would be able to proceed without a decision of Parliament.

There is another matter, Madam Deputy Speaker. Some of us have blocked the Bill. I have done so because I want to hear a fair discussion of the issues involved. What happens if people such as me are honoured by being selected to serve on the Standing Committee that considers the Bill? What happens if we sit on the Committee without knowing the precise status of the statement that I have read out? In deciding what action Parliament wants to take tonight, decisions might be taken that undermine the credibility of this place and in particular the credibility of members of the Committee. Perhaps you might be in a position to rule a little later, Madam Deputy Speaker.

**Mr. Brian Sedgemore** (Hackney, South and Shoreditch): Further to that point of order, Madam Deputy Speaker. My hon. Friend the Member for Workington (Mr. Campbell-Savours) showed me a copy of the statement—it appeared in volume 18, issue 4, of *Barts Journal* for spring 1995, which was published a few weeks ago. It contains a lengthy quote that is attributed to Professor Zellick. I asked members of St. Bartholomew's hospital whether he uttered the words that are attributed to him, and they confirmed that he did. Bart's said that it was astonished and that the words were improper and a direct challenge to the authority of Parliament.

In backing my hon. Friend the Member for Workington I want to ask you this, and it involves deceit. A number of us—especially those of us who have blocked the Bill—have received representations from Professor Zellick and the sponsors of the Bill, telling us that it has to go through as a matter of urgency, otherwise medical education in east London will fall apart. We can debate the truth of that statement; it is a separate issue.

The professor has said that regardless of what Parliament does—even if we vote against the Bill tonight—the merger will go ahead. That suggests that the promoters have been sending opponents of the Bill, including myself, information that is deceitful. That is dishonest and it is part of an attempt to say that one can go behind the back of Parliament to the Privy Council. I am not sure how one can do so, and I have written books on the constitution.

The suggestion is that one can talk to clerks in the Privy Council office, who will talk to clerks on the Higher Education Funding Council for England, and between them the promoters, the Privy Council and the funding council can thwart the wishes of Parliament. There has to be something wrong with that procedure. I have never heard of it and nor, I am sure, has any other hon. Member of this House. I hope that you can give us guidance.

**Madam Deputy Speaker (Dame Janet Fookes):** Order. I should intervene at this point. The Chair cannot rule on whether there is an alternative way to deal with matters—that certainly is not within my compass. If hon. Members have grievances and concerns, it would be appropriate to raise them during the debate tonight, which might influence the way in which they vote. I cannot assume the result of such a vote but, for the purposes of argument, let us assume that, if the Bill went to a Standing Committee, such matters could be dealt with in far more detail. At this stage, we should continue the debate. I can deal only with the issue before us, which is the Second Reading of this private Bill.

**Mr. Campbell-Savours:** Further to your ruling, Madam Deputy Speaker. What are we debating? Are we debating a Bill that would lead to the amalgamation of these colleges, and which is the only route to achieve that, or are we debating a Bill that might not lead to that amalgamation, but which permits another route being taken to secure it? We need to know. Surely it is for the Chair to rule on the status of the legislation. If it is not

*[Mr. Campbell-Savours]*

within your area of responsibility, Madam Deputy Speaker, can the Minister clarify the position? What are we debating?

**Madam Deputy Speaker:** The hon. Gentleman has made his point clearly and at some length. If we deferred all business on the basis that we have imperfect knowledge, no business would be transacted in this place.

7.23 pm

**Mr. Peter Shore** (Bethnal Green and Stepney): I beg to move that the Bill be now read a Second time.

I shall forgo the pleasure of commenting on the interesting points of order, but I do not think that the legislative matters before the House are unique. At times, the royal prerogative has been used to achieve a legislative purpose. Indeed, one of the great complaints of many Opposition Members is that much European Community legislation is achieved not through this House but through the use of that prerogative. Frankly, that should not deter us from considering the Bill now.

Although the words quoted are of interest and would no doubt repay close study, I am not entirely clear. The quotation might refer to the fact that informal and ad hoc administrative arrangements have undoubtedly existed for some time between the institutions concerned.

**Mr. Campbell-Savours:** Why is it necessary to legislate if we are being threatened with the use of an alternative procedure? If that is the objective, why not simply avoid Parliament and pursue the other route? Why should we be subject to the whims of an external authority?

**Mr. Shore:** Such an alternative route would be far less satisfactory. I have not studied the matter closely enough and I am not saying that such a route for achieving the objectives of this Bill exists, but I have no doubt that it is far better for the House to debate the merits of it, as we are about to, than for it to read a pronouncement in the form of an Order in Council.

The purpose of the Bill is to unite three colleges of the University of London. Two are medical colleges—St. Bartholomew's hospital medical college and the London hospital medical college—while the third is the multi-faculty college of Queen Mary and Westfield. The Bill is promoted by those three colleges, with the overwhelming support of their councils.

**Mrs. Audrey Wise** (Preston): I am really worried. Before I listened to the introduction to the Bill, I had no knowledge of the facts that were mentioned during the points of order. My right hon. Friend says that it is better for us to debate the merits of this Bill, and I agree, but we are assuming that, if one debates its merits, one can decline to pass it and that that act would have force. I do not understand whether we are going through a sham, or whether we can not only debate the merits of the Bill but take a decision, and that worries me. The fact that my right hon. Friend apparently condoned the notion that the royal prerogative could be used to outwit Parliament shocked me.

**Mr. Shore:** My hon. Friend has clearly misunderstood what I said. I said that I did not approve of the alternative way of enacting legislation. I drew attention to the many occasions on which I had protested against it, especially for European Community legislation, so let us be clear about that. I will proceed because I am not here to judge your ruling, Madam Deputy Speaker, or to second-guess what you have said.

The merger will bring together the clinical schools of the London and Bart's to form a single, strong faculty of clinical medicine. That faculty, with the faculty of clinical dentistry at the London and that of basic medical sciences at Queen Mary and Westfield, will constitute the new St. Bartholomew's and the Royal London hospital school of medicine and dentistry, which will be an integral part of the multi-faculty QMW.

The provisions of this short Bill are straightforward. It has a lengthy prologue of some 12 sub-paragraphs that recite a concise history of the formation of the institutions, beginning with the founding of the People's Palace technical schools in 1887, which was the forerunner of the present QMW and takes in the charter of the medical college of St. Bartholomew's, granted in 1921, and the constitution of the London hospital medical school, which was established in 1949.

Clause 3 provides for the dissolution of the existing bodies, while subsequent clauses provide for the transfer to Queen Mary and Westfield of certain properties, obligations, rights and powers to nominate members to education and other governing bodies. The appointed day is 1 August 1995.

There are three main reasons why the Bill should be accepted, and why I should be surprised if it proved to be a controversial measure. First, it is widely accepted that it is right to end the present separation of medical colleges from the rest of university life; secondly, the Bill is strongly supported by all three institutions; and, thirdly, it completes a process of merger between all three colleges, which already embraces their pre-clinical schools. I shall develop those points so that there can be no doubt about their meaning.

It has long been acknowledged that London is different from the rest of the country and much of the world in having medical training carried out by separate institutions rather than as part of multi-faculty colleges. There are cogent academic, administrative and financial advantages to be gained, not least by undergraduates studying medicine, from having medical training carried out within multi-purpose colleges. That point has been acknowledged many times and, dare I say, most recently by Sir Bernard Tomlinson.

The case for the Bill does not, however, rest on Tomlinson. The arguments and principles behind it are anything but new and go back many decades. Of particular relevance is the 1968 recommendation to the Royal Commission on Medical and Dental Education, which proposed that pre-clinical students—those in the first two years of their medical or dental courses—should study in a multi-faculty environment.

The unification of medical colleges with multi-faculty colleges has been going on all over London. Since 1968, a number of medical schools have been united, by private Acts of Parliament, with multi-faculty colleges of the University of London. For example, University College hospital medical school was united with University college in 1979; Kings College hospital medical school and Kings college, as a college of London university,

were united in 1983; St. Mary's hospital medical school and Imperial college were brought together in 1988; and the Middlesex hospital medical school was united with University college in the same year.

The Bill basically follows the form of those earlier Acts, as does the King's College London Bill, which is currently before another place and which will combine the united medical and dental schools of Guy's and St. Thomas's with Kings college.

My second reason for claiming that this Bill should be largely uncontroversial is that the merger is an agreed measure. I stress that point. All the governing bodies concerned have made that clear. In particular, Bart's hospital medical college has publicly stated that its decision to pursue an amalgamation with the London hospital medical college and Queen Mary and Westfield is its own decision, which it took because it thought that it was the right thing to do. In no sense is it a takeover bid, either by the London medical college for Bart's medical college or by Queen Mary and Westfield college for the other two.

The Queen Mary and Westfield council will henceforth contain two lay members from each of the present governing bodies of the two medical schools, with three academic members from those two colleges. Moreover, the Queen Mary and Westfield council is forming a committee on medicine and dentistry, on which both the London and the Bart's medical colleges will have still larger representation. As for personnel, the warden of the new school of medicine and dentistry will come from the London, and all those concerned want his deputy and successor to come from Bart's. Other senior appointments, including the chief administrative officer of the new medical school and, hopefully, the head of the new faculty of clinical medicine, will also be Bart's people.

My third reason for believing this to be a largely uncontroversial measure is that the merger which is the subject of the Bill is only the last stage of a move towards unification which was begun several years ago, and has already proved its success. In 1989, in accordance with the royal commission's recommendations, the pre-clinical departments of Bart's hospital medical college and the London hospital medical college, and their students and staff, were established in a purpose-built building on the Mile End campus of Queen Mary and Westfield college. They now constitute the faculty of basic medical sciences there. The three colleges are joined together to form the City and East London Confederation of Medicine and Dentistry. The proposed merger of the clinical departments is the culmination of that process and will build on the success that has already been achieved at the pre-clinical level.

One concern that was, and may still be, in the minds of some of my hon. Friends is the relationship between the Bill and the proposed merger of the two medical schools with Queen Mary and Westfield and the very different matter of the decision by the Secretary of State for Health to close St. Bartholomew's hospital. I deplore and oppose that closure decision in common with my hon. Friends, particularly my hon. Friends the Members for Hackney, South and Shoreditch (Mr. Sedgemore), for Hackney, North and Stoke Newington (Ms Abbott), and for Islington, South and Finsbury (Mr. Smith), whose constituents, like mine, are served so well by Bart's. May I make the point absolutely plain? If I thought that this Bill would advance in any way the intended closure of Bart's, I would not be moving the Second Reading this evening.

The two medical colleges are entirely separate legal, financial and administrative entities from St. Bartholomew's hospital and the Royal London hospital. They are separate institutions. The Bill is not concerned with those hospitals and does not provide for the closure of Bart's. Whatever may or may not happen to Bart's—I very much hope that it will survive—there is a compelling academic case for the merger of those separate medical schools with Queen Mary and Westfield college.

The clinical training of medical students must take place where the patients are. Accordingly, teaching and research will continue at the main site of Bart's hospital at west Smithfield for as long as clinical activity remains at that site.

**Mr. Sedgemore:** I presume that my right hon. Friend is aware that, only two weeks ago, the Secretary of State announced the closure of St. Bartholomew's hospital. Where will the patients be once the hospital is closed?

**Mr. Shore:** Obviously, the moment that the hospital is closed, students will not be able to continue their training there. The Secretary of State has already taken that decision, and I presume that it will come into effect over the next two years. I am not quite sure of the timetable. Clearly, if the hospital is closed, students can no longer be taught there. That is what we all wish to oppose. However, the medical colleges are separate institutions and their fate is not linked with that of Bart's. Students will continue to be trained, as some are now, in the Homerton hospital and other hospitals in east London.

**Mr. Campbell-Savours:** Would my right hon. Friend say that his view on the matter is universally held by all people who work in Bart's—the professorship, leading clinicians and consultants, staff members and nurses? Is his view a general view?

**Mr. Shore:** I would hesitate to claim a universality of opinion on the matter—I simply do not know. I have received no representations about the medical schools' merger which show that doctors, nurses and other people working in Bart's are worried about it. After all—I make to my hon. Friend the point that I made earlier—pre-medical and pre-clinical schools are already joined together and located basically on the Queen Mary site in Mile End road.

The fact that the Bill's proposals have such widespread support is demonstrated by the fact that there are only two petitions against it. They are interesting. One of them, from a Mr. Dawson, appears to allege that the House is unlawfully constituted and that no Act of Parliament is valid unless Royal Assent is given from the throne. Interestingly, it makes no complaint about the principle of the merger.

The other petition is from two former students of Bart's, now residing and practising in Norfolk. They do not approve of the merger of the medical colleges. The weight of opinion is against them there, including that of their own college. However, they also object—this is where some of my hon. Friends may find common cause with those petitioners—to the proposed closure of St. Bartholomew's hospital.

*[Mr. Shore]*

Although a Bill is being introduced to effect the merger of medical schools, no such Bill is required to close the hospital. As the petitioners say:

"it is cause for serious public concern that such excellence has been threatened without proper democratic channels of debate in the Commons first being sought in regard to the merger of the two hospitals"—

that is, Bart's and Royal London hospitals. I have sympathy with that view, and the petitioners—the Bonner-Morgans—will be pleased to know that many hon. Members on both sides of the House are pressing for an early debate and opportunity to discuss the proposed closure of hospitals in London, including Bart's.

It would be grotesque for the Bill to be jeopardised as part of some my hon. Friends' efforts to try to keep Bart's hospital open. Let us debate that issue when the time comes; the Bill has nothing to do with it. The creation of the unified St. Bartholomew's and Royal London hospital school of medicine and dentistry within a multi-faculty college of the university offers great scope to establish a medical and dental school of national and international distinction in teaching and research.

East London needs to have a strong medical school to match those being created in the south and west of the capital. Any delay in implementing the merger with Queen Mary and Westfield will be harmful to students, to staff and to east London, and will not have any effect on the future of St. Bartholomew's hospital.

7.43 pm

**The Minister for Health (Mr. Gerald Malone):** It is a great pleasure to follow the right hon. Member for Bethnal Green and Stepney (Mr. Shore) and to have listened to his cogent arguments for a measure that, as he has explained, will ensure that London retains its deserved international reputation for excellence in teaching and research.

As the right hon. Gentleman clearly said in his speech, London's research and academic excellence provides support for and gains from our health service. It helps our hospital and other services to respond effectively to medical and technological advances in treatment and to consider new ways of providing the best and most appropriate care. In turn, it benefits from centres of excellence in the health service providing a critical mass of work, a range of skills and expertise in clinical teams and high-quality treatment that enhances not just patient services but teaching and research.

That partnership is of mutual interest. It should be preserved and enhanced so that it continues to benefit academic, research and health interests. It should be strengthened.

**Mr. Campbell-Savours:** Will the Minister give way?

**Mr. Malone:** I do not intend to give way. I intend to make a short speech showing—

**Mr. Campbell-Savours:** On a point of order, Madam Deputy Speaker. Is it not utterly unprecedented for a Minister to come to the Dispatch Box and not to give way on the Second Reading of a Bill? I have been in the House for 15 years and I have never known it before. Why does not he give way and take at least one intervention?

**Madam Deputy Speaker:** Having been here for 15 years, the hon. Gentleman knows full well that it is entirely for the hon. Member who has the Floor, whether he is a Minister or a Back Bencher, to decide whether to give way, and that is that.

**Mr. Malone:** As the hon. Gentleman also well knows, it is the convention during debates on such Bills for the Government broadly to give their position and to go no further than that, which is what I intend to do from the Dispatch Box this evening.

It is important that educational excellence is strengthened. The principle of linking medical schools into multi-faculty colleges, with strong departments of life sciences, is, as the right hon. Member for Bethnal Green and Stepney said, an important step in that direction. As he also said, that is consistent with policies that have been pursued for some years by the University of London. Such mergers offer academic and other benefits for education and research. Both my Department and the Department for Education support that principle, and we look forward to continuing progress.

The Bill's promoters are to be congratulated on their efforts to provide the means by which that aim can be accomplished. As the right hon. Gentleman said, the principles on which the Bill is based stand on their merits alone. Those principles will help to strengthen the fruitful partnership between medical education, research and clinical services. They will do much to help secure London's place at the forefront of research and development in medical science and technology.

**Mr. Campbell-Savours:** Will the Minister give way?

**Mr. Malone:** I do not intend to give way, as I have made clear to the hon. Gentleman.

**Mr. Campbell-Savours:** Will the Minister give way?

**Mr. Malone:** I do not intend to give way.

**Mr. Campbell-Savours** *rose—*

**Madam Deputy Speaker:** Order. The hon. Gentleman must resume his seat and hold his tongue.

**Mr. Malone:** Thank you, Madam Deputy Speaker.

I am happy to welcome the Bill in the light of the opportunities that it presents. The Government see no reason why it should not be given its Second Reading and move quickly forward to Committee.

7.47 pm

**Mr. Brian Sedgemore** (Hackney, South and Shoreditch): It is always a pleasure to listen to my right hon. Friend the Member for Bethnal Green and Stepney (Mr. Shore). He made a fascinating and powerful speech. He has the capacity to be persuasive, even when he is wrong, and we heard a stunning example of that in relation to the European Economic Community. His rhetoric always moves us deeply. I mean no offence, and I hope that no offence is taken, if I say that I thought that his speech lacked substance somewhat and was based on what I would describe as sociological soundbites.

One thing that most of us desist from more than soundbites is sociology. Even if I did not have a temperament that tells me that sociology was not a science, I would have come out against it when I discovered that the Secretary of State for Health has a degree in sociology. No, I lie—she has two degrees in sociology. The mistakes and absurdities of her first degree in sociology led her to announce the closure of Bart's hospital two weeks ago. The mistakes and absurdities of her second degree in sociology have led her tonight to put up a frightened Minister who will not accept interventions to support what is effectively the devastation and closure, in spite of what my right hon. Friend the Member for Bethnal Green and Stepney said, of St. Bartholomew's medical college.

I do not want to be too censorious, because I understand that the Secretary of State obtained her degrees in sociology at Essex university at a time when that was roughly equivalent to obtaining a certificate for attendance at a borstal institution. I do not want to be unkind to people who went to borstal, still less make invidious comparisons with the Secretary of State.

With the Bill has come a statement on behalf of the promoters in support of the Second Reading. I think that we can dismiss the validity of that statement fairly quickly and indeed, although I shall discuss them in more detail later, the validity of each and every argument that my right hon. Friend the Member for Bethnal Green and Stepney made.

In that respect, while it remains fresh in the memories of people in the House, my right hon. Friend said that he had three arguments in favour of the Bill. The first was that, academically, everyone thought that clinical medical colleges should be inside multi-faculty universities and, in effect, clinical medical colleges would become the faculty of medicine in universities, and that St. Bartholomew's medical college would be the faculty of medicine at Queen Mary and Westfield college.

I say to my right hon. Friend that London university, of which St. Bartholomew's medical college and the Royal London hospital are part, has never issued a statement against free-standing medical colleges. I know because first some people from St. Bartholomew's hospital told me and then I had the sense to check so that I did not mislead the House. The university has never condemned the existence of free-standing medical colleges such as that which exists at St. Bartholomew's.

Secondly, my right hon. Friend said that the three institutions—the Queen Mary and Westfield college, St. Bartholomew's hospital and the Royal London hospital—were massively in favour of the Bill. That appears in the statement on behalf of the promoters of the Bill, who say that that policy has been

"enthusiastically adopted by Queen Mary and Westfield college and the two medical colleges and is supported by the Higher Education Funding Council for England."

I am afraid that that is not true. That is bunkum.

The House should never have been told that by the promoters. I know that for a fact because I have spoken to scores of senior clinicians at St. Bartholomew's medical college and I have spent, including the Easter recess, the whole of the past fortnight researching the Bill, inquiring into the background and examining the past papers.

St. Bartholomew's medical college has supported the Bill only because of the decision in the Tomlinson report to close St. Bartholomew's hospital. Had that decision not been made, even if there had been an argument for the merger of those two medical colleges—there might have been—we would not be here tonight. I can categorically assure the House that that is the case. I know that from my discussions with many of the people concerned, and I have documents and written evidence, which I will adduce to the House in due course, which show that to be the case.

My right hon. Friend the Member for Bethnal Green and Stepney is a distinguished politician; indeed, a great politician. He served a Labour Government nobly, and if he stands next time, I hope that he serves the next Labour Government nobly. He is a Privy Councillor, whereas I am a small figure in this grand plot, this great canvas. Therefore, he knows better than I do the concept of force majeure. He knows that when someone is so much under siege, so much under attack and so readily being destroyed by forces all around, they sometimes have to accede to that to which they would not otherwise. That, put bluntly, is what has happened in this case.

I repeat, had there been no proposal to close St. Bartholomew's hospital in the Tomlinson report, we would not be here debating the Bill and St. Bartholomew's would have opposed it. I also say in passing—I shall discuss the matter in further detail later—that when one reads the statement of the promoters or listens to my right hon. Friend the Member for Bethnal Green and Stepney, it appears as though there has been some seamless process between the production of the report of the Royal Commission on medical education in 1968 and now.

Incidentally, it is a small matter but the royal commission is referred to by the promoters as the "Royal Commission on medical and dental education". One would suppose that a promoter who drew up such material could get it right. So that there should be no doubt about it, I have the Todd report—the report of the Royal Commission on medical education, as it is described on the cover—in my hand, and it says:

"Whereas by Warrant under the Royal Sign Manual bearing date the sixth day of August, 1965, We appointed a Commission, to be called the Royal Commission on Medical Education"—

so let us refer to it as that in future.

"Now Know Ye that We, reposing great trust and confidence in your knowledge and ability, do by these Presents appoint you, the said John Norman Romney Barber and Elizabeth Leila Millicent Chilver to be Members of the Royal Commission on Medical Education.

Given at Our Court at Saint James's the eighteenth day of September, 1965; In the Fourteenth Year of Our Reign.

By Her Majesty's Command. Frank Soskice."

From the wrong title of the Royal Commission on medical education, which is not a good start for Professor Zellick, who is not 1,000 miles away, we are given a background note that provides us with that seamless process. It starts from the Todd report of 1968, and then there is a huge jump. It says:

"In line with the 1968 Royal Commission, the pre-clinical departments from St. Bartholomew's Hospital Medical College and the London Hospital Medical College, together with their students and staff, were in 1989 established in a purpose-built building on the Mile End campus of Queen Mary and Westfield College as the faculty of basic medical sciences".

*[Mr. Brian Sedgemore]*

You do not need to be a mathematical genius, Madam Deputy Speaker, to realise that there is something of a gap between those two dates—a royal commission in 1968 and a move that took place in 1989.

**Mr. Shore:** I am following my hon. Friend's argument with interest, but the movement of opinion—let me put it like that—critical of free-standing medical colleges separate from multi-faculty universities is a growing one. I quoted four examples of previously separate medical colleges in London joining up with multi-faculty universities' departments. All four mergers that I mentioned took place before Tomlinson issued his report. There is evidence of a widespread and strong movement in the direction that I have suggested.

**Mr. Sedgemore:** I shall deal in some detail with the Todd royal commission, with the Flowers report of 1980 and with the Tomlinson report in so far as it affects St. Bartholomew's medical college. I shall go into enormous detail and present the counter—arguments, but I cannot do it all in one go. I am fastidious—I studied logic at Oxford and believe that there should be a beginning, middle and end to the story. I shall show that I am not trying to dodge the issue—

**Mr. Peter Butler** (Milton Keynes, North-East): I thought that the hon. Gentleman went to Essex university.

**Mr. Sedgemore:** Is the hon. Gentleman talking about the Earl of Essex? I should have thought that that would be out of order.

I was talking about what my right hon. Friend the Member for Bethnal Green and Stepney calls the predisposition or the changing nature of people's perceptions of a medical college. I have been able to study the papers in great detail, as St. Bartholomew's has made them available to me. It has also made available to me the responses of the Royal London and St. Bartholomew's medical colleges at each stage.

When one studies the papers, one finds that in 1968 the royal commission, which was a high-powered commission, presumably set up by the Government of which my right hon. Friend was a member, was set up, but then put on the shelf. That was what people did in those days: a royal commission was set up when there was a problem. When it was found that there was no money to do anything, it was put on the shelf. I do not criticise anyone for that.

There was what I call the brutalism of the 1960s, when it was thought that everything could be solved in a simple way, including problems in architecture, medicine and education. It was what those in the 1960s called the rational way—

**Mr. Nigel Waterson** (Eastbourne): Socialism.

**Mr. Sedgemore:** That is the word that no one in the House understands any more. We are none of us socialists now, as someone might say.

**Mr. Campbell-Savours:** Perhaps the hon. Member for Eastbourne (Mr. Waterson) was referring to the Conservative local government reforms of 1974.

**Mr. Sedgemore:** I shall not take up my hon. Friend's point as I want to keep to the subject and keep in your good books, Madam Deputy Speaker.

In the 1960s, when the report was being drawn up, there was a fantastic blueprint in London for every medical college—there were 12 of them if I remember rightly. The blueprint was to put medical school departments—pre-clinical and subsequently clinical—into multi-faculty branches of universities and make them university faculties. That was typical of all that happened in the 1960s.

I was a civil servant and I saw the same thing happen in architecture. Pluralism and diversity were taken away, as was any suggestion that anything could be successful and work if it did not conform to the pattern. From my time in the civil service, I have a good working knowledge of the way in which royal commissions work.

Some civil servants from the Department of Health obviously advised the high-powered medical figures, who I am sure also had some say. They convinced each other that there was one way of redeveloping medical education—the one way that my right hon. Friend has outlined. I believe that some people have since thought that it was a good way and some that it was a bad way. I shall come to why St. Bartholomew's has queried the method all the way along the line, contrary to what one would think, having heard my right hon. Friend and having read the promoters' note.

It is extraordinary that the promoters' note does not mention the Flowers report—it as though it did not exist. I find that bizarre. I shall quote from the report and produce the responses from St. Bartholomew's hospital medical college and the Royal London medical college. The bulk of the report involves the merger, but that is not mentioned in the promoters' note. I do not know how highly educated people managed to draw up the note and ignore that fact. Lord Flowers was not a fly-by-night; he was a distinguished academic and the vice-chancellor of London university.

The Flowers report into medical education was full of the merger and contained slightly different ideas. The report was carried out at the behest of the deans of the medical colleges in London. Lord Flowers was asked to undertake it because the Todd report had been put on the shelf—for the standard reason that there was no money—and no one had done anything about it. Nothing had happened in medical education.

Shortly after the switch of Government, we entered the 1980s. I was working in television and reporting in Manchester so I can remember the savage attack on university funds. It was inevitable that medical colleges would be included in that savage attack. The deans of the medical colleges said that they would not be able to cope with the way that things were going and wanted the vice-chancellor, Lord Flowers, to see whether he could point some way through and suggest how they could get by. I shall not lay out Lord Flowers' suggestions now, but I shall come to them later. They were roughly similar, but not identical, to those in the Todd report.

There was a fracas, and all the reports refer to the clash that was occurring, to academic arguments, to disputes between St. Bartholomew's medical college and the Royal London medical college. I have read all the annual reports of St. Bartholomew's medical college from the day that Lord Flowers reported up to the most recent report last year. I shall give some quotations from the reports later. I regret that, when one studies the archive reports for six days, with dust falling over one's hair, the picture of rosy consensus is shown not to be true.

My right hon. Friend the Member for Bethnal Green and Stepney did not say a word about the fact that Lord Flowers threatened St. Bartholomew's medical college and said that, if it did not go along with the merger along those lines, he would see that its funds were progressively withdrawn. He went to the General Medical Council to say that in person.

**Mr. Campbell-Savours:** Where did my hon. Friend hear that from?

**Mr. Sedgemore:** I shall read it out from some annual reports. It is contained in some of the documents that I have. Lord Flowers threatened that the medical college would run out of money and would be unable to function as a medical hospital. The dean at that time was Dr. Kelsey Fry. Not only do I have Dr. Kelsey Fry's annual reports and his statement, but I took the precaution of talking to Dr. Kelsey Fry about six days ago. I know that it is true because at the time, in 1985, Dr. Kelsey Fry asked me, as the Member of Parliament for Hackney, South and Shoreditch—whose constituents benefit most from the work of both the medical college and the hospital—to go to see Lord Flowers to discuss the merger.

I tried to warn Lord Flowers that what he proposed would not be accepted and would not work, but the great Lord Flowers would not listen to a Back-Bench Labour Member of Parliament. I knew him reasonably well because, when I was parliamentary private secretary to my right hon. Friend the Member for Chesterfield (Mr. Benn), Lord Flowers used to be the umpire over difficult nuclear issues. But he did not listen to me, and did not receive the vibes that I gave him. I tried to tell him that there would be trouble and that there might even be trouble in the courts—and there was. There was a judicial review—there was astonishment.

The idea that St. Bartholomew's medical college could take the Royal London and the London university senate to court sent shivers through the academic medical world. There was absolute uproar. Despite his threats, Lord Flower's proposal was never introduced. Instead of a total merger of pre-clinical schools—which was the suggestion advanced at that time—there was a judicial review and the proposal was withdrawn because the university senate could not tolerate St. Bartholemew's proving that it had acted improperly. A confederation of east London hospitals was formed instead and the merger of financial and administrative arrangements which seemed so to fascinate my right hon. Friend the Member for Bethnal Green and Stepney—one would think that he was an ex-Treasury Minister—never occurred.

My right hon. Friend referred to the co-operation between the two colleges. They were not always at each others' throats, as I shall show in a moment. They established a joint curriculum for pre-clinical work and in the clinical sphere—where the merger is now proposed—there were joint activities in seven or eight areas. I will list those in a moment. That arrangement had worked since 1990 and, if it had continued, there would be no need for a Bill to introduce a clinical merger.

I return to my right hon. Friend's intervention—I have not digressed; I built up my case in order to reply to him. The civil servants who advised the Todd inquiry about the only solution to the problems of medical hospitals also advised Lord Flowers when he drew up his report in 1980, which contained similar suggestions. Those civil servants from the Department of Education and Science and the Department of Health advanced the same ideas.

That is the way bureaucracies work. For example, the Board of Trade supported the policy of free trade for 200 years until it found that it did not work. Civil servants tend to come up with the same sorts of policies. However, on that occasion their views were not taken on board, because a flexible arrangement had evolved which Bart's and the Royal London thought could work, but which did work.

I am not sure why we are under such intense pressure to pass the Bill tonight. The situation is even worse. The Todd report was published in 1969. Another report commissioned in 1979 is not mentioned in the preamble to the Bill. My hon. Friend the Member for Cynon Valley (Mrs. Clwyd) served on the royal commission inquiry into health. I think that she is the only hon. Member in the House to do so and I know that she wishes to speak later in the debate.

**Mrs. Ann Clwyd** (Cynon Valley): I am grateful to my hon. Friend for giving way. He has conducted extensive research, but perhaps he has not read that very lengthy royal commission report, which was allowed to gather dust like so many other reports.

One of its main criticisms of medical colleges at that time was that the curriculum was inappropriate to the needs of the national health service. The system of selection of candidates for the medical college was also criticised because it was found that they came from only one part of society. We also found that the NHS was grossly underfunded. Perhaps we were advised by different civil servants from the ones to whom my hon. Friend has referred.

**Mr. Sedgemore:** I am sure that hon. Members will be genuinely interested in those comments, all of which are extremely valid. I shall pick them up, because I do not disagree with them.

The issue of the curriculum is heavily involved in the question of the two mergers—although presumably the pre-clinical curriculum has been dealt with already. At the time of the royal commission inquiry, one could have argued for a variety of reasons that medicine needed to be more scientifically based. I do not dissent from that view, and nor does anyone at St. Bartholemew's. Some hon. Members may not be familiar with the process of training to become a doctor. Students spend three years at a pre-clinical school achieving a degree in medical science, and they then spend the next two years achieving a degree in medicine.

As my hon. Friend the Member for Cynon Valley said, it was valid to claim that the medical curriculum did not place enough emphasis on science. That has been picked up on this occasion. Although it was not in the schema of the Todd or the Flowers reports, a merger—although not an administrative or financial one—of the Royal London and St Bartholomew's medical colleges eventually occurred in 1989, which came into effect in 1990. A new scientific curriculum was drawn up, which is identical to the one for students at Royal London and at St. Bartholemew's. It has worked and it is producing first-class doctors.

*[Mr. Sedgemore]*

My hon. Friend the Member for Cynon Valley raised another point which I also believe is pertinent to the Bill. One of the biggest objections to the medical education curriculum was not touched upon by the promoters, but Professor Lesley Rees, the dean of St. Bartholemew's medical college, certainly discussed it with me. I am afraid that she will take some exception to the comment by my right hon. Friend the Member for Bethnal Green and Stepney that it was intended that she would become the warden after Sir Colin Berry. She has written me a note about that suggestion and she is hopping mad about it. I shall return to that issue in a moment.

She told me that the two medical colleges operate in poor areas of London. The colleges are very good at dealing with specialties and with standard acute medicine. However, many of the problems in the east end of London result from what occurs in the community. They are clearly linked to bad housing, unemployment, low wages and poverty. Doctors must be able to encompass the area of community health; it must not be left as a fag end for social workers to pick up. Doctors must know about the community, and their medical curriculum must take that into account. They must do their training in general practitioners' surgeries and in the community.

Professor Rees is not in the Gallery at present, so I shall spare her blushes. She is the dean of St. Bartholemew's medical college and she is possibly the best dean in Britain. She has many outstanding qualities, but one of her greatest contributions to medicine has also been picked up by the curriculum of medical colleges all over London. Professor Rees ensures that students spend more time in general practitioners' surgeries as opposed to hospitals and she also ensures that they spend more time in the community. That has become part of the curriculum of the confederation of east London health authorities. That has meant a massive advance for doctors not only in east London but in London as a whole. The policy has spread as the General Medical Council has seen its value and the medical curriculum has been widened.

Secondly, my hon. Friend the Member for Cynon Valley expressed concern about the social intake in hospitals. One could criticise both hospitals—if anything, one could at one time have criticised St. Bartholomew's more than the Royal London hospital—about their intakes. I am not here to give a panegyric about Bart's. I am here to discuss a very important Bill. My hon. Friend the Member for Cynon Valley will find that the social background of the intake of the hospitals has changed.

There has been a massive change in both hospitals in one respect, about which my hon. Friend the Member for Cynon Valley will be pleased—the intake of women. Bizarrely, medical hospitals such as St. Bartholomew's and the London have, down the ages, been as antagonistic to women as some of the worst sectors of male chauvinism in Britain.

**Mr. Malone:** Such as the Labour party.

**Mr. Sedgemore:** The Minister tries to take me off the subject.

Amazingly, the first woman medical student to enter St. Bartholomew's hospital did so in the year 1850, and was called Elizabeth Blackwell. James Padget, who was in charge of the medical school at that time, interviewed her and allowed her to enter Bart's, as she had a medical qualification from Zurich. He wrote some kind comments about her in his diary, and she wrote that she benefited from her experience at Bart's.

Of course, it could not last. When her sister tried to get into the medical college, people started to kick up a stink, and when some other women tried to get in, the matter was taken to the solicitors, and women were debarred from Bart's and the London for a long time. It was not until the NHS came into effect in 1947 that both hospitals were told that they had to admit women. Both agreed and, while I cannot talk about the London, I know that Bart's agreed that women should make up 15 per cent. of its. intake. In Bart's—I imagine it is the same in the London—that figure is probably now 50 per cent. of the intake. My hon. Friend for Cynon Valley made a third point which escapes me. It is not in my notes.

**Mrs. Clwyd:** It was the social background of the medical students who are taken into the colleges. One of our criticisms was that students tended to come from the same social background.

**Mr. Sedgemore:** I think that I have dealt with that point. My hon. Friend's third point may have been about the shortage of money.

I have not had time to read the royal commission's report on the NHS, although I have read the royal commission report on London medical teaching, the Flowers report and the Tomlinson report. I did, however, snatch a look at the royal commission's report tonight, as it dawned on me that I was missing something that I ought to see.

One very important paragraph in the 1979 royal commission report on the NHS is pertinent to the debate. It said that we needed to look after our teaching hospitals and to nurture them. I am sure that my hon. Friend the Member for Cynon Valley—who served on that commission—was involved in the agreement on that statement. The Secretary of State for Health is closing teaching hospitals and medical colleges, as well as hospitals. That is hardly nurturing them, as I am sure my hon. Friend will agree. To virtually shut down Guy's and most of its medical college and to close down Bart's and to destroy its medical college through the Bill is not nurturing; it is a destructive, wicked and evil force which civilisation will come to regret deeply, and which hon. Members—should it ever happen—will also come to regret.

I did not finish answering the intervention from my right hon. Friend the Member for Bethnal Green and Stepney. Civil servants were involved in the Todd report, pushed the Flowers report into producing the merger and were then involved in Tomlinson. The same arguments have come out and—as I said to my right hon. Friend—this is the 1960s argument. There is an all-embracing argument for medical colleges which came from civil servants in the 1960s. The Tomlinson civil servants looked back to 1980, and those involved at that time looked back to 1968. We have a departmental policy stretching down two and a half decades, and that is nothing to be proud of.

My right hon. Friend the Member for Bethnal Green and Stepney can say—it can be argued—that there is growing consensus. I say to him that the power of bureaucrats should never be underestimated. People think that they have beaten bureaucrats. Those involved at

Bart's thought that they had won after the Todd report, and in fact the report was accepted. They were told that there was no money to introduce the proposed scheme. They were threatened at that time, and also at the time of the Flowers report in the 1970s. Professor Shooter was threatened, just as Kelsey Fry, the dean of Bart's, was threatened more than a decade later.

Professor Shooter was threatened, and was told that, if he did not accept the Todd report, Bart's would suffer financially. Kelsey Fry—15 years later—was told that, if he did not accept the Flowers report, the same thing would happen. Then came Tomlinson, which said that the hospital would be destroyed and those involved would be left with no let out. The only thing that they could do was to hand over the property rights and the property to save some—but not all—of the jobs. That is what the Bill is about, and that is the brief answer to my right hon. Friend.

I would like to get on to my own speech now, as I have been answering the points made by my right hon. Friend the Member for Bethnal Green and Stepney, who introduced the Bill. First, I shall present the broad picture, and then I shall get into detail and talk about world-class medicine and medical science. I shall then give my right hon. Friend an opportunity to answer the my points. I do not believe that we can debate this matter with soundbites, as the future of one of the greatest medical institutions the world has ever known is far too important for that.

We are here tonight to perform the last act in a plan to wipe the name of St. Bartholomew's off the face of the earth. Two weeks ago, the Secretary of State announced her decision to destroy St. Bartholomew's hospital. Tonight, we are asked to pass a Bill which, in the light of that decision, will destroy Bart's medical college. We are being asked to drink from a poisoned chalice, and then carry out a foul deed in a state of some intoxication.

**Mr. Dennis Skinner** (Bolsover): These sound like soundbites.

**Mr. Sedgemore:** I was going on to say that we are being pursued by soundbites. We are being asked to complete one of the foulest deeds that any civilised society could contemplate, and it is unnecessary. The decision debases and demeans this House, and it is a deed which, if carried out—I hope that it will not be—will make sinners and barbarians of us all.

My right hon. Friend the Member for Bethnal Green and Stepney says that he has a vision of how medical science should proceed. I must tell him that it is a delusion. He has not properly linked—I hope to persuade him ere the night is out—the way in which the closure of the hospital will destroy the medical college which, I believe, once came close to saving his life. We are being asked to pass a Bill that will create a nuclear winter, to be followed by darkness through eternity and beyond infinity. Why would any rational or sensible person wish to do that?

**Mr. Nicholas Brown** (Newcastle upon Tyne, East): How can it go beyond infinity?

**Mr. Sedgemore:** That is what writers call poetic licence. This is a private Bill and Labour Members are on a free vote. It is sad that Conservative Members are not. That does not seem to be the way to deal with a private Bill. I know that because my pair told me, and Ministers have asked me how long the debate will last. I replied that that was not up to me. They said that the Government would not let them be away. You, Madam Deputy Speaker, know more about this than I do, but that seems an abuse of parliamentary procedure—but I shall not raise that as a point of order or ask anyone to do so.

The principal of the new combined medical college, if it is ever formed, will be Professor Graham Zellick—currently principal of Queen Mary and Westfield college. As you said, Madam Deputy Speaker, we can use that as a point of debate, which would be appropriate.

My hon. Friend the Member for Workington (Mr. Campbell-Savours) produced perhaps one of the strangest documents ever from a private Bill's promoter. When one presents a Bill to the House, presumably one wants to avoid antagonising Members of Parliament by saying, "Stuff you. We don't care what you do. We have no interest in the parliamentary process. I, Professor Zellick, will arrogate to myself the powers of a free Parliament. I, Professor Zellick, will behave in an authoritarian fashion and proceed with this Bill, whether or not you like it. I, Professor Zellick, will take over the rights, duties and authority of the House of Commons. I have worked too hard for my vision and I don't care what Parliament says. My vision must take precedent over Parliament's vision."

These days, there is an extraordinary temptation to slag off Members of Parliament—to say that we are all into sleaze, are over-sexed and waste our time. I have not been wasting my time. I spent a fortnight working hard on this Bill because I believe that it should be defeated. Are we helped when a professor who purports to want the House to pass a private Bill goes public and says that he will take the House on is more powerful than Members of Parliament and is over and above us?

I met Professor Zellick when the blocking motion was tabled. I shall describe the detailed proposals later. When the motion was tabled, the Bill's promoters, including Professor Zellick, Clive Priestley and John Travis Clark from the Royal London—Clive Priestley being the lay member of Bart's and an excellent man, asked me to meet them to discuss the Bill. I did not think that Professor Zellick was a bad man at all.

**Mr. Skinner:** Is he the principal?

**Mr. Sedgemore:** He is the principal of Queen Mary and Westfield college and will be the principal of the new combined college. I thought that Professor Zellick was well intentioned but uninspiring. I thought that perhaps he was an academic bully, but my experience of academics is that most of them are capable of behaving in a bullying fashion from time to time. Even some hon. Members are capable of that, although of course I exclude myself from that description.

At that discussion—as another hon. Member was present, this can be verified, and Professor Zellick made his own notes of the meeting—I think that the professor lacked judgment a bit. That does not make him a bad man or mean that he could not run the combined college reasonably well. I genuinely thought that, until I stumbled across a particular document. I told the House earlier that one of my hon. Friends showed me a copy, but I admit that I stumbled across it individually. No one will believe that. Everyone will think that somebody from Bart's medical college thrust it into my hands and asked me to come to the House to cause trouble. That simply is not true.

*[Mr. Sedgemore]*

I was browsing through years and years of *Barts Journal*—not that of the hospital but that of the medical college. Volume 18, issue 4 for spring 1995 contains a letter from Professor David Tomlinson of the department of pharmacology at Queen Mary and Westfield college. It begins "Dear BJ"—B for Bart's and J for journal—and refers to an article in the *Evening Standard* stating that the Bill might be in jeopardy. According to Professor Tomlinson—I have verified this with people at Bart's, who said that it was true and who were themselves shocked—there is a huge direct quote of around 800 words from Professor Zellick. It says that people reading the *Evening Standard* might have thought that the Bill was getting into difficulties. He said that the Bill faced two obstacles. There were three petitions against it.

I do not blame my right hon. Friend the Member for Bethnal Green and Stepney for telling the House that now there are only two petitions against it. There was another, slightly longer and much more pertinent petition from the students of St. Bartholomew's medical college and Royal London medical college—

**Mr. Shore:** It was withdrawn.

**Mr. Sedgemore:** I know that it was withdrawn. Marcus Beadle signed it, and I spoke to him on the telephone when he produced it.

Professor Zellick insists that no pressure was placed on the people concerned to withdraw that petition. In an article in another issue of *Barts Journal*, Marcus Beadle talks about a hectic two weeks. From the moment the students lodged that petition, people started talking to them. Is that not typical? They did not talk to the students for months on end about their future—and they are only the whole future of medicine in this country. But when a private Bill appears, there is a bit of trouble and Parliament wants a democratic debate, there is a frisson. It is a matter of, "Come in, Marcus. What do you want? I'll do anything."

I do not blame Marcus Beadle for his action—I believe that it is called log-rolling politics in America. Marcus, and presumably students from the Royal London, went to see the great professor—the Dr. Strangelove of science, as we will call him after the House has heard this lot. The professor cleared up lots of points about the students union, lodgings, finance, space and money. But other objections were never cleared up—the more serious, medical objections to the Bill relating to massive uncertainty in east London about the whole health system, caused by the Minister who would not give way earlier to my hon. Friend the Member for Workington.

Much of that uncertainty has been caused by discussion following the publication of the Tomlinson report in 1992, until the Secretary of State's statement two weeks ago that the hospital is to close. Of course that will make a difference to the way that students work. The very existence of Bart's medical college is called into question.

What happens if we close a teaching hospital—I put the argument rather bluntly; my right hon. Friend the Member for Bethnal Green and Stepney might think that it was put too simply, but often simple arguments are important ones—and close the medical college as well? I confess to being rather simple at times. What is the result if a Bill is introduced to merge the college with the Royal London hospital medical college? I shall tell my right hon. Friend what almost anyone at Bart's will tell him, if he cares to talk to them rather than listening to the outward signs of Professor Zellick. The professor says, of course, that there is no connection, but that is absurd. Of course there is a connection. Is it thought that the doctors at the hospital are divorced from those who are providing medical training and undertaking medical research?

I know that there are some pure researchers. Indeed, I shall provide the data. There are many more pure medical researchers at St. Bartholomew's hospital at the Charterhouse square site than there are at the Royal London hospital. It should be said that the researchers do a wonderful job. I shall not demean them. Indeed, I shall name some of them as part of a separate argument. It must be understood that hundreds of doctors and consultants are teaching medical students. They are undertaking their research in departments that are on the hospital site. Their work is not being done in separate buildings. By and large, medical departments are at medical hospitals.

**Mr. Campbell-Savours:** Many of the consultants and practitioners may be on the site because they like working at the hospital. With that in mind, is there not a great danger that many of them will leave London and go elsewhere? As a result, the new school might lose the expertise of these extremely important people.

**Mr. Sedgemore:** I assure the House that my hon. Friend has picked up my next point and that there has been no rigging. He has taken up the point that I was about to make to my right hon. Friend the Bethnal Green and Stepney.

The greatest single cause of uncertainty and of people leaving St. Bartholomew's hospital and the medical college was the threat, and then the announcement, of the closure of the hospital. I know that that is true. Professor Lesley Rees, the dean of St. Bartholomew's medical college, gave me a list of people who were leaving. That was before the Bill was introduced. It is quite a long list. Of course, I do not want to encourage anyone else to leave. That is exactly the point that my hon. Friend the Member for Workington made.

We are talking about an extraordinary centre of excellence. My main argument is that it does not need the proposed merger. Powerful medical teams have been built up. They treat patients and lecture to students. I know that that happens. I have talked to people who do both things. There are not two separate entities operating in two different worlds. The people involved are part of an ethos.

There is an academic culture such as we would find at Oxford or Cambridge. There is such a culture to be found at Birmingham, for that matter. There is one at Cardiff, and a very good one, I assure my hon. Friend the Member for Cynon Valley. My hon. Friend the Member for Workington will find an academic culture in the lakes.

Members of powerful medical teams have been attached to an academic culture, sometimes for 50 or 60 years. They have been attached also to a history that is 872 years old. That is the hospital. I shall go through the history of the medical college. There is a massive historical background of people striving monumentally for the same thing. I understand that. I do not say that Corpus Christi, the college to which I went at Oxford, is a piddling little place with 132 people who would benefit

from a mega-merger with Christ Church, Balliol or Queen's. Corpus Christi was a centre of academic excellence and a place which one could be proud to go to.

As my hon. Friend the Member for Workington has said, there have been hundreds of years of excellence at St. Bartholomew's hospital. When it is said that the hospital will be closed, the result will be to break up the medical, teaching and research teams. That is the point. Some of the letters that I receive make me so angry. People write, "Don't you know the difference between a hospital and a medical college?" With a degree in logic and having studied linguistic philosophy—the meaning of meaning—I should know the difference between a hospital and a medical college. I know also about the links between a hospital and a medical college. I know too that, when a hospital team is broken up, along with hospital treatment and research, staff will leave.

Professor Rees, the dean of St. Bart's medical college, has fought an heroic battle to save both a hospital and a medical college. The list that she showed me is all to do with the closure of the hospital. She made contact with Professor Frances Heidensohn, the chairman, as she likes to call herself, of the East London and City health authority, and said, "If you close this hospital, I shall lose more and more staff and the former staff will never be rebuilt. My staff will never go to the Royal London."

What about the list? It is a list of people who are not going to the Royal London. They have gone elsewhere. They have gone because a centre of academic excellence has been destroyed. I resent being told to learn the difference between a hospital and a medical college.

**Ms Mildred Gordon** (Bow and Poplar): My hon. Friend might be interested to know that some years ago I went to see Professor Zellick. He made the case that the medical college at the London hospital, as it was then, was deeply in debt and badly run. He argued that it would be much better run by Queen Mary college. At that time there were no plans—if there were plans, they were hidden and had not been announced—to close St. Bartholomew's hospital. It seemed that there was no linkage. It may be that something needed to be done at the Royal London medical school. Nevertheless, it seems a great pity that that is now linked with the closure of a great hospital such as St. Bartholomew's. What has my hon. Friend to say about that?

**Mr. Sedgemore:** These matters are said to be linked and then they are said not to be. It is interesting to look back on what Professor Zellick has said and what is contained in the Todd, Flowers and Tomlinson reports. There is one significant difference. The Todd report never recommended the closure of St. Bartholomew's hospital. Closure was not within a thousand miles of those who sat on the royal commission that considered the national health service. They may have had some doubts about some medical colleges and hospitals, but they did not recommend the closure of the world's most famous hospital. As I have said, closure was never in their minds. The Flowers report on the merger that appeared in 1980 was not drawn up on the basis that the hospital might shut and that we would see a cross-over of patient care, teaching and research and damage to them all.

It was only the Tomlinson report that recommended, first, that the hospital should be shut and, secondly, that a merger should take place. It was then that the entire position changed. It is the crass or wanton inability of people to link those two features of the Tomlinson report that is producing such anger in me and, I imagine, in almost everybody on the Opposition Benches. I should say that most of our colleagues have left it to us to argue the case. That is fine because that is what we said we would do.

**Mr. Skinner:** I think that my hon. Friend must address his remarks at this point to a letter that I have received. I am one of the signatories to the blocking motion. As a result, during the past two or three days, I have received letters from people like this Dr. Zellick—or Dr. Strangelove, as my hon. Friend calls him—and various other people. The letter is from a fellow called Arnold Wesker. The only person whom I know by that name is a playwright, or was, presumably from the east end. This gentleman is now living at Hay-on-Wye. I suppose that that is where the luvvies are. He wrote:

"Dear Dennis Skinner

I've just been made an Honorary Fellow of Queen Mary and Westfield College."

He is now involved in its affairs, naturally. He is probably under the thumb of Dr. Zellick. Mr. Wesker, an honorary fellow of that quango, asked me why I have put my name to the blocking motion—

**Mrs. Clwyd:** On a point of order, Mr. Deputy Speaker. I spy strangers.

*Notice being taken that strangers were present,* MR. DEPUTY SPEAKER, *pursuant to Standing Order No. 143 (Withdrawal of Strangers from the House), put forthwith the Question,* That strangers do withdraw:—

*The House proceeded to a Division—*

**Mr. Deputy Speaker (Mr. Michael Morris):** I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

*The House having divided:* Ayes 1, Noes 167.

**Division No. 130]** **[8.50 pm**

**AYES**

Campbell-Savours, D N

**Tellers for the Ayes:**
**Mr. Dennis Skinner and**
**Mrs. Ann Clwyd.**

**NOES**

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alton, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Ashdown, Rt Hon Paddy
Atkins, Robert
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Barnes, Harry
Bates, Michael
Beggs, Roy
Beith, Rt Hon A J
Bellingham, Henry
Beresford, Sir Paul
Betts, Clive
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowis, John
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Malcolm *(Gordon)*
Burns, Simon
Butler, Peter
Callaghan, Jim
Campbell, Menzies *(Fife NE)*
Carlile, Alexander *(Montgomery)*
Carlisle, Sir Kenneth *(Lincoln)*
Chapman, Sydney
Clappison, James
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Connarty, Michael
Conway, Derek
Coombs, Simon *(Swindon)*
Cormack, Sir Patrick
Davis, David *(Boothferry)*

Dixon, Don
Donohoe, Brian H
Douglas-Hamilton, Lord James
Dover, Den
Dykes, Hugh
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evennett, David
Faber, David
Fabricant, Michael
Field, Barry *(Isle of Wight)*
Forsyth, Rt Hon Michael *(Stirling)*
Forsythe, Clifford *(S Antrim)*
Foster, Don *(Bath)*
Fox, Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Gallie, Phil
Gardiner, Sir George
Garnier, Edward
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Greenway, Harry *(Ealing N)*
Griffiths, Peter *(Portsmouth, N)*
Gummer, Rt Hon John Selwyn
Hague, William
Harvey, Nick
Hayes, Jerry
Heald, Oliver
Heathcoat-Amory, David
Hendry, Charles
Howard, Rt Hon Michael
Howarth, Alan *(Strat'rd-on-A)*
Hunt, Rt Hon David *(Wirral W)*
Jack, Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Gwilym *(Cardiff N)*
Jones, Lynne *(B'ham S O)*
Jones, Robert B *(W Hertfdshr)*
Kirkhope, Timothy
Kirkwood, Archy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Lewis, Terry
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McFall, John
MacKay, Andrew
Maclean, David
McMaster, Gordon
Maddock, Diana
Maitland, Lady Olga
Malone, Gerald
Mans, Keith
Marshall, John *(Hendon S)*
Mayhew, Rt Hon Sir Patrick
Merchant, Piers
Mitchell, Andrew *(Gedling)*
Monro, Sir Hector
Nelson, Anthony
Newton, Rt Hon Tony
Nicholson, David *(Taunton)*
Nicholson, Emma *(Devon West)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Page, Richard
Paice, James
Redwood, Rt Hon John
Rendel, David
Richards, Rod
Riddick, Graham
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Rooney, Terry
Ross, William *(E Londonderry)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Shaw, David *(Dover)*
Shepherd, Colin *(Hereford)*
Skeet, Sir Trevor
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stephen, Michael
Stewart, Allan
Streeter, Gary
Taylor, John M *(Solihull)*
Thurnham, Peter
Townend, John *(Bridlington)*
Tredinnick, David
Trend, Michael
Trimble, David
Trotter, Neville
Wallace, James
Ward, John
Wardell, Gareth *(Gower)*
Waterson, Nigel
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Willetts, David
Wilshire, David
Wolfson, Mark
Wood, Timothy
Young, Rt Hon Sir George

**Tellers for the Noes:**
**Mr. Bowen Wells and**
**Dr. Liam Fox.**

*Question accordingly negatived.*

**Mr. Sedgemore:** Well, there you are, Mr. Deputy Speaker. If anyone was in any doubt as to whether the Government had taken over this private Bill in a scurrilous fashion, we have just discovered the proof of that. I am sure that it will lead my right hon. Friend the Member for Bethnal Green and Stepney (Mr. Shore), when he replies to the debate, to decide not to support the Bill.

I was quoting from a letter from Professor David Tomlinson—

**Mr. Skinner:** If my hon. Friend recalls, when "I spy Strangers" was called I was in the process of reminding my hon. Friend that I am one of the signatories to the blocking motion. As a result, I have been inundated with letters from people asking why. I have a good answer. I have listened carefully to what my hon. Friend has said today.

I have had a similar letter today from Arnold Wesker, whom I assume is the playwright, who lives at Hay-on-Wye. He says that he has been made an honorary fellow of Queen Mary and Westfield college. He says:

"I write about the . . . Bill which is to be debated on . . . Wednesday April 19th. I understand that you and other MPs seek to block the Bill. Permit me to ask why and to briefly argue in its favour."

He goes on to say that there is no connection between the college and the hospital.

That fellow has been made an honorary fellow. I have listened carefully to my hon. Friend and my hon. Friend seems to know that there is a direct link, an umbilical cord, between the hospital and the college. This man—

**Mr. Deputy Speaker:** Order. The hon. Gentleman knows that interventions should be reasonably short. He has been speaking for more than a minute on this intervention, having started it previously. I should be grateful if he would wind up and, if he then wishes to catch my eye, he may do so.

**Mr. Skinner:** I intend to, but I need to tell my hon. Friend, because he has not had a letter from Arnold Wesker, whom I assume is the playwright.

**Mr. D. N. Campbell-Savours:** I have.

**Mr. Skinner:** Arnold Wesker says that he cannot understand why we should seek to block a merger that appears to offer high standards in medical education and research.

It seems odd to me that that bloke has been put on this body as an honorary fellow, yet he cannot see the direct connection between the college and the hospital. My hon. Friend the Member for Hackney, South and Shoreditch (Mr. Sedgemore) should use this opportunity to provide an adequate answer to Mr. Arnold Wesker.

**Mr. Sedgemore** *rose—*

**Mr. Campbell-Savours:** Before he does that, will my hon. Friend give way?

**Mr. Sedgemore:** I shall give way to my hon. Friend in a moment.

**Mr. Campbell-Savours:** On the same issue.

**Mr. Sedgemore:** Very well.

**Mr. Campbell-Savours:** I too had one of those letters written in exactly the same terms as that written to my hon. Friend the Member for Bolsover (Mr. Skinner). I replied to the letter because it suggests that we do not have the right to debate the matter on Second Reading. Mr. Wesker does not seem to realise that the only way in which we could secure a debate at this stage was by laying down an objection. Had he realised that, he might have understood that this is a procedural mechanism by which

Members of Parliament hold the Executive accountable. It gives us our only opportunity to ask Ministers questions on the implementation of legislation of this nature. Unless we choose to debate these matters, clearly the public will not know what is happening in a particular case.

**Mr. Sedgemore:** My hon. Friend has partly answered the point made by my hon. Friend the Member for Bolsover (Mr. Skinner). My hon. Friend the Member for Bolsover is right, however. He saw me becoming angry and upset a moment ago about the claim that none of us knew the difference between a hospital and a medical college. I explained, in fairly strong terms, that it was not possible to close the world's greatest hospital, cutting off patient care, teaching and research—those three services being linked—without having a severely damaging effect on its medical college.

I do not want to attack Mr. Arnold Wesker. He is a playwright; I am an author. The old idea of medical institutions, and even the Labour party, having "luvvies" on their boards does not help the argument. With due respect, it is clear that Mr. Wesker has no idea what he is talking about. He may have had dinner with Professor Zellick and got hold of some rather tatty and tawdry argument—but I do not think that I should repeat what I said earlier. Although you were not present then, Mr. Deputy Speaker, I do not want to try to deceive you about what has been happening.

In his letter to the *Barts Journal*, Professor David Tomlinson gives direct quotations from what Professor Zellick has said. Apparently, he does not care whether the Bill is passed tonight—or at some other time—because he will proceed with the merger regardless. He does not care about Parliament. It has all gone on for too long; he is fed up with politicians, and does not respect the democratic processes.

The letter says:

"Whether we experience a brief delay of two or three months or even if the Bill is more seriously obstructed and we are unable to secure its passage in this session of Parliament, we shall nevertheless be able to bring about the unified School of Medicine and Dentistry as an integral part of QMW and we shall do that by the beginning of the 1995/96 session whatever the fate of the Bill."

It goes on to say that arrangements have been made between the Privy Council and the Higher Education Funding Council to use the royal prerogative to frustrate the will of Parliament if need be. That takes the biscuit.

The letter continues:

"it is now too late to pull back or delay. I am therefore pleased to report the unanimous view of the Merger Implementation Committee that nothing must be allowed to impede progress".

That apparently includes the will of Parliament.

Hon. Members must take into account the good faith of the Bill's promoters. We are entitled to ask what kind of medical college will be created by the merger, and who will lead it. If the person who is to lead it has been selected before the Bill has been given a Second Reading, and shows himself to be wholly hostile to parliamentary democracy, I should have thought that, by definition, he is not fit to run a major academic institution. Surely the House should not merely delay the Bill, but throw it out. It is appalling that a professor should arrogate the rights of Parliament, and say that our work does not matter.

I think that, when people have had a chance to study this astonishing outburst, Parliament will want to set up an inquiry into its proceedings on this and future Bills. The Secretary of State for Health should make a statement from the Dispatch Box about this approach to private Bills concerning the national health service. It is not Professor Zellick's health service; it is Parliament's and the public's health service. My right hon. Friend the Member for Bethnal Green and Stepney should, in all decency, be prepared to withdraw the motion.

Should the Bill receive a Second Reading, which I hope that it will not, I believe—Madam Deputy Speaker dealt with this point during earlier points of order, Mr. Deputy Speaker, before you took the Chair—that the Committee that eventually considers it will want to see Professor Zellick and the Privy Councillors involved, or members of the Privy Council staff, and members of the Higher Education Funding Council. It will want to find out how it is possible to override the will of Parliament through the exercise of the royal prerogative in regard to a Bill such as this.

**Mr. Campbell-Savours:** I find great difficulty in understanding why the students changed their minds and why they withdrew their petition. Could it be that some sort of educational pressure was exerted on them? Is there any evidence to support that? Or could it be that the students were told that whatever happened in Parliament was irrelevant and that the college, by pursuing the use of the royal prerogative, could secure its objective anyway? Perhaps that is what convinced the students to change their minds. I am sorry to take my hon. Friend back to that point, but it is important.

**Mr. Sedgemore:** In truth, I cannot push the matter much further, although I can help my hon. Friend a little. The students would have seen the letter and the speech, because they were published in the Bart's medical college journal—and the leader of the student group at St. Bartholomew's, Marcus Beadle, writes a regular column for the journal. I assume that he reads the rest of it, so that may have subconsciously affected his decision.

As I have said, Professor Zellick told me at a meeting, which my hon. Friend attended, and also in a letter, that he has put no pressure on the students. Perhaps he has not done so, but senior clinicians at Bart's medical college have simply said to me, "Of course pressure was put on; you are a politician so you know the way these things work. The pressure is never direct, it is indirect." I am afraid that our trade is a little dirty—although not in the Chair, Mr. Deputy Speaker—and the academic world can probably be as dirty, backstabbing, malicious and vicious as some politicians—not me—can be. I think that that is the answer to my hon. Friend's question.

Until now, I have been dealing with the preliminary arguments. My central argument is that Bart's medical college is a jewel of medical colleges and a centre of medical excellence unrivalled throughout the world. It can stand on its own. Whatever the sociological arguments produced by civil servants, by the Todd report in 1968, the Flowers report in 1980 and the Tomlinson report in 1992, the truth is that a pre-clinical confederation already exists between Bart's medical college and the Royal London medical college. That confederation works perfectly well. It has not brought together the administrative structures or the finances, but it allows for flexibility and for evolution in the development of medical education.

*[Mr. Sedgemore]*

I want to refer to the Bart's site; the Royal London can speak for itself, as I am not an expert on that matter. There is an extraordinary centre of medical excellence on the Bart's site. There is also an extraordinary centre of patient care, but that is being abolished. However, we are not talking about that today. The preamble to the Bill suggests that one reason for the proposed merger between Queen Mary and Westfield college and the Royal London and Bart's medical colleges is that that would produce an institution that would be nationally and internationally renowned. That was a central feature of the argument put forward by my right hon. Friend the Member for Bethnal Green and Stepney when he introduced the Bill.

I intend to argue that we already have at the medical college of St. Bartholomew's a centre of national and international renown. I defy him in his reply to the debate to argue against that when he has heard my arguments. I intend to go into detail to prove that and challenge my right hon. Friend or anyone else who is in favour of the Bill to say that I am wrong.

**Mr. Shore** *rose—*

**Mr. Sedgemore:** I know that my right hon. Friend is going to say that he agrees, but that is not good enough. If we already have the centre, he must say that he can improve it. I do not believe that he can and that is my point. I will give him every opportunity to go into the detail, not the sociological soundbite.

Professor Zellick, one of the promoters, came to a Room in the House of Commons and said to me, "I want to produce a world-class institution." He said it as though, if we said, "Yes, go ahead," we would get a world-class institution. That is the way sociology works. The civil servants who thought about the proposal back in 1968 wanted to produce a world-class institution. They thought that, simply by repeating the words, it would happen. I say that we have a world-class institution and we could destroy it.

How do I prove that St. Bartholomew's hospital is a world-class institution that can stand on its own without the need for the merger?

**Mr. Campbell-Savours:** May I draw my hon. Friend's attention to a letter from the dean of the medical sciences building at the University of Toronto? It is a letter to the Prime Minister dated 7 January 1993. He says:

"St. Bartholomew's has a reputation for academic excellence in clinical care, medical education and research which is recognised around the world. My most direct knowledge of St. Bartholomew's concerns Gastroenterology in particular. St. Bartholomew's has been an acknowledged leader in Gastroenterology for more than 100 years. Currently, its clinicians, scholars and scientists in the Academic Department of Paediatric Gastroenterology are recognised world-wide. These facilities represent a resource to London, to Britain and to the international academic medical community."

That was from a Mr. C. A. Ottoway MD PhD FRCP, of the medical sciences building at the University of Toronto. I understand that he is the dean of the department. So my hon. Friend has an example. I have many examples in this book.

**Mr. Sedgemore:** My hon. Friend is privileged to have letters which I do not have. I have heard of that particular dean. He is of international renown. When he says that in gastroenterology St. Bartholomew's has a department of world excellence, I am inclined to believe him.

The point that my hon. Friend has to make, and I have to make in order to persuade the House, is as follows. My hon. Friend has dealt with one area. The fact that St. Bartholomew's is recognised internationally as excellent by someone whom we can respect does not mean that it is excellent across the board. How does one prove that an institution is world class? That is the onus on me in this debate. How can I prove to the House that here we have a world-class academic institution which is excellent across the board? Normally, one could not do it.

If we ask people at St. Bartholomew's hospital what they are like, they will tell us that they are brilliant. Of course they will. If we ask people at Corpus Christi college what they are like, they will tell us that they are brilliant. If we are to prove it, we must find external proof across the board.

**Mr. Campbell-Savours:** Perhaps I can give my hon. Friend yet another quotation that is equally valid. It comes from an institution in Amsterdam—the Academisch medisch centrum. I do not speak Dutch so I cannot pronounce it right. It says:

"Worldwide and certainly in Europe the significance and the fundamental contributions of St. Bartholomew's Hospital are unanimously recognised. For many decades the hospital has been a leading institute in many areas of gastroenterology. The contributions towards medicine and medical care of many of its distinguished physicians and surgeons in the past and in the present have been of immense importance in many areas of gastroenterology. I would like particularly to refer to all the recent work with respect to diarrhoeal diseases and to various infectious diseases. But there are many other areas in gastroenterology where St. Bartholomew's has excelled."

There are letters from all over the world in this document and they spell out and emphasise the important contribution that that medical college makes in those areas.

**Mr. Sedgemore:** I am grateful to my hon. Friend, who is making an important contribution. If he has many such letters, I hope that he will catch your eye later in the debate, Mr. Deputy Speaker. Perhaps he will be able to cover more of the spread than gastroenterology and immunology.

**Mr. Skinner:** That still does not prove it.

**Mr. Sedgemore:** By accident, I can prove that St. Bartholomew's is a global institution, a jewel in the crown and something that any civilisation would be silly to destroy. I shall not prove it in relation to the hospital, as we have had many debates on that, but I think that I can do so as regards the medical college. It is up to right hon. and hon. Members to decide whether they think that I have proved it.

The Tomlinson report contained two recommendations on St. Bartholomew's hospital. One was to close it and the other to merge its medical college with the Royal London medical college, which is what we are discussing. I think that the report referred to that being done in relation to the Queen Mary and Westfield. Those announcements sparked off a frisson throughout the medical world and the globe.

People did not sit back and say that it was something that was happening to some minor hospital somewhere in Britain—well, not somewhere in Britain but in the

constituency of my right hon. Friend the Member for Bethnal Green and Stepney and the heart of London, our capital city. They did not say, "It has nothing to do with us." They wrote about it. What is the quality of the people who wrote? What was the scale of the coverage and the depth of their feelings? I shall not quote whole letters, as my hon. Friend the Member for Workington did.

**Mr. Campbell-Savours:** It was only a part of the letter.

**Mr. Sedgemore:** Then it had even more power.

St. Bartholomew's has released to me 344 letters from 48 countries, which were sent to Professor Lesley Rees, the dean of the medical college. To be absolutely fair, some referred to the hospital, but most referred to the medical college and said its resources should not be split up or merged and that it should not disappear as it was one of the world's great institutions. If it works, why muck it around? That is the gravamen that my right hon. Friend the Member for Bethnal Green and Stepney must answer.

I have carried out a fairly unusual analysis of those documents across a wide range of the spectrum. After hon. Members have heard it, if they do not think that it adds up to a global institution that can stand on its own, they should speak and we can carry on the argument.

I spent several days undertaking this new type of summary of the way in which one analyses such things. First, I asked what countries the letters came from, did they cover a wide spectrum of the globe and were they from important or unimportant people.

**Mr. Skinner:** What do you mean—important or unimportant?

**Mr. Sedgemore:** I mean, did they have academic excellence upon which the House could rely or were they people writing odd letters and saying—

**Mr. Skinner:** I do not like elitism.

**Mr. Sedgemore:** My hon. Friend is quite right. Elitism is favouritism. We are talking about academic excellence and in that sense, when it comes to preserving institutions of academic excellence, in one definition of the word I am an old-fashioned conservative. I hope that that will give Conservative Members some comfort. I am trying to behave responsibly in this debate.

The spread of countries from which letters have been sent is extraordinary. It includes Argentina, Australia, Austria, Belgium, Brazil, Canada—17 letters—Cyprus, Czechoslovakia, Denmark, Finland, France, Germany, Ghana, Greece, Hong Kong, Hungary, India, Ireland, Israel, Italy, the West Indies, the United States—97 letters—Switzerland, Sweden, Spain, South Africa, Singapore, Saudi Arabia, Russia, Romania, Portugal, Poland, Oman, Norway, New Zealand, the Netherlands, Malta, Malaysia, Malawi, Kuwait and Japan. Anyone can see that some countries are missing and that some 70 or 80 countries in the world are not represented, but basically that list represents the whole of the advanced medical world, which has sent letters. Is it not worth the House taking notice of them?

I have looked at the number of letters that came from distinguished universities, which I know from my experience and reading have academic experience in the medical world that is worth noting. The following universities sent letters of support and said that this is a global institution and we would be foolish to let its human and property assets dissipate.

**Mr. Campbell-Savours:** Has my hon. Friend seen correspondence supporting the merger from any of those countries?

**Mr. Sedgemore:** My hon. Friend raises a good point and the short answer is no, I have seen not a single letter in support of the merger.

**Mr. Shore:** I have seen no letters against the merger.

**Mr. Sedgemore:** That is because my right hon. Friend has not been doing the talking and delving that I have been doing inside St Bartholomew's hospital in the past fortnight. One then gets a different story, but that is a point for later on.

The distinguished universities concerned are, in Australia: Monash university; the University of Adelaide; the University of New South Wales; the University of Queensland; the University of Tasmania; the University of Western Australia; and the Walter and Eliza Hall Institute of Medical Research, Melbourne, which is almost a university. They all said that this is a world-class institution and we should not break it up or let it go.

From Brazil, we received letters of support from the University of San Paulo. From Canada, we had letters of support from McGill university; McMaster university; the Tom Baker cancer centre, Calgary; University hospital, London, Ontario; the University of British Columbia; the University of Toronto; the University of Vancouver; and the University of Western Ontario—all the great universities of Canada. From Finland, we had letters of support from the University of Helsinki and the University of Turku.

**Mr. Campbell-Savours:** In the light of that overwhelming body of opinion worldwide that has written to the Prime Minister, the hospital or whoever in support of retaining the existing college structure, is it not odd that the Minister is unwilling to come to the Dispatch Box to answer a simple question: if it is the will of Parliament that this Bill does not proceed, is it right for the college authorities to proceed on the basis that they can use the royal prerogative? Is it not odd that, given the overwhelming weight of support, Ministers stand aside and not reflect publicly on those matters?

**Mr. Skinner:** They are arrogant.

**Mr. Sedgemore:** As my hon. Friend says from a sedentary position, they are arrogant. The arrogance of 17 years of one-party rule is destroying our national health service, but I shall concentrate on the Bill before us.

**Mrs. Clwyd:** Does my hon. Friend agree that it seems entirely inconsistent with Government policy when, at the same time as they are trying to promote the City of London as a financial centre in the world, we have reactions from all over the world to the dismantling of a great medical institution? Can we imagine our competitors in Frankfurt or Paris doing something similar while trying to attract wealth and jobs to their city?

**Mr. Sedgemore:** My hon. Friend makes a point that the City of London realises only too well is perfectly valid. One cannot imagine any other country breaking up a medical institution of this character. The chairman of

*[Mr. Sedgemore]*

the policy and resources committee of the City of London corporation, who is obviously a Conservative—Mr. Michael Cassidy—wrote only a week ago about the disaster that is befalling the City of London.

We have had representations from the Aristotolean university at Thessaloniki and Athens university in Greece, the university of Budapest in Hungary, the University of Esfahan in Iran, University college, Cork, Ireland, the Chaim Sheba medical centre at Tel Aviv university in Israel, the University of La Sapienza, Rome, and the universities of Bologna, Florence, Genoa, Milan, Modena, Naples Padova, Pavia, Siena, Trieste and Turin in Italy, Kyoto university in Japan, Kuwait university, the University of Malta medical school, the Academische Ziekenhuis in Groningen, Academische Ziekenhuis in Utrecht, the Catholic university in Nijmegen, Erasmus university in Rotterdam, and the University of Amsterdam. That is virtually the whole of the Netherlands, which has a reputation in medical science.

We have had representations from the universities of Auckland and of Otago in New Zealand, the University of Oslo in Norway, the universities of Lisbon and of Porto in Portugal, the Moscow state university, and the M. V. Lomonosov Moscow university.

**Mr. Campbell-Savours:** Who wants to change the present position?

**Mr. Sedgemore:** Apparently, nobody in the whole world wants to, apart from whipped Conservative Members and my right hon. Friend the Member for Bethnal Green and Stepney.

We have had representations from the University of Ljubljana in Slovenia, the universities of Natal and of Stellenbosch in South Africa, the universities of Barcelona, of Madrid and of Santiago de Compostela in Spain, the universities of Gothenburg, of Lund, of Umea and of Uppsala in Sweden, the Centre Hospitalier Universitaire Vaudois, Lausanne, Hôpital Cantonal Universitaire de Geneve and University hospital, Zurich.

We have had representations from the Albert Einstein college of medicine, New York, the American Cancer Society, Columbia university, Cornell university, Georgetown university, Harvard university, Indiana university, Iowa state university, the Johns Hopkins medical school—one of the greatest medical schools that the world has ever known and ever will known—Loyola university in Chicago, the universities of Stanford in California, Alabama—

**Mr.Campbell-Savours:** What are they all saying?

**Mr. Sedgemore:** I shall come to that.

We have received representations from the universities in Arizona, California, Detroit, Florida, Kentucky, Maryland, Miami, Mississippi, Nebraska, Pennsylvania, South Carolina, South Florida, Southern California, Tennessee, Texas, Vermont, Virginia Washington, North Carolina and St. Louis. *[Laughter.]*

Hon. Members are laughing, but those are 114 of the world's most prestigious universities with medical schools. One or two of them may have written letters that are over the top. They may have done it out of kindness, but one cannot get 114 of the world's top medical colleges to say, "Keep this medical college as it is, linked to its hospital, and let this global jewel get on with its business." I do not know how my right hon. Friend the Member for Bethnal Green and Stepney will answer that. That is the geographical spread.

My hon. Friend the Member for Workington mentioned gastroenterology. I said that it was all right to mention that but that plenty of other medical sciences existed. How does the spread go in those letters? It goes throughout the medical sciences.

Bart's is being described as a megacentre of academic research and of doctors' teaching and training in the following areas: anatomy, basic science, cardiology, cardiothoracic surgery, clinical biochemistry, clinical pharmacology, dermatology, diabetes, endocrinology, gynaecology, gastroenterology, haematology, human nutrition, AIDS, medical education, medical informatics, medical oncology, metabolism, microbiology, molecular genetics, nephrology, neurology, nuclear medicine, obstetrics, orthopaedic surgery, pathology, paediatrics, paediatric endocrinology, paediatric gastroendocrinology, paediatric oncology, pharmacology, physiology, preventive medicine, psychiatry, radiology, reproductive physiology, surgery, transplant surgery and urology.

That is just about every medical discipline that we know about. Representatives of all those disciplines say that Bart's is magnificent; it is wonderful; it works; keep it; leave it alone. Why have we come here to destroy it?

I shall not read long letters, but I should like to read a few small excerpts. Hon. Members may judge the quality of the people who have written them in relation to the hospital.

Professor Bela Halasz from Hungary wrote:

"I was shocked . . . I was startled . . . Its scientists are leading members of important international organizations . . . In my opinion it would be a very great loss, if they"

were dispersed. He knows what he is talking about. Perhaps my right hon. Friend the Member for Bethnal Green and Stepney knows him.

On basic science, Professor Guido Pozza from Italy wrote:

"It is my strong opinion that such a decision will bring about a great loss for biomedical research in U.K . . . I do really hope that St. Bart's shall not end its activity."

On cardiology, Professor Sean Blake of Dublin wrote:

"It seems to me that this would be a tremendous tragedy."

Dr. Richard Hauer from the Netherlands wrote:

"It was with astonishment . . . deepest support to attempts to avert this highly undesirable development."

Professor Wellens of the Netherlands wrote:

"many new developments in the diagnosis and management of cardiac arrhythmias have come from colleagues working in St. Bartholomew's Hospital . . . St. Bartholomew's Hospital is academically very much alive."

**Mr. Campbell-Savours:** Will my hon. Friend give way?

**Mr. Sedgemore:** May I just develop this point? I am looking at the clock and I want to give other Members a chance to speak.

On cardiac surgery:

"I am astonished . . . a beacon, a lighthouse and a guide to, not only the Londoner, but also, to the people of the United Kingdom and the world at large . . . the fate of such a perennial institution, cannot be determined by an ephemeral . . . body"—

I assume that that is a reference to Parliament—

"this national treasure"

wrote Professor Gerard Guiraudon of Canada.

On clinical biochemistry, Professor Jarob of Germany said:

"This tells a lot about successful and excellent education going on not only in Dr Galton's department but also in the whole institution. So I am sure the closure of this tradition-rich famous institute would be an irreparable error . . . I feel strongly about my conviction".

On clinical neurophysiology, Anna Maria Seppalainen of Finland wrote:

"St. Bartholomew's has often exercised interdisciplinary approach . . . This type of approach is severely endangered if the facilities and specialists should be dispersed in various locations."

On clinical pharmacology:

"several highly respected physicians and surgeons from Bart's have, over the years, contributed to continuing education at the Academy as Distinguished Academicians . . . There is thus a longstanding academic and professional link between Bart's and the medical community of Singapore . . . it would be a disastrous mistake to close the Hospital."

That is Professor Vernon M. Oh from the national university of Singapore.

On endocrinology, Professor Luiz Cesar Povoa of Brazil wrote:

"As a member of the executive Committee of the International Society of Endocrinology I can testify to the high concept of this institution and its contribution to the Endocrinology not only in England, but in the whole World. So, it seems, I repeat, incredible . . . England is respected in the world by its capacity in maintaining tradition, developing new sophisticated techniques and training in a high level"

of

"Human Resources. Undoubtedly, St. Bartholomew's Hospital is a symbol of this statement."

On gynaecology, Professor Masterson at the university of Florida in the United States of America, who is one of the great experts in his field, wrote:

"surprise and dismay . . . one of only six training centres approved by the Royal College of Obstetricians and Gynaecologists for clinical and fellowship training in Gynaecological Oncology."

Dr. Holmesley of North Carolina in the United States of America is another respected expert. He said that the

"most critical loss would be an active training programme in Gynaecological Oncology".

That is roughly the same statement that I have just read out from the other source.

In the sphere of haematology, Professor Sherrill Slichter from Washington, America, said to Professor Lesley Rees, Dean of St. Bartholomew's medical college:

"Your department and institution are well recognised as examples of the best in medical education and scientific excellence . . . I would consider it both a personal and professional loss to the haematologic community if your department was no longer in existence."

On the subject of immunology and AIDS, the Ruprecht-Karls university in Heidelberg, Germany states that there are

"alarming reports . . . the work of St. Bartholomew's is highly respected in the international transplant community . . . ranks among the best institutions worldwide."

Professor Jonathan Mann from the Harvard school of public health, another major university, said:

"Beyond the clinical and academic excellence associated with St. Bartholomew's, I have had the opportunity to observe the high level of international collaboration which the facility and its senior staff, such as Professor Anthony Pinching, have manifested. Professor Pinching has been a major figure in AIDS research and in global thinking about HIV/AIDS . . . a major concern would emerge should St. Bartholomew's cease to exist."

Anthony Pinching came from St Mary's—he is one of the people whose work with the Government stopped the onslaught and spread of AIDS in this country. If his department were to be ripped up, we would all pay a terrible price, but, apparently, that may be on the cards.

In the sphere of medicine, Professor Casanueva of Spain said:

"for Endocrinology, your hospital is the most important and leading unit in Europe . . . prevent this absurd measure."

Mr. Michael Thorner said:

"the current policy appears to be precipitous and poorly thought out . . . Bart's not only serves its patient base, but it is an important centre for teaching of medical students, as a postdoctoral training institution and as a centre for medical research."

The evidence goes on and on. I think that I am beginning to prove my point.

I also looked at one of the major medical institutions of the world—the equivalent of a medical college in Britain. I looked at what 10 people from that one major institution had said to see whether, across the board, I could get a favourable result. I looked for the reaction of the Harvard medical school, one of the greatest medical centres that the world has ever known. Ten professors were asked what they thought.

Professor Goyal from the department of medicine of Harvard medical school said that he felt "great astonishment" and that

"the adverse effects of its closing will be felt in the medical community throughout the world."

Professor Walker of the department of paediatrics said that he was "absolutely overwhelmed" and that it was

"outrageous . . . that the government should wish to close such a wonderful example of what British medicine has contributed to the world of medicine, medical research and to the quality of care of patients."

Professor Mannick of the department of surgery at the Harvard medical school said:

"I find this shocking in the extreme . . . St. Bartholomew's is a source of inspiration for academic physicians and surgeons throughout the world."

All the other professors say exactly the same.

Professor Nichols of the department of gynaecology and reproductive oncology said that he felt "astonishment and sadness". He said:

"This centre of international communication in medicine has earned the respect of colleagues throughout the world . . . It is so easy to dismantle that which took professionals generations to develop, but the negative consequences for the women of the world will be those with which we must all live for a very long time."

We can look at the letters in another way. I do not think that anyone has ever done this kind of analysis in support of an institution in this country. Ostensibly, we have a lot of letters which make academic medical points. However, we wish to highlight the strength of the emotions involved. How strong is the emotional tie with St. Bartholomew's? There is a negative emotional response to the idea of closing the hospital and merging the medical college and I have picked out some of the words which show the depth of that feeling.

I have analysed the letters and the principal words used again and again include: "shocked", "dismayed", "astonished", "disbelief", "deepest concern", "saddened", "surprise", "amazement", "appalled", "distressed",

*[Mr. Sedgemore]*

"horrified", "stunned", "devastating", "overwhelmed", "disturbing", "inconceivable", "incredible", "unthinkable", "astounded", "apprehension", "speechless", "horrible", "alarmed" and "You must be kidding".

The other side of the coin is how Bart's Smithfield is viewed around the globe. Some of the words used in the letters are: "unequalled", "pre-eminent", "world renowned", "venerable", "irreplaceable institution", "true legend", "wonderful unparalled example", "landmark without peers", "international role model", "pillar", "a beacon", "jewel", "a lighthouse", "shining light", "admiration", "envy", "a guide", "prestigious", "scientific strength", "innovative", "dynamic", "unique", "resource benefit of mankind", "incredible traditions", "highest distinction and renown", "top-flight", "great citadel", "magnificent", "dedication to excellence", "second to none", "superb reputation" and "national treasure". That is how people from abroad view the institution.

If the great medics of this country were to meet the top 25 endocrinologists, cardiologists, physiologists or experts in any field—this exercise is not connected with the letters—would anyone from Bart's be in the room? Would anyone from Bart's stand as an example of that institution's international quality?

If one entered a room containing the world's top 25 endocrinologists, one would find Professor Michael Besser, professor of medicine at Bart's. Every endocrinologist in the world would recognise him. I do not wish to embarrass him, but Professor Besser is as close as one will ever get to a genius. He is not only a professor of medicine but also a chief executive following the publication of the Tomlinson report. He fought an heroic battle to save St. Bartholomew's hospital.

He would be recognised as the professor of medicine and the chairman of the department of medicine at Bart's. His department of endocrinology received a commendation in the 1992 research assessment exercise. He is a world leader in endocrinology and he has been a visiting professor to universities and medical establishments in Canada, China, Hong Kong, Italy, Malta and the United States of America. He was recently elected senior vice president and senior censor of the Royal College of Physicians.

He is currently chairman of the working party on hormone replacement therapy. He has served on the editorial board of the *Journal of Endocrinology* and the *Journal of Neuroendocrinology* and he is currently a member of the editorial board of clinics in endocrinology and metabolism. He could stand among the world's top 25 endocrinologists and people would look up to him. He also performs another function which is not quite as important—he is in charge of the case of my hon. Friend the Member for Workington when my hon. Friend is a patient at St. Bartholomew's hospital. That is the kind of genius and department that I am asking the House to fight to preserve, and not to let slide away into oblivion with the closure of the hospital. Once the department has gone, we will not get it back.

Professor James Malpas would be recognised in that room. He is currently the senior physician at St. Bartholomew's hospital, and he is a world authority on childhood cancer. He is president of the Association of Cancer Physicians. The department that he heads has an international reputation, from both the clinical and academic points of view. It received a commendation in the 1992 research assessment exercise. The professorial heads of several oncology departments in this country and the heads of at least three departments in north America—

**Mr. Raymond S. Robertson** (Aberdeen, South) *rose in his place and claimed to move*, That the Question be now put.

*Question put*, That the Question be now put:—

*The House divided*: Ayes 164, Noes 22.

**Division No. 131]** **[9.55 pm**

**AYES**

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Alton, David
Amess, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashby, David
Ashdown, Rt Hon Paddy
Atkins, Robert
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Bates, Michael
Beith, Rt Hon A J
Bendall, Vivian
Beresford, Sir Paul
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowis, John
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Browning, Mrs Angela
Burns, Simon
Butler, Peter
Campbell, Menzies *(Fife NE)*
Carlile, Alexander *(Montgomery)*
Carlisle, Sir Kenneth *(Lincoln)*
Chapman, Sydney
Clappison, James
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Connarty, Michael
Conway, Derek
Coombs, Simon *(Swindon)*
Dalyell, Tam
Davis, David *(Boothferry)*
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Dykes, Hugh
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evennett, David
Faber, David
Fabricant, Michael
Field, Barry *(Isle of Wight)*
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Fox, Dr Liam *(Woodspring)*
Freeman, Rt Hon Roger
French, Douglas
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garnier, Edward
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Gummer, Rt Hon John Selwyn
Hague, William
Harris, David
Hayes, Jerry
Heathcoat-Amory, David
Hendry, Charles
Hill, James *(Southampton Test)*
Hogg, Rt Hon Douglas *(G'tham)*
Howard, Rt Hon Michael
Howarth, Alan *(Strat'rd-on-A)*
Hunt, Rt Hon David *(Wirral W)*
Jack, Michael
Jenkin, Bernard
Jones, Barry *(Alyn and D'side)*
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
King, Rt Hon Tom
Kirkhope, Timothy
Kirkwood, Archy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Greg *(Derby N)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacKay, Andrew
Maclean, David
Maddock, Diana
Maitland, Lady Olga
Malone, Gerald
Mans, Keith
Marshall, John *(Hendon S)*
Mayhew, Rt Hon Sir Patrick
Merchant, Piers
Mitchell, Andrew *(Gedling)*
Monro, Sir Hector
Nelson, Anthony
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Nicholson, Emma *(Devon West)*
Norris, Steve
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Redwood, Rt Hon John

Rendel, David
Richards, Rod
Riddick, Graham
Robinson, Mark *(Somerton)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Shaw, David *(Dover)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shore, Rt Hon Peter
Skeet, Sir Trevor
Soames, Nicholas
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stephen, Michael
Stewart, Allan
Streeter, Gary
Taylor, John M *(Solihull)*
Thurnham, Peter
Tredinnick, David
Trend, Michael
Waldegrave, Rt Hon William
Wallace, James
Waller, Gary
Ward, John
Waterson, Nigel
Wells, Bowen
Wheeler, Rt Hon Sir John
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Young, Rt Hon Sir George

**Tellers for the Ayes:**
**Mr. Oliver Heald and**
**Mr. Raymond Robertson.**

**NOES**

Ainsworth, Robert *(Cov'try NE)*
Barnes, Harry
Beggs, Roy
Callaghan, Jim
Campbell-Savours, D N
Clarke, Eric *(Midlothian)*
Clwyd, Mrs Ann
Cohen, Harry
Cox, Tom
Davidson, Ian
Dixon, Don
Donohoe, Brian H
Etherington, Bill
Forsythe, Clifford *(S Antrim)*
Hardy, Peter
Illsley, Eric
McFall, John
Pike, Peter L
Redmond, Martin
Ross, William *(E Londonderry)*
Wise, Audrey
Wray, Jimmy

**Tellers for the Noes:**
**Mr. Terry Lewis and**
**Mr. Dennis Skinner.**

*Question accordingly agreed to.*

*Question put accordingly*, That the Bill be now read a Second time:—

*The House divided*: Ayes 164, Noes 19.

**Division No. 132]** **[10.10 pm**

**AYES**

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alexander, Richard
Alton, David
Amess, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashdown, Rt Hon Paddy
Atkins, Robert
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Bates, Michael
Beggs, Roy
Beith, Rt Hon A J
Bellingham, Henry
Bendall, Vivian
Beresford, Sir Paul
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowis, John
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butler, Peter
Campbell, Menzies *(Fife NE)*
Carlile, Alexander *(Montgomery)*
Carlisle, Sir Kenneth *(Lincoln)*
Chapman, Sydney
Clappison, James
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Conway, Derek
Coombs, Simon *(Swindon)*
Dalyell, Tam
Davis, David *(Boothferry)*
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Dykes, Hugh
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evennett, David
Faber, David
Fabricant, Michael
Field, Barry *(Isle of Wight)*
Forsyth, Rt Hon Michael *(Stirling)*
Forsythe, Clifford *(S Antrim)*
Forth, Eric
Fox, Dr Liam *(Woodspring)*
Freeman, Rt Hon Roger
French, Douglas
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garnier, Edward
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Gummer, Rt Hon John Selwyn
Hague, William
Hardy, Peter
Harris, David
Hayes, Jerry
Heathcoat-Amory, David
Hendry, Charles
Hogg, Rt Hon Douglas *(G'tham)*
Howard, Rt Hon Michael
Howarth, Alan *(Strat'rd-on-A)*
Hunt, Rt Hon David *(Wirral W)*
Jack, Michael
Jenkin, Bernard
Jones, Barry *(Alyn and D'side)*
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
King, Rt Hon Tom
Kirkhope, Timothy
Kirkwood, Archy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Greg *(Derby N)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacKay, Andrew
Maclean, David
Maitland, Lady Olga
Malone, Gerald
Mans, Keith
Marshall, John *(Hendon S)*
Mayhew, Rt Hon Sir Patrick
Merchant, Piers
Mitchell, Andrew *(Gedling)*
Monro, Sir Hector
Nelson, Anthony
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Nicholson, Emma *(Devon West)*
Norris, Steve
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Redwood, Rt Hon John
Rendel, David
Richards, Rod
Riddick, Graham
Robinson, Mark *(Somerton)*
Ross, William *(E Londonderry)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Shaw, David *(Dover)*
Shepherd, Colin *(Hereford)*
Shepherd, Richard *(Aldridge)*
Shore, Rt Hon Peter
Skeet, Sir Trevor
Soames, Nicholas
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stephen, Michael
Stewart, Allan
Streeter, Gary
Taylor, John M *(Solihull)*
Thurnham, Peter
Tredinnick, David
Trend, Michael
Waldegrave, Rt Hon William
Wallace, James
Waller, Gary
Ward, John
Wardell, Gareth *(Gower)*
Waterson, Nigel
Wells, Bowen
Wheeler, Rt Hon Sir John
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Willetts, David
Wilshire, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Young, Rt Hon Sir George

**Tellers for the Ayes:**
**Mr. Oliver Heald and**
**Mr. Raymond Robertson.**

**NOES**

Ainsworth, Robert *(Cov'try NE)*
Barnes, Harry
Callaghan, Jim
Campbell-Savours, D N
Clarke, Eric *(Midlothian)*
Cohen, Harry
Connarty, Michael
Cox, Tom
Davidson, Ian
Donohoe, Brian H
Eastham, Ken
Etherington, Bill
Hughes, Kevin *(Doncaster N)*
Lewis, Terry
Pike, Peter L
Redmond, Martin
Skinner, Dennis
Wise, Audrey
Wray, Jimmy

**Tellers for the Noes:**
**Mr. Brian Sedgemore and**
**Mrs. Ann Clwyd.**

*Question accordingly agreed to.*

*Bill read a Second time and committed.*

## BUSINESS OF THE HOUSE

*Ordered,*

That, at to-morrow's sitting, the Speaker shall—

(1) put the Questions necessary to dispose of proceedings on the Motion in the name of Mr. Tony Newton relating to the First Report from the Committee of Privileges not later than two hours after their commencement; and

(2) put the Questions necessary to dispose of proceedings on the Motion in the name of Mr. Tony Newton relating to Withdrawal of Members from Meetings of Select Committees not later than one and a half hours after their commencement;

the Questions aforesaid shall include the Questions on any amendments of the Motions which she may have selected, which may then be moved, and the said Motions may be entered upon and proceeded with, though opposed, after Ten o'clock.—*[Mr. Wood.]*

## Campaign Stars and Medals

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Wood.]*

10.21 pm

**Mr. Nigel Waterson** (Eastbourne): I am delighted that my hon. and gallant Friend the Minister of State for the Armed Forces is present. I am sure that, like most if not all hon. Members—including me—he has for some time been receiving invitations to attend events in May, and the rest of the summer, to commemorate the end of the second world war both in Europe and over Japan. Last year, many of us attended commemorations of the 50th anniversary of the Normandy landings.

When victory finally came 50 years ago this year, all involved knew that they had been part of—to use General Eisenhower's words—a "great and noble undertaking". Countless thousands of men and women were rewarded for their part in that noble undertaking with campaign stars and medals that were richly deserved; but in the immediate aftermath of the war, many looked not back at what had been but ahead to what might be.

They naturally wanted to turn their backs on six years of war, and return as swiftly as possible to civvy street, to try to pick up the pieces of their former lives, and perhaps shut out the terrible experiences that many had been through. No blame should attach to those who did not apply for medals at that time: I believe that they were, and are, just as entitled as those who claimed them.

Many sailors, soldiers and airmen did not claim the medals they had won for their part in the campaign that led to victory in the years immediately after the war. As the years rolled on, however, they began to put matters into perspective; the achievements of the war years came home to them, and pride in what they had done gradually began to surge in their veins again. Younger family members began to take an interest in what their fathers and mothers, uncles and aunts had done to help bring about victory. More years passed, and grandchildren began to ask the same questions.

One such is my constituent Mr. Tony King. He first came to me with his claim for a war pension. He served in the 5th Royal Inniskilling Dragoon Guards from 1942 to 1946, as a tank driver and latterly as a crew commander. Regimental history tells us of an action on the evening of 2 September 1944, when there was strong enemy resistance around St Pol. The regiment was ordered to carry out a night march around the right flank, and to cut the roads leading east from the town.

During the morning of the following day, regimental headquarters was shelled—and that is when the incident to which I shall refer occurred. A high-explosive shell exploded near to my constituent, killing an officer standing beside him and wounding 14 others, including Mr. King. After prolonged hospital treatment, he returned to his regiment on the River Maas and, finally, was discharged in December 1945.

In part, the problem with his war pension resulted because of asbestos contamination in the storerooms in which the records were kept. Incidentally, a seven-days-a-week operation was carried out at the time to clear up the storerooms, so Mr. King's records were and are readily available. His claim for a war pension was finally accepted in April 1994, in good time for the 50th

anniversary of the actual incident I have described. It was granted on the basis of hearing loss, anxiety and depression, and shrapnel wounds to his head, upper back and left leg.

Only last year, Mr. King took an emotional trip back to northern France to retrace his wartime exploits. His four grandsons had already begun to take a keen interest in his war record, so, like many others, Mr. King made a belated request for his medals so that he could wear them with pride during this year's commemorations.

He was able to furnish the Ministry of Defence with copies of forms relating to his release from active service, together with his pension reference number, so it was reasonable for him to assume that his right to the medals would be established quite simply and the medals duly issued. Failing that, Mr. King simply wanted confirmation of his right to the medals, so that he could wear miniature replicas at the ceremonies—not, most people would believe, a difficult request. That happened in January.

Mr. King's letter to the MOD was swiftly acknowledged, but it was a great disappointment. He was told that, along with hundreds of other veterans applying for medals, he would have to wait 12 months before they could be processed. The letter said:

"In recent years there has been a considerable upsurge in belated claims . . . to as many as 1,800 a month . . . Every effort is being made by the small team involved in the issuing of Second World War medals to speed up the processing of claims."

I took up the matter with Ministers at the MOD in early February, and received a reply from Lord Henley. He said that many people had chosen not to apply 50 years ago, and that the increase in applications had inevitably added to the backlog in processing such claims. He also referred to the asbestos contamination problem, which I have already mentioned.

He said that, currently, the delay in issuing Army medals is about 12 months, although, if the claimant was seriously ill, priority would be given. He said that some additional staff had been recruited. The letter continued:

"The increase in applications for campaign stars and medals places a heavy burden, not only on the staff working on these claims at the Army Medal Office, but also on those who are responsible for locating individual personnel Service records".

Finally, my hon. Friend the Minister answered a parliamentary question on the same subject on 15 March.

Of course it is absolutely right that checks should be made. We cannot have people walking around at these ceremonies wearing medals to which they are not entitled. However, I have two major criticisms of the approach adopted by the MOD in its correspondence with both my constituent and myself. First, it seems to have been taken by surprise by the rise in demand for old campaign medals as we approached the 50th anniversary of the end of the war. But even if that is reasonable, there was a similar blip last year, coming up to the 50th anniversary of the D-day landings.

My second major criticism is that I do not accept that more could not have been done to deal with the problem. It seems to me that there was a total failure to see that this year's commemoration ceremonies would be the first and, in some cases, sadly the last opportunity for some of the world war two veterans to take part and wear their medals with pride.

What is the point of priority treatment for the seriously ill, who of course are every bit as deserving of the medals as anyone else, when it is the fit and well who wish to parade in this special year? It is true that some additional staff have been recruited, but clearly it was not enough. I was told that new staff would have to be trained to process medal claims and that that would take time, but how complex can the training be?

It is not easy for veterans who claim their medals, such as my constituent, Mr. King, to understand why it takes so long to process these legitimate claims. Most of them can produce detailed evidence to show that their claims are genuine. After all, the records proved only a little while earlier that Mr. King was entitled to his war pension. I understand that the medals were cast in sufficient numbers to satisfy the demand. It should not be beyond the wit of man, let alone the MOD, to devise a temporary system to satisfy the claims of the brave men and women for whom this year is such an important milestone.

We are fortunate in Britain to have a large, dedicated number of men and women working in the civil service, but, with respect, this problem shows the British civil service at its worst.

It has been suggested that some of the veterans could borrow medals from other people. Despite the kindness of such an offer, perhaps from a widow, it is not the same as having one's own medals. Exactly the same argument applies to the suggestion that I have heard, that second-hand medals can be bought across the counter. The stars and medals have little intrinsic value, but they are the outward and visible sign of the courage of those who wear them and the gratitude of those of us who come after.

In conclusion, could I tell my hon. and gallant Friend the Minister what I am realistically asking for in the debate tonight. I have been pressing the issue for some time in correspondence and in a parliamentary question. I began to apply some time ago for an Adjournment debate. I have already said that Mr. King first wrote to the MOD back in January.

It is obvious as we debate the issue this evening that there are not many working days left until VE day. I look for an assurance this evening from the Minister that far greater energy and priority will be put into the project. It is clear that we should try to do as much as we can by VE day, but let us at least set ourselves the target of clearing the rest of the backlog by VJ day in August. It is time to end this medal muddle. The problem will not be repeated.

Many of us go to remembrance day parades and so on every year. We often sing on such occasions the famous hymn with the words:

"Time, like an ever-rolling stream,
Bears all its sons away".

I sometimes wonder whether there is an attitude in some parts of the civil service that this is a problem that will go away, because many of the veterans are becoming elderly and infirm.

In some cases, it will, sadly, be our very last chance to show our gratitude to these men and women. I do not mind if a few civil servants lose some sleep, or even earn some overtime, in the process. It is little enough compared to the many hardships endured by veterans such as my constituent Mr. King. Lastly, I ask that, on this issue, the MOD show some of the "can do" spirit that Mr. King and so many other young men and women showed 50 years ago.

10.34 pm

**The Minister of State for the Armed Forces (Mr. Nicholas Soames):** First, I congratulate my hon. Friend the Member for Eastbourne (Mr. Waterson) securing this very important debate, which focuses attention on our second world war veterans, on the extremely powerful and persuasive way in which he put his case, and on the way in which he has represented the case of his constituent Mr. King in respect of this claim for some considerable time.

As you will know, with your constituency interest, Madam Deputy Speaker, this year is especially important as we remember the almost unbelievable efforts and huge sacrifices made by those who fought and died to maintain the freedom of this country and our independence 50 years ago this year. As the House knows only too well, the Government and the nation fully recognise the immeasurable debt that is owed to all ex-service men and women who took part in the conflict.

I hope that they will feel that that debt will be well demonstrated by the breadth and scope of the events that are being planned throughout the country to commemorate in a fitting and dignified manner victory in Europe next month, and victory over Japan in August.

The plea that my hon. Friend has made so powerfully this evening, and all that he has done on behalf of his constituent Mr. King, will readily find much sympathy within the House and wherever this debate is reported, but I regret that the solution that my hon. Friend seeks is not as simple as he or I might wish, as I know he will realise.

Since the battle of Waterloo in 1815, campaign service in the armed forces has been recognised by the institution and award of medals and ribbons, which have been issued to all eligible service men and women without charge.

Following the cessation of hostilities in 1945, a number of medals were proposed for service in world war two, and were approved by the sovereign for issue to those who took part. The first medals were available for issue in 1948, and all those still serving in the armed forces were issued with their medals automatically.

By 1948, however, many of those who had served in the war had been demobilised. Many had changed their place of residence after leaving the armed forces, or had emigrated, and consequently were impossible to locate, despite, in many cases, the most strenuous efforts. As a result, it was not possible to issue all awards automatically to those entitled to receive them.

Responsibility for the issue of second world war medals was transferred in 1950 to the single service Ministries. That included the Army Medal Office, to whom the lion's share of the task of issuing war medals fell, and with which my hon. Friend has been having correspondence and dealings, via my noble Friend the Lord Henley.

Unlike the first world war, when medals were automatically issued to enlisted service men, following world war two, all ranks had to apply. To ensure that as many individuals as possible were aware of that, a very extensive advertising campaign was undertaken by the Government of the day.

For many reasons, there was a steady trickle of claims. However, for a larger variety of reasons, many people chose not to apply for their medals. In more recent years, many ex-service men and women have been inspired to claim their medals as a result of the large number of second world war anniversaries and commemorative events, which will come to a climax this year, the anniversary of VE and VJ days. That is precisely the position in which Mr. King, my hon. Friend's constituent, now finds himself.

My hon. Friend has asked why we cannot do more to speed up the issue of the medals, and I should explain a little of the background and the steps that we are taking to do what we can to speed it up, as my hon. Friend rightly wants.

First, the charter of the Army Medal Office—and, indeed, the Navy and Royal Air Force Medal Offices—is to undertake the award and issue of all medals, that the first priority is rightly the issuing of medals to those who are still serving, as their medals are an essential part of their uniform and are recognition of their current service. Despite that, considerable efforts are made to deal with both categories equally.

It is not always appreciated that the assessment of medal entitlement for past service, which may have been some years ago, is a skilled and precise task, and cannot be done as speedily as we and my hon. Friend would naturally wish. To ensure that claimants receive their full, just and honourable entitlement and, equally important, to ensure that medals are issued only to those who meet the strictest criteria, an individual's personal file must first be recovered from very extensive historical archives.

That information is then compared with both the orders of battle, detailing the various ships, squadrons and units involved in particular regiments, operations and campaigns, and the regulations and qualifying conditions for the various campaign stars and medals, to determine that a medal claimant receives those stars and medals to which he is entitled. Considering the age of many service records, it is something of a feat in itself for the staff of the medal offices to retrieve all the appropriate information.

My hon. Friend will realise that all files dating back to the second world war are manual records, and although there might be some superficial attraction—clearly, in the case of this debate and this year, there would be a superficial attraction—in transferring them to a modern, computerised database, there are some 25.5 million records, only a small proportion of which are ever considered generally for pension or medal purposes, as Mr. King's have already been looked at for pension purposes, thanks to my hon. Friend's intervention. Moreover, such an exercise would be prohibitively expensive.

None the less, substantial computer support has been purchased for the medal offices and is being introduced to deal with routine correspondence, but the majority of that work, and the most complicated and time-consuming part, must still be carried out manually on a case-by-case basis after the most thorough and detailed research.

To give the House some idea of the scale of the work, on just the applications for medals from Army veterans of world war two, the Army Medal Office processed more than 24,000 cases last year. That is all the more remarkable, as staff could not access the Army records centre files from May 1993 until February 1994, due to the fact that archives had to be closed for health and safety reasons, so that asbestos dust contamination could properly be removed by specialist contractors for the safety of those working there.

Although the inevitable backlog of applications that resulted from that closure was cleared very quickly by the exceptionally hard work and expertise of both staff at the archives and the Army Medal Office, to whom I pay a warm tribute tonight, first-time applications, of course, continued to arrive.

Not surprisingly, the general interest shown by the media in last year's wonderful commemorative events to mark the 50th anniversary of the Normandy landings resulted in a fantastic increase in applications for campaign stars and medals. I want my hon. Friend to be wholly reassured that the most proper and regular contingency plans were prepared in anticipation of such a surge in interest. The need to clear the backlog caused by the closure of the Army's archive has, however, inevitably added to the delay in processing such claims.

Unfortunately, even by working what my hon. Friend rightly said they should work—substantial overtime—the Army medal office cannot keep up with the number of claims that it has received, which are running at around 2,000 per month.

My hon. Friend suggested that extra staff should have been established to deal with that. While appearing attractive, the reality would be that, to divert experienced people away from their detailed, primary and urgent task to train new staff would have been self-defeating, and would also be at a time when my Department rightly aims to reduce expenditure on support organisations. In general, that policy commands my hon. Friend's support.

I wish my hon. Friend and his constituent Mr. King to be reassured that medal applications are being processed as quickly as humanly possible. We should not lose sight of the fact that Army Medal Office staff, for example, have managed to process nearly 8,500 applications in the first three months of the year—many of which involve two or more medals—which is well above what they would normally, under any reasonable circumstances, be expected to achieve.

With first-time applications still arriving on a daily basis, barely weeks before the planned commemoration events, I am afraid that it is entirely inevitable that some veterans will be disappointed. By working at the rate that they are, however, medal offices are continually eroding the backlog, and all staff at the three service medal offices are working regular and substantial overtime in an effort to ensure that as many veterans of world war two receive those medals before the VE and VJ day celebrations, when they will clearly wish to wear their decorations with pride.

Despite all those efforts, we of course accept that all claimants for world war two medals, who are of advanced years and mainly retired from full-time employment, feel that their time is running out, as my hon. Friend, in a most moving conclusion to his speech, rightly said. The vast majority accept, however, that, as they and a great many of their former colleagues have waited 47 years to apply for their medals, there will be an inevitable delay before they receive the medals that are due to them. Many veterans have written letters of the warmest gratitude, often expressing profound surprise that medals for service performed so many years ago are still available.

My hon. Friend rightly and understandably suggested that we should perhaps give priority to veterans who will be able to attend this summer's commemoration. We consider it of primary importance. We are at pains at all times to maintain that all claims are dealt with equitably and fairly. We think that it is only right that they are dealt with in turn and order of claim, the only exception being where a claimant can show proof that he or she is facing a life-threatening illness or condition. Such cases, however, are rare.

With the degree of interest in the forthcoming events to mark the 50th anniversary of the second world war, and the focus on the events and achievements of half a century ago, it is not surprising that many thousands of veterans of that conflict have decided to apply for their medals, prompted by memories and stirred by images of those sacrifices and of the service that they gave many years ago.

Although millions of people have applied for and received their awards since their institution in 1948, many individuals, for understandable reasons of their own, have chosen not to claim them until now. The tremendous influx of applications, numbering, as I said, more than 2,000 a month, has created a temporary backlog of cases that no amount of manpower or equipment could possibly resolve. Although the staff of the medal offices are working flat out to ensure that as many veterans and their families as possible receive their medals, I am afraid that, as I said earlier, some disappointment will be quite inevitable.

On the detail of the case which was raised so formidably by my hon. Friend, I understand that Mr. King joined the Royal Armoured Corps in March 1942, following three years in the civil defence service in Bristol as a cycle messenger. He served with the 5th Royal Inniskilling Dragoon Guards—the Skins—and no finer regiment exists in north-west Europe. He was discharged after being wounded on 28 December 1945. He and I have one thing in common: we were both trained as boy soldiers at Bovington.

Although Mr. King could have applied for his medals at any time in the past 50 years, it is perhaps unfortunate, although perfectly understandable, that he did not apply until 26 January this year. I am pleased that, even under the exceptional pressure, he nevertheless received a reply within four days from the Ministry of Defence. I am grateful to my hon. Friend for pointing that out.

I am afraid that that is, regrettably, a typical case and, although Mr. King will receive those medals to which he is properly and honourably entitled after his gallant war service, it will simply not be possible for us to process his application any faster than the many other applications that are being dealt with currently.

Before closing, I remind my hon. Friend, if he needs reminding, that the giving and receiving of medals has always been an emotive subject. Winston Churchill, when Prime Minister, summed it up at this Dispatch Box in a speech on 22 March 1944, when he said to the House:

"The object of giving medals, stars and ribbons is to give pride and pleasure to those who have deserved them . . . a distinction is something which everybody does not possess. If all have it it is of less value . . . A medal glitters, but it also casts a

*[Mr. Nicholas Soames]*

shadow . . . All that is possible is to give the greatest satisfaction to the greatest number and to hurt the feelings of the fewest."—[*Official Report*, 22 March 1944; Vol. 398, c. 872.]

That remains our aim today.

Whether with medals or without, we hope that the events of this summer will provide a vivid reminder of the huge debt that we owe to that generation, who sacrificed so much so that subsequent generations should so casually and so lightly enjoy freedom.

That debt can never be fully repaid, but we shall always strive to do our best, and that includes continuing to do all we reasonably can to ensure that as many of those veterans as possible can proudly display their medals this summer. I congratulate my hon. Friend again on the formidable, powerful and sensible way in which he presented a most persuasive and eloquent case.

*Question put and agreed to.*

*Adjourned accordingly at nine minutes to Eleven o'clock.*

# House of Commons

*Thursday 20 April 1995*

*The House met at half-past Two o'clock*

PRAYERS

[MADAM SPEAKER *in the Chair*]

## PRIVATE BUSINESS

CITY OF WESTMINSTER BILL *[Lords] (By Order)*
*Order for consideration, as amended, read.*
*To be considered on Thursday 27 April.*

# Oral Answers to Questions

## HOME DEPARTMENT

### Boot Camps

1. **Mr. Anthony Coombs:** To ask the Secretary of State for the Home Department what representations he has received regarding his plans for boot camps for young offenders. [18354]

**The Secretary of State for the Home Department (Mr. Michael Howard):** I have received one request in this House to consider introducing a pilot scheme on the lines of American boot camps, and a question about studies on boot camps. In addition, I have received a small number of letters from members of the public recording their views for and against the introduction of boot camps.

**Mr. Coombs:** Does my right hon. and learned Friend agree that what most people want for young offenders in this country is not only rehabilitation but appropriate punishment that acts as a deterrent? Will he look at a scheme operated by the Airport Initiative in West Linton in Scotland, which is handled by former special forces people—former marines and paratroopers—and has a 100 per cent. record in ensuring that those who successfully complete the course do not reoffend?

**Mr. Howard:** I entirely agree with my hon. Friend. My hon. Friend the Minister of State is closely examining the scheme to which my hon. Friend referred. I agree that it shows signs of being a promising development in the treatment of young offenders.

**Mr. George Howarth:** Will the Home Secretary confirm that last year he commissioned a report on the operation of boot camps in the United States at a cost of £16,000? Will he further confirm that the conclusions of that report were, first, that there would be no appreciable cost savings from boot camps, and secondly, that the rate of re-offending in the American experience was not appreciably different from that of any other form of punishment? Is that not just another example of the Home Secretary talking tough but acting ineffectively?

**Mr. Howard:** No, it is certainly not. It is not surprising to anyone on the Government Benches that any mention of discipline for young offenders has those on the Opposition Benches running a mile, as we have just seen.

**Sir Ivan Lawrence:** Will my right hon. and learned Friend confirm that the boot camps in the United States combine training, discipline, respect for others, anger management and respect for families and are voluntary, and that that kind of treatment might well benefit certain targeted offenders in this country?

**Mr. Howard:** I am prepared to learn lessons wherever we can to provide the most effective regime for young offenders. If we can borrow from the best in the United States and add it to the best that we have in this country, I am certainly prepared to do that.

### Drug-related Crime

2. **Mr. Byers:** To ask the Secretary of State for the Home Department what is his estimate of the total value of property stolen in 1994 to finance drug addiction. [18355]

**Mr. Howard:** The involvement of drug misusers in criminal activity is difficult to quantify. It has not been possible so far to estimate with any precision the amount of crime that is drug related.

**Mr. Byers:** Is the Home Secretary aware that it costs a heroin addict some £30,000 a year to finance the habit? Does he agree with the Home Affairs Select Committee that there is a clear connection between drug misuse and the committing of crimes to fund such abuse? In the light of those facts, does he accept that the Government were simply wrong to cease the funding of residential treatment for drug addicts and to stop the funding of drug advisers in our schools?

**Mr. Howard:** The hon. Gentleman is considerably out of date. He should be aware that we are funding programmes to bring home to our schoolchildren the evils of drug misuse. We are in fact spending about £500 million a year on tackling drugs. The Home Office drugs prevention initiative has been renewed and extended from 1 April 1995 and the Government as a whole will shortly publish a White Paper which will set out our co-ordinated overall strategy for tackling drug misuse at all levels and in all ways.

**Mr. John Greenway:** Does my right hon. and learned Friend agree that, given the clear link that there is between drug misuse and property crime, it is right to pursue, as he is doing, the rigorous policy of getting rid of drugs inside our prisons?

Returning to the issue of the boot camp, is it not a fact that the "no-drug" culture in the American boot camp is one of its most endearing features?

**Mr. Howard:** My hon. Friend is right about the importance of tackling drug misuse in prisons, which is far too prevalent. The mandatory drug-testing regime for which provision was made in the Criminal Justice and Public Order Act 1994 is now being introduced in our

prisons. My hon. Friend is also right to emphasise the importance of the drug-free environment in boot camps in the United States.

### Racist Attacks

3. **Mr. Janner:** To ask the Secretary of State for the Home Department if he will make a statement on the level of racist attacks. [18356]

**The Minister of State, Home Office (Mr. David Maclean):** The Government are determined to tackle racial violence wherever it occurs. I am aware of recent deplorable incidents in the hon. and learned Gentleman's constituency. I know that the police give the highest priority to investigating those crimes.

**Mr. Janner:** I thank the Minister for his statement of intent, but the number of racial attacks has doubled since 1988. The Government have failed to carry out the recommendation of the Home Affairs Select Committee that they should introduce a separate offence with higher penalties, and the Government have done nothing to tackle the attacks in my constituency and elsewhere. If they are not prepared to accept the Select Committee's report, what are they prepared to do?

**Mr. Maclean:** The hon. and learned Gentleman, who is usually a fair man, knows in his heart of hearts that what he has just said to the House is not the case at all. The Government have taken action. We have introduced a power of arrest for those who distribute racially offensive material and, in the Criminal Justice and Public Order Act 1994, we introduced a specific offence of intentional harassment.

The hon. and learned Gentleman is aware that it would not be sensible to create a separate specific racial attack offence. It would create yet another hurdle for the Crown Prosecution Service to have to prove that there was racial motivation.

We have referred many of the recommendations of the Home Affairs Select Committee to the new racial attacks group which has been reinstituted.

**Mr. Stephen:** Is my hon. Friend aware that Her Majesty's judges already have the power to regard racial motivation as an aggravating factor, and that they can and do impose greater penalties in cases involving that?

**Mr. Maclean:** I am grateful to my hon. Friend for making that valid argument. There have been several recent successful convictions for violence involving racial motivation. In one such case, the Lord Chief Justice himself emphasised that racial motivation was a severely aggravating factor. Therefore, in those cases, the courts can impose very severe sentences indeed.

### Police (Defensive Equipment)

4. **Mr. Shersby:** To ask the Secretary of State for the Home Department what consultations he has had with the police service about the possible introduction of (a) the pepper spray and (b) CS gas as defensive equipment. [18358]

**Mr. Howard:** I took full account of the opinions of all the police staff associations before announcing my support for police trials of CS spray for self-defence.

**Mr. Shersby:** Does my right hon. and learned Friend agree that, in the light of the tragic death this week of PC Phillip Walters, the evaluation of that incapacitant spray is timely and necessary? Will he also tell the House whether that is an interim measure pending further evaluation of the health and safety issues surrounding the possible introduction of the pepper spray?

**Mr. Howard:** I am sure that the House will want to join me in expressing its condemnation of the callous murder of PC Walters, which reminds us yet again of the risks and the dangers that police officers run on our behalf day in, day out. I am sure that the House would wish to join me in extending our deepest sympathy to the family and friends of PC Walters.

As to my hon. Friend's question about sprays, he is right to say that a number of pilot schemes are proposed. We shall evaluate the results and then decide how to proceed.

**Mr. Beith:** I can assure the Home Secretary that there is outrage in all parts of the House at the death of a courageous police officer. In the Metropolitan police area, is body armour available to officers who believe that their duties will require them to use it? Are arms and armed response units available in all the circumstances where officers judge that they may be required? If those things are not done, the pressure for routine arming of the police so that they may be protected will become irresistible. I think that, like me, the Home Secretary would not wish that to happen if it can be avoided by the effective use of arms in a more controlled way.

**Mr. Howard:** I am grateful to the right hon. Gentleman for his remarks. He will know that the deployment of body armour and armed response vehicles is an operational matter for the Commissioner of Police of the Metropolis. I can confirm that those two pieces of equipment are available—body armour is now available in significant quantities. The difficulty is that no entirely satisfactory sort of armour has yet been found that is both effective and light enough to be worn for prolonged periods. That is an on-going problem, and research is continuing to try to find body armour that is both effective and can be worn comfortably for long periods.

**Sir Anthony Grant:** Is it not absurd that the majority of policemen who require bullet-proof vests, and obviously want the best ones, should have to pay about £300 of their own money for them? In his consultations with the police, will my right hon. and learned Friend discuss the matter and ensure that, in future, all police can get bullet-proof vests if they want them without having to pay for them out of their own money?

**Mr. Howard:** My hon. Friend will be aware that chief officers are increasingly making body armour available for the officers in their force—its availability is extending all the time. I gave the right hon. Member for Berwick-upon-Tweed (Mr. Beith) information about its availability in the Metropolitan force, and body armour is becoming increasingly available elsewhere.

**Mr. Straw:** May I associate my right hon. and hon. Friends with the remarks of the Secretary of State and the right hon. Member for Berwick-upon-Tweed (Mr. Beith). I believe that the House felt intense anger and shock when the news came through yesterday of the killing of Police Constable Phillip Walters by an armed thug. Police Constable Walters was showing the same selfless courage as is shown every day by thousands of unarmed police

officers across the country. I commend what the Secretary of State said yesterday about the routine arming of police. Does he agree that, in making difficult judgments about the availability of CS gas canisters or pepper sprays, the only issue is the protection of the police and of the public?

**Mr. Howard:** I am grateful to the hon. Gentleman for his remarks. Yes, the only relevant criteria in the measures that I have announced are the protection of the police and of the public. The hon. Gentleman and the House will know that I have taken a number of measures since holding my present post to increase the availability of equipment that helps the police in the performance of their daily duties. They now have more batons and the availability of body army is increasing.

I hope that the CS spray will be a valuable addition to the equipment available to them. We must also recognise that no piece of equipment—not even the routine arming of the police—can ever offer an absolute guarantee of the safety of those on whose bravery and courage we have to rely day and night. We must always keep that in the forefront of our minds. We should always be aware of the deep debt that we owe to the police officers of this country.

### Prisons (Security Problems)

5. **Mr. Miller:** To ask the Secretary of State for the Home Department what representations he has received on continuing security problems in prisons. [18359]

**The Minister of State, Home Office (Mr. Michael Forsyth):** We have received a number of representations from a variety of sources.

**Mr. Miller:** The Minister will, of course, confirm that his Department has received representations from me regarding the escape of prisoner Roy Higginson and the subsequent shambles. The Minister will be aware that one of my concerns was the bizarre way that Mr. Higginson was able to carry on suing his neighbour, with the use of a legal aid certificate, while on the run. The series of events surrounding the case represent mistakes within the Prison Service, mistakes in the way in which the Crown Prosecution Service operated, mistakes in the guidance given to magistrates about remand and perhaps errors of judgment on the part of the police. In all areas, the responsibility rests fairly and squarely with the Home Secretary. When will he wake up to his responsibilities?

**Mr. Forsyth:** That question implies that my right hon. Friend can take the credit for a 40 per cent. reduction in the number of escapes from our prisons.

**Mrs. Ann Winterton:** Bearing in mind the security problems and the amount of drugs that are reported to be circulating in prisons today, does my right hon. Friend believe that the time is right to reintroduce closed family visiting for a percentage of prisoners' sentences? Open visiting should be reintroduced only when a prisoner has shown that he means to go straight and can be relied upon.

**Mr. Forsyth:** I agree that, in cases where people are clearly involved in drug misuse in prisons, the introduction of closed visits might be appropriate. However, I do not believe that it would be appropriate to introduce closed visits as a general rule. People are sent to prison partly for rehabilitation and partly for punishment. It is offenders who should be punished, not their families. I believe that it would be quite wrong to prevent families from being able to visit prisoners.

**Mr. Trimble:** How long does it take to implement necessary security measures in prisons? I know of a case whereby a serious incident in December revealed the need to install a new fence in a prison, but three months later, in March, the absence of the fence facilitated a serious riot in which prisoners gained control of a substantial part of that prison. I was told afterwards that the prison authorities were still going through the bureaucratic procedures to authorise the necessary expenditure. That incident did not take place in a prison for which the Minister is responsible, but I wonder whether the same sorts of bureaucratic and financial delays that occur in Northern Ireland also happen in the English prison service.

**Mr. Forsyth:** Without knowing the details of the case, I am unable to comment upon it or to make a comparison. As the hon. Gentleman said, it is not a matter for me or for my right hon. Friend but it falls within the responsibilities of my right hon. and learned Friend the Secretary of State for Northern Ireland.

The hon. Gentleman asked whether speedy and effective action is taken when breaches or weaknesses in prison security are found. I expect the answer to be yes on every occasion. As the hon. Gentleman will know, following the incidents at Whitemoor and Parkhurst, my right hon. Friend asked Sir John Learmont to examine security across the whole Prison Service. We intend to take every conceivable step to ensure that the highest standards of security apply.

**Mr. Evennett:** May I commend to my right hon. Friend the work of the governor and the staff of Belmarsh prison in Thamesmead and I urge him to pay them a visit soon. When will his proposals about the new regime of prison discipline be published?

**Mr. Forsyth:** I agree with my hon. Friend's comments about Belmarsh, which my right hon. Friend visited recently. As to the main substance of my hon. Friend's question, we hope to be able to publish the proposals shortly.

### Drugs Strategy

6. **Mr. Mudie:** To ask the Secretary of State for the Home Department when the new drugs strategy will be operational. [18360]

**The Parliamentary Under-Secretary of State for the Home Department (Mr. Nicholas Baker):** A new drugs strategy for England for the period 1995-98 will be set out in a White Paper to be published shortly. It is the outcome of a review co-ordinated by my right hon. Friend the Lord President of the Council, and will start to come into effect immediately.

**Mr. Mudie:** The three-year strategy begins this year but we are yet to see the White Paper, which may need legislative back-up. Does the Minister agree that any delay in introducing a timetable would be totally unacceptable, particularly where the lives of children are at risk? If he does agree, will he say whether any steps have been taken to put into effect one key element of

the strategy, the drug action teams, which do not require legislation? If those steps have not been taken, why have they not been taken?

**Mr. Baker:** I accept that implementation of the strategy is important and urgent and work is proceeding on it. Vigorous law enforcement will continue, but, in reply to the hon. Gentleman's second point, there will be a new emphasis on drug education and prevention. At local level, the Government propose to establish about 100 multi-agency drug action teams to pursue common aims while tailoring action plans to local problems and needs. The intention is to apply £8.5 million to those teams over the next three years, and to get on with that immediately.

**Mr. Peter Griffiths:** Does my hon. Friend agree that, in the establishment of any new strategy for combating the illegal use of drugs, an example and information can be obtained by studying the programme in Buckland in my constituency, which my right hon. Friend visited last week? It shows just what can be achieved when local people and the police join together to drive out those who produce drug problems.

**Mr. Baker:** My hon. Friend is quite right. My right hon. and learned Friend saw for himself the excellent work in my hon. Friend's constituency, both in that scheme and as a example of partnership to defeat crime, which is an essential part of my right hon. Friend's crime-defeating programme.

### Racial Attacks Group

7. **Mr. Wray:** To ask the Secretary of State for the Home Department what proposals he has to revive the inter-departmental racial attacks group as a standing committee; and if he will make a statement. [18361]

**Mr. Maclean:** Since its inception in 1987, the racial attacks group has twice been reconvened to consider progress and chart new developments. On each occasion, time has been left to allow earlier recommendations to take effect. The group is currently examining the needs of local multi-agency racial attacks panels.

**Mr. Wray:** I thank the Minister for reviving the racial attacks group. Why was it not involved in the first place, given the shocking state of affairs and the escalation of racial incidents? There were 791 incidents in Scotland last year, and the figure for England and Wales in 1992-1993 was 7,951, which rose to nearly 10,000 in 1993-94. Does he agree that the racial attacks group committee is not dealing with the problem and that we need a standing committee that reports back to Parliament?

**Mr. Maclean:** No, I disagree with the hon. Gentleman. The racial attacks group was not mothballed; it came together, made recommendations for the Government to implement and waited to see how those recommendations developed. We have reconvened it and given it a specific brief to deal with certain problems. I see no merit in its sitting continuously as a standing committee unless it has a proper job of work to do. As the hon. Gentleman quoted figures showing that racial incidents have increased, I am surprised that he did not quote the Strathclyde police area, where the number of racial incidents has fallen. In 1991, there were 254 racial incidents; in 1994, the figure was down to 225. It is still too high, but at least the number is going down.

**Mr. Congdon:** There is some evidence that persistent racial harassment can lead to more serious racial attacks. Does my hon. Friend consider that more can be done to help ethnic minorities overcome their reluctance to report persistent harassment?

**Mr. Maclean:** Yes, there can be. We took action in the Criminal Justice and Public Order Act 1994 to deal with the specific problem of harassment. I hope that that will have encouraged people to come forward. Also, the police are dealing with such issues sensitively and a large number of police forces now have special groups that are capable and qualified to deal with racial incidents. That will encourage greater reporting and give racial minorities confidence to report crime. The courts now have adequate powers to deal with such incidents.

### Prisoners (Police Cells)

8. **Mr. Hoyle:** To ask the Secretary of State for the Home Department what was the average cost per night of keeping a prisoner in a police cell in 1994. [18362]

**Mr. Michael Forsyth:** The cost is £250.

**Mr. Hoyle:** Does the Minister agree that that is a costly and unsatisfactory method of holding prisoners and does not make the best use of police time? Given that prisons are overcrowded, would it not be better to use more resources on crime prevention and get more police on the beat, which would be more effective, more efficient and what the public desire?

**Mr. Forsyth:** I agree with the hon. Gentleman. That is why we are doing all the things that he mentioned. I agree with him specifically about the use of police cells and the costs involved. That is why we plan to eliminate the use of police cells during this financial year.

### Immigration

9. **Mr. Robathan:** To ask the Secretary of State for the Home Department what is his estimate of (a) illegal immigrants and (b) bogus asylum seekers currently in the United Kingdom; and if he will make a statement. [18363]

**Mr. Howard:** There are no official estimates of the number of illegal immigrants into the United Kingdom. By its very nature, illegal immigration is difficult to measure and any estimates would be highly speculative. It is also difficult to estimate the precise extent of the abuse of asylum, but in 1994, around 80 per cent. of asylum decisions, amounting to some 16,000, were outright refusals.

**Mr. Robathan:** I regret that it is impossible to have clear information on such matters because such information dispels misapprehension whereas disinformation, including wild stories in newspapers, exacerbates mistrust and harms race relations. In the interests of good race relations, will my right hon. and learned Friend ensure that both bogus asylum seekers and illegal immigrants are pursued both fairly and firmly?

**Mr. Howard:** I entirely agree with my hon. Friend. It is an inseparable part of the good race relations record,

of which we can be proud, that we have a firm but fair immigration control. Our procedures are being abused both by illegal immigrants and by bogus asylum seekers. I recently announced two initiatives that will have a significant impact on the problem—greater use of containment powers and a spend-to-save initiative. I hope to announce further proposals shortly.

**Ms Short:** Is not the problem of bogus asylum seekers largely the Government's fault? They allow delays to grow and grow within the system. There are agents who organise false claims whom the Home Office does not pursue and prosecute. Is the right hon. and learned Gentleman aware that, if he were to eliminate delays and attack the false agents, we could be generous to the real asylum seekers?

**Mr. Howard:** It is important to eliminate delays. That is precisely what the two initiatives that I announced in February are designed to achieve. It is absurd to suggest, however, that the problem of bogus asylum seekers is caused by the Government or by delays. Too many people wish to gain entry into this country and would use any means and any deceit to do so. I am determined to take effective action to prevent that happening.

**Mr. Dykes:** I thank my right hon. and learned Friend for reiterating the need for a firm, fair and realistic policy. Does he agree that that would fit in well with pursuing our agreement on the Schengen agreement with the other member states? That would be an excellent objective for the future and would enhance the single market.

**Mr. Howard:** No. I am afraid that I do not agree with my hon. Friend. The Schengen agreement would involve the dismantling of our external frontiers, and we have no intention of doing that. Indeed, we shall take whatever steps are necessary to ensure that those frontiers remain in place.

**Dr. Howells:** With regard to the measures taken by the Government to control the number of illegal immigrants coming into the country, will the Home Secretary confirm that there are 1.5 million container lorries a year coming through the port of Dover alone, and that the immigration and customs cover is so thin there that there is no possible way that we can know whether criminal gangs operating out of northern France are using the containers to bring in people? What will the right hon. and learned Gentleman do to strengthen the cover at Dover and at other similar ports?

**Mr. Howard:** We rely on intelligence as the most effective way of identifying the use of container lorries to permit some illegal immigrants to enter the country. It is absurd to suppose that a series of random checks is likely to get to grips with the problem. The effective use of intelligence is the way forward. We are improving the ways in which we use that means to detect, and to deal effectively with, those who use the container lorry method of illegally entering the country.

**Mr. Viggers:** Is my right hon. and learned Friend aware, as I am aware from my constituency experience of the Haslar detention centre, that it is not unusual for alleged illegal immigrants, when they realise that their application is likely to be rejected, to change their story and claim political asylum, and for the subsequent inquiries to take as long as a year? How can it possibly take that long to inquire into such a case?

**Mr. Howard:** I agree with my hon. Friend. He is right on all counts. It is because I am determined to do what is necessary to bring down the period that it takes to deal with these matters that I announced a substantial additional expenditure in February—some £37 million over three years—to enable us to deal with those cases more quickly. Much of the delay is caused by the extent to which our appeal procedure is still being abused. That is one of the areas to which I have paid close attention and which I hope to be able to remedy in the proposals that I intend to introduce shortly.

## Crime and Drugs

10. **Mr. Alton:** To ask the Secretary of State for the Home Department if he will make a statement on the relationship between crime and drugs. [18364]

**Mr. Maclean:** The exact nature and extent of the relationship are unclear, but the Government remain committed to tackling both drug misuse and other criminal activity.

**Mr. Alton:** When the Government come to look at the Drug Trafficking Offences Act 1986, will they look again at the seizure of assets and the way that money is diverted to central funds? Does the Minister not have some sympathy with the views of the Merseyside police authority, and other police authorities too, that funds that are sequestrated and seized from drug barons should go back into schemes that counter drug abuse and help those who have become drug addicts?

**Mr. Maclean:** Although such a scheme has a superficial appeal, it could lead to erratic funding year by year, because it would depend on police forces getting sufficient assets every single year to continue their excellent work. I think that it is better to allocate the large amounts of money that we allocate—about £500 million per annum—on all aspects of drugs prevention and police work, and also the substantial funding that we make available to police forces. That ensures consistency and adequate funding and does not make the police service depend each year on haphazard drug catches.

**Mr. Garnier:** Does my hon. Friend agree that the installation of closed circuit television in town centres is one of the ways of tackling crime, particularly drug crime? Will he accept the thanks of the people of Market Harborough since, as a result of the £40,000 grant from the Home Office, closed circuit television will shortly be installed to make the streets more secure?

**Mr. Maclean:** I am grateful to my hon. and learned Friend for his wise words. If he cares to invite me to Market Harborough, I shall accept the thanks in person. The big boost that we have given to CCTV in the country should make a tremendous difference in helping the police. The 106 schemes that my right hon. and learned Friend was able to announce in England and Wales could mean up to 1,000 extra CCTV cameras, which will give help to the police and protection to the public, and reduce the fear of crime.

**Mr. Michael:** The Minister says that the exact relationship between drugs and crime is unclear, but do he and the Home Secretary not now accept that there is a frightening link between drug-related crime and the use of weapons? Will the Minister remind the House of the

truth of events last year, that there was nothing in the Home Secretary's Criminal Justice and Public Order Bill to deal with drug-related crime or weapons offences until the Labour party tabled amendments to increase penalties and make the law more effective?

**Mr. Maclean:** The hon. Gentleman is attempting to rewrite history. It would be better if he reminded the House of the number of occasions on which the official Opposition voted against parts of the Criminal Justice and Public Order Bill, and of their firm determination to abstain on parts of the Bill. They are now saying that they played an instrumental part in it, but they abstained on its Second Reading. The fact is that the Government have set key objectives for the police service: first, to bear down on violence; secondly, to bear down on burglary; and, thirdly, to bear down on local crime problems, particularly drugs. That is a measure of our commitment to dealing with the problem.

### Prison Building Programme

11. **Mr. Ian Bruce:** To ask the Secretary of State for the Home Department if he will make a statement on the prison building programme. [18365]

**Mr. Howard:** Six new prisons are planned, which will be designed, constructed, managed and financed by the private sector. In addition, 2,000 new houseblock places are being provided at existing prisons over the next two years, and Lowdham Grange prison is to be rebuilt.

**Mr. Bruce:** May I thank my right hon. and learned Friend for that excellent answer? Will he confirm that he will ensure that we never return to the situation that was prevalent under the past Labour Government, when courts could not pass custodial sentences, or were dissuaded from doing so, because there were no places in prisons? If my right hon. and learned Friend is looking for additional places, there is room in Portland prisons to build and expand, creating more prison officer jobs on Portland. Will he look at Portland for the expansion of the prison service?

**Mr. Howard:** I am grateful to my hon. Friend for his offer, which I shall certainly bear in mind.

**Ms Janet Anderson:** The Home Secretary has admitted that the Government now have no choice but to expand the prison-building programme massively. Is he aware that the number of women imprisoned for fine defaulting has almost doubled in the past five years, from 868 in 1989 to 1,440 last year? Can he explain that increase, and will he tell us whether he is satisfied that custodial sentences were both necessary and appropriate in all those cases?

**Mr. Howard:** If custodial sentences had not been necessary and appropriate, they would not have been passed by the courts. It is the courts that pass such sentences. The hon. Lady will know that fine defaulters are sent to prison only for wilful refusal to pay: they are those who can pay, but won't pay. Those are the circumstances in which the courts decide that such a sentence is both necessary and appropriate.

### Liquor Licensing Regulations

12. **Mr. John Marshall:** To ask the Secretary of State for the Home Department what measures he is taking to remove unnecessary liquor licensing regulations. [18366]

13. **Mr. Nigel Evans:** To ask the Secretary of State for the Home Department what measures he is taking to remove unnecessary liquor licensing regulations. [18367]

**Mr. Michael Forsyth:** A number of measures are under consideration, and we have made provision to allow the sale of alcohol on Sundays through legislation which is currently completing its passage through Parliament.

**Mr. Marshall:** Is my right hon. Friend aware that the proposed changes in Sunday licensing are very popular, especially with the tourist trade? Does he accept, however, that certain licensing magistrates are making the award of children's certificates very difficult, and will he continue to keep the position under review?

**Mr. Forsyth:** I have received representations from a number of hon. Members suggesting that the procedures to ensure—in accordance with the intentions of Parliament—that licences are available to allow children to go to into public houses where appropriate conditions exist are being frustrated by magistrates who are attaching onerous and unnecessary requirements to such licences. I am very concerned about those representations, and have asked Home Office officials to monitor what is happening.

If there is evidence of widespread attempts to frustrate the wishes of Parliament, we will not hesitate to act. It is early days; the new procedures have been in place only since the beginning of the year. I hope that it will be recognised that the granting of children's licences was a very popular move, and was supported in all quarters of the House.

**Mr. Nigel Evans:** The country has 65,000 pubs, which are visited by 12.5 million people every week. We also have many millions of visitors, who find the great British pub extremely attractive. What they—and I—find less attractive and quaint is the 11 pm chucking-out time.

Will my right hon. Friend take into account experiences on the continent, and consider measures which will allow people to drink after 11 pm without being forced to pay entrance fees in clubs? Could local licensing be introduced, so that any disruption to people living near pubs could be minimised but benefits to those who want to drink legitimately after 11 pm could be maximised?

**Mr. Forsyth:** My hon. Friend asks me to consider further liberalisation of licensing hours in respect of late-night opening. A number of concerns have been expressed about the opportunities for disruption, noise and disorder that that would create in certain communities; on the other hand, we have received representations from people who argue that it would be possible to allow local discretion for later opening. The matter is currently under consideration, and I hope that my right hon. and learned Friend the Home Secretary will be able to reach a conclusion shortly. If we decided to take any further deregulatory steps, they would of course be subject to consultation.

**Mr. Bermingham:** Does the Minister agree that the time has really come when we should consider the question of children in public houses, restaurants and other such places? In a modern civilised world, is it not time to follow the continental fashion, so that families can eat, drink, play and enjoy themselves together, without petty restrictions?

**Mr. Forsyth:** That is precisely what the Government have done in introducing the new children's licences, although concern has been expressed about the policy's implementation by local magistrates. I agree, however, with the basic thrust of the hon. Gentleman's comments that the licensing laws should exist only in so far as they are required to provide necessary protections. If unnecessary or over-bureaucratic provisions exist in the rules, they should be swept away. That is what my right hon. Friend the Prime Minister's deregulation initiative is about, and that is why we are about that business in the Home Office.

### Immigration Officers

14. **Mr. Simon Coombs:** To ask the Secretary of State for the Home Department what assessment he has made of the quality of the welcome offered to visitors to the United Kingdom by immigration officers at airports and sea ports. [18368]

**Mr. Nicholas Baker:** A substantial and independently managed survey conducted at the end of 1992 found that most passengers compared our control favourably with that of other countries, both in speed and efficiency, and in the courtesy shown by immigration officers. Of those interviewed, 97 per cent. said that they were satisfied or very satisfied with their treatment at immigration control.

**Mr. Coombs:** I am sure that my hon. Friend will agree that the quality of the welcome at airports and sea ports is extremely important for the UK tourism industry. In that context, what more can he do to reduce the length of queues, especially at London Heathrow airport at peak times, and to encourage officials to smile at visitors?

**Mr. Baker:** We are doing a great deal, leaving aside any instruction particularly to smile, and always observing the duty of the Immigration Service to maintain firm and fair immigration control. We are continually monitoring the queues at the major airports that my hon. Friend mentioned. We have had a quality of service initiative to lead to improvements of various types. We have introduced fast-track channels for business and first-class passengers. In time for the summer season, we are introducing earlier shifts at terminals where delays can occur because of bunching of early-morning flights. My hon. Friend will also want to know that we have a scheme for authorised tour groups of expedited clearance organised by the Immigration Service.

## PRIME MINISTER

### Engagements

Q1. **Mr. Evennett:** To ask the Prime Minister if he will list his official engagements for 20 April. [18384]

**The Prime Minister (Mr. John Major):** This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

**Mr. Evennett:** Did my right hon. Friend see last night's Labour party political broadcast? Can he confirm that, contrary to the information in that broadcast, under his Government since 1992 expenditure on education, health and law and order has been substantially increased? Would he care to comment on that deplorable use of television to mislead the public?

**The Prime Minister:** In answer to my hon. Friend's direct question, no, I did not see the Labour party political broadcast last night. I was much better occupied meeting health authority chairmen to discuss the success of our health reforms, but I do understand from the substantial publicity generated that it contained a number of inaccuracies.

Over recent days, the Labour party has claimed that council tax is lower in Labour areas. It must know that, on a fair comparison of like for like and band for band, that is not true. Band for band, Labour councils cost more in each and every band. The Labour party must know that spending on health has gone up, spending on education has gone up, and spending on the police has gone up, contrary to what it has led people to believe. The new Labour party has had a lot to say about trust, so I hope that the right hon. Member for Sedgefield (Mr. Blair) will withdraw the inaccuracies from the broadcast last night. If I may quote him, he has reached "a defining moment".

**Mr. Blair:** On the Tories, truth and tax, will the Prime Minister confirm as a matter of fact that, having fought the election on a pledge to cut tax year on year, as a result of the 20 new taxes since he was re-elected, the average family is £800 a year worse off? Is that true or false—yes or no?

**The Prime Minister:** The answer is that the right hon. Gentleman's figures are wrong. The House will have noticed that he has not taken the opportunity to withdraw the blatant untruths that he and his right hon. Friends have been peddling in recent days. He knows that those things are factually inaccurate. He continues to repeat them. He appears at press conferences where they are repeated. On that basis, if he had any trust, he is throwing it away.

**Mr. Blair:** Let the country be the judge then. It is right, is it not, that on 27 March 1992, days before the general election, the Prime Minister pledged specifically that he would not extend value added tax? When the Labour party said that he would, we were accused of dishonesty and scaremongering. It is true, is it not, that at the very next Budget after that election, he extended VAT to fuel and power? Who told the truth then? Was it the Labour party which warned that the Tories would extend VAT or was it the Conservatives who promised that they would not?

**The Prime Minister:** On matters of fact, within the last 48 hours, on matters readily determinable, the right hon. Gentleman and his friends have told untruths and repeated those untruths. I set it out before the last election that I wished to see tax reduced. That was my position and it remains my position. When it is prudent to do so, we shall return to tax cutting. On that occasion, I hope that we will have the support of the right hon. Gentleman and his hon. Friends. As to the earlier point, I repeat that within the last two days, the Opposition have stated repeatedly facts which they must know to be untrue. Will the right hon. Gentleman withdraw them?

**Mr. King:** On behalf of this House and our country, will my right hon. Friend the Prime Minister convey to the President of the United States and to the people of the United States our deepest sympathy for the terrible terrorist outrage that they have experienced? Will he

assure the President that any assistance that we can give through intelligence or other sources to help bring to justice those responsible for that outrage will be given? Will he reaffirm to the President our welcome for his firm assertion that terrorism must be fought from whatever quarter it may come?

**The Prime Minister:** I am grateful to my right hon. Friend. It is hard to convey the depth of feeling that everyone will have in their hearts about the hideous act of barbarism and terrorism that occurred in Oklahoma and the misery and death that it has caused. I have been in touch with President Clinton and I have expressed our profound sympathy to him, to that country and to the bereaved and injured. I told the President that we are ready to help in any way we can and, as events will show, we are assisting.

**Mr. Ashdown:** I am sure that the whole House will support what the Prime Minister has just said. On the subject of cuts, will the Prime Minister accept that, as schools face the crisis caused by the Government's cutting of education funding across the country this year, they will be perplexed to understand why the Government have increased the funding on education quangos from less than £3 million in 1987 to more than £98 million this year? Why is that?

**The Prime Minister:** We have increased funding on education right across the board, consistently year after year. That is why more than 50 per cent. extra has been spent on every pupil up and down the country since we came into office. That is why more than 50 per cent. more is spent on school books and it is why there are far more people in classrooms helping the teachers. It is why children are getting far better education results and why more of our youngsters are going on to university; it is because we have given a priority to education at primary level, secondary level, specialist level and university level, and will continue to do so.

**Mr. Allason:** Does my right hon. Friend agree that, in the light of the appalling tragedy at Oklahoma and the terrorist incident at Yokohama, it would be absolute folly to reduce expenditure or in any way to cut back on security and intelligence?

**The Prime Minister:** I certainly agree with my hon. Friend about the vital importance of security and intelligence and the important priority that we have given it. In addition, of course, to the appalling attack that we saw in Oklahoma, it was also a day on which we saw terrorist attacks in Spain and possibly also in Japan.

Q2. **Mr. Janner:** To ask the Prime Minister if he will list his official engagements for Thursday 20 April. [18386]

**The Prime Minister:** I refer the hon. and learned Gentleman to the reply I gave some moments ago.

**Mr. Janner:** As we all join in sympathy with the mourners and sufferers in the unspeakable terrorist outrage in Oklahoma, will the Prime Minister please consult the Home Secretary and the Foreign Secretary about the ways in which international terrorists are abusing our laws on asylum and sanctuary? Notorious criminals such as Ganouchi, who are seeking to escape justice in their own countries, are turning Britain into a well-known haven for terrorists. As international terrorists know no boundaries and no frontiers and as no one knows where they will strike next, please will the Prime Minister give that matter absolute priority?

**The Prime Minister:** I reject the suggestion that this country is in any way a haven for terrorists, but I share with the hon. and learned Gentleman the importance of dealing with the problem. We attach a very high priority to countering any activity in the United Kingdom by international terrorist groups, and I can confirm to the hon. and learned Gentleman that we are at the moment looking into the law on asylum, with the intention of making improvements and bringing them before the House. I hope that we will have widespread support across the Floor of the House for the measures against terrorism. I look forward to seeing the hon. and learned Gentleman and his hon. Friends in our Lobby on that particular matter. It is a matter to which we attach the very greatest importance.

**Mr. John Townend:** Will my right hon. Friend make it clear to the general public that there is no need for local authorities to dismiss teachers? Their income is not hypothecated. If they have to make savings, they can make them across the whole range of local government services. They could get rid of administrators or social workers, or stop printing political newspapers.

**The Prime Minister:** As I have indicated to the House on previous occasions, we regard education as a priority for the Government. It will remain a priority. I believe that within local authority budgets, and education budgets in particular, the classroom teacher should remain the priority.

Q3. **Mr. Purchase:** To ask the Prime Minister if he will list his official engagements for Thursday 20 April. [18387]

**The Prime Minister:** I refer the hon. Gentleman to the reply I gave some moments ago.

**Mr. Purchase:** If the support grant settlement that applied to Westminster Tory council were applied to English authorities generally, would not 95 per cent. of Labour councils have no rate increase this year? Is the Prime Minister aware that, by contrast with Westminster's inflated grant, Wolverhampton has lost £8 million in grant and has had to make £7 million of cuts in its budget? Is not it time that the Prime Minister stopped taxing by stealth, came clean and put the formula correctly to the people of England?

**The Prime Minister:** The hon. Gentleman is repeating yet more unsubstantiated and inaccurate Labour smears, as I will now demonstrate. The grant is determined by an objective formula which takes intô—*[Interruption.]* What the hon. Gentleman does not know is that the previous Labour Government were more generous to Westminster as compared with, say, Liverpool, than the present Conservative Government. In 1978, they assessed Westminster's need per head at 49 per cent. more than Liverpool, compared with 42 per cent. more this year. The hon. Gentleman did not know that, because he just picked up the latest smear from Transport House. He should check his facts and withdraw.

**Mr. Peter Bottomley:** May I ask my right hon. Friend to make sure that we do not allow—*[Interruption.]*

**Madam Speaker:** Order. We must hear the question.

**Mr. Bottomley:** May I ask my right hon. Friend to make sure that we do not allow the north American habit of paid political advertising on television? It might lead to an extension of the kind of broadcast that was shown last night, which demonstrated that the person who authorised it is unprincipled, untrustworthy and should not be allowed to control public expenditure. He cannot tell an increase from a decrease.

**The Prime Minister:** I certainly share that view about paid political broadcasting on television. I think that very few people would wish to see that. What we really saw last night was that behind the high-flown language of new Labour lies the gutter politics of old Labour. That is the case. It has always been the case and it is now becoming obvious.

Q4. **Mr. Illsley:** To ask the Prime Minister if he will list his official engagements for Thursday 20 April. [18388]

**The Prime Minister:** I refer the hon. Gentleman to the reply I gave some moments ago.

**Mr. Illsley:** First, let me assure the Prime Minister that this question does not come from Transport House. Does he realise that, if Barnsley local authority received the same amount of Government grant per head as Westminster council, it would not have any need to levy a council tax at all and could re-pay each council tax payer a staggering £867 each, rather than having to face council tax capping, which will mean sacking teachers and increasing still further some of the largest class sizes in the country? Why should children in my constituency have to suffer to subsidise a corrupt council?

**The Prime Minister:** If every council in the country had the same grant as Tower Hamlets, they could make a bigger reduction than they could for Westminster.

**Mr. Rowe:** Is the Prime Minister aware that the Liberal-Labour coalition, which now tries to control Kent county council, discovered at its recent meeting that it had underspent by £17 million, yet nevertheless flatly refused to fund the teachers' pay increase? Is that not a cynical abuse of the children in our schools for party political purposes?

**The Prime Minister:** My hon. Friend makes a fair point that could be echoed by many of my other hon. Friends who are unfortunate enough to have either Labour or Liberal Democrat councils.

## Business of the House

3.31 pm

**Mrs. Ann Taylor** (Dewsbury): May I ask the Leader of the House for details of future business?

**The Lord President of the Council and Leader of the House of Commons (Mr. Tony Newton):** The business for next week will be as follows:

MONDAY 24 APRIL—Second Reading of the Pensions Bill *[Lords]*.

Motion on the Team and Group Ministries Measure, which is a Church of England (General Synod) Measure.

TUESDAY 25 APRIL—Second Reading of the Medical (Professional Performance) Bill.

WEDNESDAY 26 APRIL—Until 2.30 pm, there will be debates on the motion for the Adjournment of the House.

Remaining stages of the Criminal Appeal Bill.

THURSDAY 27 APRIL—Debate on China and Hong Kong on a motion for the Adjournment of the House.

FRIDAY 28 APRIL—Private Members' Bills.

The House will also wish to know that European Standing Committee B will meet on Wednesday 26 April at 10.30 am to consider the unnumbered explanatory memorandum submitted by the Foreign and Commonwealth Office on 13 December 1994, relating to the accession of new member states to the European Union.

*[Wednesday 26 April:*

*European Standing Committee A—Relevant European Community documents: unnumbered, Enlargement of the European Union. Relevant European Legislation Committee report: HC 70-ii (1994-95).]*

As for the following week, I am at present able to say only that the business on Monday 1 May will be the remaining stages of the Children (Scotland) Bill.

**Mrs. Taylor:** May I thank the Leader of the House for that information and suggest that, in view of the exchanges at Prime Minister's Question Time earlier, perhaps he would like to reconsider that business so that we may have a debate in Government time, and an explanation from the Government, on why the typical family is paying £800 a year more in tax?

On the specific business of the House next week, will the Leader of the House join me in welcoming the report of the Select Committee on National Heritage on rugby? Will he tell us whether the Secretary of State will be able to give an early response to the report's recommendations, especially that to withdraw funding from rugby union? Will the Secretary of State ensure that existing rugby union applications for public funding are frozen until decisions following on from that report are made?

On the related matter of the restructuring of rugby league, which my right hon. Friend the Member for Copeland (Dr. Cunningham) has asked the Director General of Fair Trading to refer to the Monopolies and Mergers Commission, will there be any response, during the debate on the motion for the Adjournment of the House on Wednesday morning, to the need to protect some of the smaller rugby clubs, whose future is threatened by that particular deal, which seems to be a case of someone trying up buy up an entire sport and which is causing concern among hon. Members of all parties?

On a totally different issue, at present excluded from next week's business, the Leader of the House will be aware that on Tuesday the Foreign Secretary made a statement in New York about the non-proliferation treaty. Can he tell us when the Foreign Secretary will make a statement on the Government's position to the House? Members of Parliament—on both sides of the House, I should have thought—are becoming increasingly concerned about the contempt for the House shown by Ministers. It is now becoming customary for important statements to be made at press conferences or in written answers, rather than being made to the House first. Will the right hon. Gentleman take that important point on board and ensure that in future important statements are made in person by Ministers to the House of Commons?

Finally, I protest most strongly about the unwillingness of the Leader of the House to find time for a Supply day next week. On 30 March I mentioned the need for an early Supply day, and on Tuesday I asked for an assurance that the rearrangement of proceedings on the Criminal Appeal Bill should not prevent us from having one. As next week's business cannot possibly all be categorised as urgent, why can we not have a Supply day next week? What are the Government afraid of—that we shall have a debate on London health?

**Mr. Newton:** Of course I always respond in good faith to what the hon. Lady says about Opposition days. Despite what she said, she might reasonably recognise that there is a need to make progress on some quite important—indeed, very important—measures, many of which, including the Medical (Professional Performance) Bill and the Criminal Appeal Bill, were the subject of strong Opposition representations at the time of the Queen's Speech. There has also been substantial pressure from both sides of the House for a debate on Hong Kong and China, and I have responded to that.

The hon. Lady will know that our aim regarding the nuclear non-proliferation treaty is the indefinite and unconditional extension of the treaty by a substantial majority. I have no doubt that my right hon. Friend the Foreign Secretary will wish to make a statement to the House if and when he judges it appropriate. She will know, and, I hope, accept, that I am always concerned to protect the rights of the House in that matter. But I also note her concern, and will certainly continue to ensure that Ministers make statements to the House when it seems right to do so—as, indeed, the Secretary of State for Northern Ireland did yesterday.

As for rugby league, I cannot sensibly attempt to predict or pre-empt the contents of the speeches that will be made during the Adjournment debate on Wednesday, but I shall of course draw the hon. Lady's concern to the attention of the Minister who will speak in that debate. As for referring the proposal for a rugby super-league to the Monopolies and Mergers Commission, that is of course a matter entirely for the Director General of Fair Trading. It would not be appropriate for the Government to intervene in Sports Council decisions on the funding of rugby union, nor would we wish to discriminate against rugby union in favour of rugby league.

Lastly, I thought that my right hon. Friend the Prime Minister replied entirely convincingly to the points raised about taxation in earlier exchanges.

**Sir Peter Hordern** (Horsham): Is it not time that the House had a debate on the economy? Can my right hon.

Friend tell us when the Opposition last requested a Supply day debate on that subject? Was not that a long time ago, and have the Opposition anything to hide?

**Mr. Newton:** That was so long ago that it is beyond my memory. It may be relevant to observe that I have repeatedly made it clear to the hon. Member for Dewsbury (Mrs. Taylor) that, were she to ask for a debate on the continuing fall in unemployment, that might be an attractive proposition.

**Mr. Archy Kirkwood** (Roxburgh and Berwickshire): Notwithstanding the welcome initiative by the hon. Member for Moray (Mrs. Ewing) in securing an Adjournment debate on nurses' pay this evening, will the Government give Government time for a proper debate on the pay review recommendation restricting the nurses' pay increase to 1 per cent. nationally, with 2 per cent. to be negotiated locally? Is the right hon. Gentleman aware that there is disturbing evidence that worrying conditions are being attached to any locally agreed increases? Should not the matter be discussed by hon. Members on both sides of the House?

**Mr. Newton:** More than 100 trusts have made known their pay offers to nurses, and the majority of those offers are around 3 per cent. Local pay negotiation on the basis recommended by the pay review body—I emphasise the word recommended—is the right way forward.

**Sir Jim Spicer** (Dorset, West): My right hon. Friend will have noticed the remarkable progress made in terms of early-day motion 186, tabled by the right hon. Member for Manchester, Wythenshawe (Mr. Morris).

[*That this House calls attention, in this 50th anniversary year of victory in the Second World War, to the proposals by the Officers' Pensions Society and the War Widows' Association of Great Britain, wholly supported by the Confederation of British Service and Ex-Service Organisations, to honour the dead of two world wars and the campaigns since 1945, by paying Britain's war widows a pension for life and the widows of servicemen a pension of at least half that of their late husbands; and urges Her Majesty's Government to make a positive response to proposals which command such warm and widespread support throughout Britain.*]

The motion has the support of 235 hon. Members, and I was assured yesterday that a further 45 who could not sign it have given their support in writing. Could my right hon. Friend say what the Government's view is on the matter? We are now approaching the point where we shall be celebrating VE day over the weekend of 6, 7 and 8 May, and there is speculation in the press that ought to be put to rest.

**Mr. Newton:** It is appropriate for my right hon. Friend the Secretary of State for Social Security to set out the Government's position in the debate on Monday. I have his authority to say that I do not anticipate that the indication that he will give will be in a direction unwelcome to my hon. Friend.

**Mr. Alfred Morris** (Manchester, Wythenshawe): Is the Leader of the House aware that the BBC has, hour by hour today, been broadcasting details of the Nolan report? Since the BBC's accounts of what the report says have gone unchallenged, should not Members have details from Nolan and also a ministerial statement?

**Mr. Newton:** There is no suggestion that the leak—if that is what it is—described by the right hon. Gentleman has come from the Government. Clearly, the content of the Nolan report is a matter for the Nolan committee, and it is to the committee that the right hon. Gentleman's question should be directed.

**Mr. Roger Gale** (Thanet, North): My right hon. Friend knows that I and many of my hon. Friends want to see the introduction of a licensing scheme for houses in multiple occupation, to prevent both benefit fraud and further loss of life in fires. I understand that the measure will come before the relevant Committee in the near future. Once that has been done, will my right hon. Friend ensure that the House has an opportunity to debate the matter, so that the measure can be introduced as soon as possible to prevent further loss of life?

**Mr. Newton:** I hope that my hon. Friend will not think it unfriendly, but merely an expression of propriety, if I observe that, were his intelligence to be correct, I am the Chairman of the Committee to which the proposals would come. I undertake to bear the point in mind.

**Mr. D. N. Campbell-Savours** (Workington): Is the Leader of the House aware of the deep sense of seething resentment in the national health service over the pay review arrangements? Does he understand that some health service workers object strongly to the fact that others have been singled out for a 3 per cent. rise, while they must accept a 1 per cent. rise? Is not it time for a full debate here in Parliament, so that the Government can at least explain why they are proceeding in this utterly monstrous way?

**Mr. Newton:** I said last week, or perhaps the week before, that the introduction of an independent pay review body was welcomed by the profession. Normally, there has been understandable pressure to implement its recommendations in full. That is what has happened.

**Sir Norman Fowler** (Sutton Coldfield): Is it still the Government's intention to make a statement on the rules governing cross-media ownership? If so, when can we expect that statement to be made?

**Mr. Newton:** My right hon. Friend knows well that the matters are under examination, but I cannot at the moment forecast when a statement might be made.

**Mr. Gerald Bermingham** (St. Helens, South): Bearing in mind the fact that the part of the Criminal Justice and Public Order Act 1994 that dealt with new age travellers has not yet come into force for reasons which, I believe, are related to Europe, does the Leader of the House accept that there is still a large problem in my constituency and in the surrounding area with people known as local travellers, who cover their caravans and park on public land? It can take seven to 10 days to get them to leave. They cause enormous damage, distress, mess and waste. May the House have an urgent debate on that subject to see what can be done on behalf of communities such as mine, which are suffering from such invasions time and again?

**Mr. Newton:** I hope that I shall not be thought ungenerous if I harbour the suspicion that that question

*[Mr. Newton]*

may be a frustrated supplementary from Home Office questions. *[Interruption.]* I see that I have guessed right. In that case, the hon. Gentleman will understand that I shall bring the matter to the attention of my right hon. and learned Friend the Home Secretary.

**Sir Teddy Taylor** (Southend, East): In view of the scandalous proposal being considered by Essex county council to deprive children attending Southend's four excellent grammar schools of free school transport, and the fact that the only children who will suffer will be those in low-income households in Southend and Shoeburyness, may we debate the matter next week? We could then simply ask what the decent and committed socialist and Liberal people of the past, who fought so hard for the underprivileged, would have thought of that scandalous proposal by Lib-Lab-controlled Essex county council.

**Mr. Newton:** I hope that it is not an improper use of the Dispatch Box to say that I have made an almost identical point in a letter to the chairman of the Essex education committee following many representations from my constituents, and I share my hon. Friend's views. I hope that he will succeed in obtaining a Wednesday morning Adjournment debate to ventilate that matter.

**Dr. Lynne Jones** (Birmingham, Selly Oak): Had the Leader of the House been in his place earlier, he would have heard the Home Secretary tell the House that women fine defaulters are gaoled only if they wilfully refuse to pay their fines. Clearly, that is not the case and they are gaoled for something called culpable neglect, which basically means that they are poor and choose to spend their money on other essentials, such as feeding their children. In last month's Question Time, the Home Secretary showed his ignorance of the options available to magistrates courts in dealing with fine defaulters, much to the dismay of the Magistrates Association. Will the Leader of the House ensure that the Home Secretary brushes up his knowledge of the criminal justice system before he next comes to the Dispatch Box?

**Mr. Newton:** As the hon. Lady observed, I was not able to be present for Home Office questions. Not having heard what my right hon. and learned Friend said, I do not propose to comment, beyond saying that I regard the hon. Lady's remarks as tendentious and offensive.

**Mr. Harry Greenway** (Ealing, North): Could my right hon. Friend arrange a debate next week on local government taxation, so that the unquestionable fact may be brought out that Labour councils tax people more than Conservative councils? Ealing Labour council has put up council tax by 10 per cent. while drastically cutting services and damaging children's education, especially that of children with special needs, which should be looked after.

**Mr. Newton:** I have every sympathy with my hon. Friend's point. On a band-for-band comparison, there is no doubt that Conservative councils come out better than Labour and Liberal councils. In the forthcoming year, the average Labour council tax bill will be nearly 40 per cent. more than the average Conservative council tax bill in every band, and the average Liberal Democrat council tax bill will be 25 per cent. more.

**Mr. Terry Lewis** (Worsley): May I assure the Leader of the House that my question is not a frustrated overspill from Home Office questions, but a serious request for an early debate on firearms? Over the past couple of days in Salford, legally held firearms have again been stolen from private premises. This is the second time in the past few months that I have raised the matter in the House. The guns taken in the first burglary have claimed three lives. There was a death in the constituency of my hon. Friend the Member for Eccles (Miss Lestor) over the weekend and a serious shooting in Bolton. We are reaching epidemic proportions of legally held firearms being stolen and entering the criminal fraternity. The matter needs to be debated, and the House needs to know exactly what is going on in some of the areas that I have just mentioned.

**Mr. Newton:** That is indeed a serious question, and demands a comparable response. I shall bring the question and the anxieties underlying it to the attention of my right hon. and learned Friend the Home Secretary.

I also believe that that sounds like a good subject for a Wednesday morning debate, were the hon. Gentleman to consider applying for one and to be successful.

**Mr. Nicholas Winterton** (Macclesfield): May I support the request made by my right hon. Friend the Member for Horsham (Sir P. Hordern) for a debate on the economy? I say that especially because there is talk in some circles of a further increase in the base rate. Bearing in mind the fact that any further increase in interest rates would be very detrimental to our economic recovery, and that most of the purchases that the United Kingdom makes are in dollars, not in deutschmarks, and it is against the deutschmark that the pound has decreased in value, it is vital, if this country is to make an economic recovery, that the Chancellor of the Exchequer and the Treasury are made well aware of the opinions held in all parts of the House.

**Mr. Newton:** My hon. Friend has struck a blow in that direction by asking his question, which I am sure will be noted by my right hon. and learned Friend the Chancellor of the Exchequer, but I do not think that I can add to what I said earlier to my right hon. Friend the Member for Horsham (Sir P. Hordern).

**Ms Glenda Jackson** (Hampstead and Highgate): Is the Leader of the House aware of the report published this week by Crisis, highlighting the fact that, after 30 years, tuberculosis has returned to London streets? In view of that, why has the Cabinet blocked the Opposition Supply day debate on London's health services? Is it because criticism of the health service reforms, and indeed of his right hon. Friend the Secretary of State, is now being made from both sides of the House? If that is the case, surely what should be of primary concern when choosing debates in the House is Londoners' health needs, not the needs of failing Secretaries of State.

**Mr. Newton:** I simply do not accept the suggestion about blocking a specific debate on a specific subject. As far as I am aware, my principal contribution in the legislative programme area for which I am especially

responsible has been to provide time for an important Bill connected with the further reorganisation of the health service, to improve it.

**Mr. John Wilkinson** (Ruislip-Northwood): Can my right hon. Friend reconsider the subject of next Thursday's foreign affairs debate? Is it not the case that the really urgent subject that needs the immediate attention of the House is the developing crisis in former Yugoslavia and particularly Bosnia, especially as, in recent days, three British soldiers were wounded, one seriously, and two French soldiers belonging to the United Nations Protection Force were killed?

**Mr. Newton:** Of course, without in any way minimising—quite the reverse—the importance of the matter that my hon. Friend mentioned, I think that he will acknowledge that the issue of China and Hong Kong and the British relationship is also of considerable importance, and I have been pressed for a debate about that at business questions in several recent weeks. I have so far been able to respond to that, but I shall bear my hon. Friend's representations in mind.

**Mr. Harry Barnes** (Derbyshire, North-East): One of the private Members' Bills that could be debated on Friday 28 April is the Civil Rights (Disabled Persons) Bill—that is, if it is able to proceed through Committee next week. To assist, it would be useful if time were made available for that Committee to sit on Wednesday afternoon, not only on Wednesday morning, and potentially on Thursday. I understand that the Leader of the House would have to place a motion on the Order Paper to facilitate that. I am asking him to do that, to give the House a chance to debate that crucial Bill, which was so strongly supported on Second Reading.

**Mr. Newton:** Perhaps I may take the opportunity—I hope that he will think it in order—to thank the hon. Gentleman for his courtesy in telephoning me earlier to ask me to consider that matter. I said then that I would consider it but that that would be against the background of my repeated comments in the House in recent weeks that I did not anticipate changing the normal arrangements for private Members' Bills, so I would not wish to raise false hopes. However, I shall reply to him formally on the matter.

**Mr. Gary Streeter** (Plymouth, Sutton): In view of gross inaccuracies in the Labour party political broadcast last evening, will my right hon. Friend arrange for the Secretary of State for National Heritage to come to the House next week to make a statement about whether that broadcast complied with existing law on broadcasting standards? Is it not appropriate to refer the wilful attempt by the shadow Chancellor to mislead the British people to the Nolan committee?

**Mr. Newton:** My hon. Friend has made some good points, following on from what my right hon. Friend the Prime Minister said during Prime Minister's questions. If I were to arrange a debate on such matters, I would prefer to arrange one in which the Government's record, not least in spending on education, health and police, could be fully set out.

**Mr. Derek Enright** (Hemsworth): Does the Leader of the House recall that at Edinburgh, shortly before the last election, the Prime Minister said that the Government had an allergy to tax and wanted to bring it down? Could we have a debate on the history of this Government and their tax record?

**Mr. Newton:** I have adverted to that subject once in exchanges today, following on from what my right hon. Friend the Prime Minister said during Prime Minister's questions. I would be more attracted by the hon. Gentleman's proposition were he to advert to the fact that more than 5 million people now pay tax at only 20p in the pound as a result of the Government's actions.

**Mr. Barry Field** (Isle of Wight): Following the welcome news from my right hon. Friend about war widows' pensions, could he use his considerable influence to see whether there is support throughout the House for Big Ben to ring out a double noonday chime to mark the end of hostilities in Europe on VE day and the part that the BBC and the chimes of Big Ben played in keeping the flame of hope alive in the darkest hours that the world has ever seen and to record the privileges in the House that we enjoy today because of the sacrifices made by those men and women?

**Mr. Newton:** I would certainly want to underline and express my agreement with the latter part of my hon. Friend's question. I had not contemplated interfering with Big Ben as part of the celebrations. I shall reflect on that suggestion.

**Mr. Paddy Tipping** (Sherwood): Given the low level of the pound, coupled with increased taxation and the speculation about possible rises in the base rate, may I add my voice to the calls that have been made on both sides of the House for an early debate on the Government's economic policy?

**Mr. Newton:** If the hon. Gentleman would undertake to look at the record on exports, the record on growth, the record on unemployment and the record on attracting inward investment, I would be more attracted by his proposition.

**Sir Ivan Lawrence** (Burton): If my right hon. Friend gives way to the Opposition Members who want a debate on health, could he ensure that it is wider than health in London, so that those of us who represent hospitals in the provinces can not only say with what success we have built 800 new hospitals as a result of spreading resources more widely, but how successful hospitals such as Burton hospital are? Burton hospital has a charter mark for excellence that is unsurpassed in the rest of the country. It leads the country in electronic and technical advances, has increased the number of consultants by 12 and has slashed waiting times by half. Such successes should be set against the ridiculous over-concentration of criticisms about what is happening in London.

**Mr. Newton:** One conspicuous feature of recent debate on such matters has been that the voice of those outside London has not been heard as clearly as the voice of those inside London. Historically, large numbers of people from outside London had to come into London for treatment because the facilities did not exist where they lived. That is precisely the imbalance that the Government are seeking to correct.

**Mr. Paul Flynn** (Newport, West): When may we debate the astonishing and distressing news that I received yesterday in a letter from the head of the Prison Service,

*[Mr. Paul Flynn]*

telling me of the fivefold increase in the number of prisoners transferred from prisons to mental institutions—from 141 in 1985 to 770 now? The majority of them are people who were transferred before sentence and the increase coincides precisely with the care in the community programme. Until we have such a debate, the waste and cruelty of imprisoning people who are not criminals, but confused and mentally ill, will continue.

**Mr. Newton:** The hon. Gentleman will be aware that he has, in a sense, referred to the second health measure that I might have mentioned in an earlier answer. There is currently in front of the House a measure which is concerned with the care of people who are mentally ill and which is designed to tackle some of the problems that have been acknowledged.

**Mrs. Jacqui Lait** (Hastings and Rye): May we have an early debate about regional development so that we can assess the success of the policy in some areas and explore how other areas, such as the south coast, can benefit from that successful policy?

**Mr. Newton:** I shall certainly bear my hon. Friend's request in mind. I understand the reason why she makes it. She will be aware that, in the recent review of the regional map, careful account was taken of the new economic pattern that is developing in some parts of the country, including my hon. Friend's constituency.

**Ms Janet Anderson** (Rossendale and Darwen): Does the Leader of the House recall the statement made by the Prime Minister at the launch of the Conservative manifesto in March 1992? He said:

"We want to see a cascade of wealth from one generation to another."

Is the Leader of the House aware that an increasing number of elderly people are being forced to sell their homes and to use their life savings in order to fund their stay in residential nursing homes? Is he further aware that the *Sunday Express* has called it a "tax on care", which has been introduced by stealth? Will he assure us that there will be an early debate on the Government's taxation by stealth and their general taxation policy?

**Mr. Newton:** While I do not accept for a moment the hon. Lady's description, as always I shall courteously bear in mind her request for a debate.

**Mrs. Cheryl Gillan** (Chesham and Amersham): Will the Leader of the House consider granting time for a debate on copyright and rights of performance—a subject that has not been debated in the House for more than five years? A large number of musicians, composers and conductors living in my constituency have expressed great concern about the copyright and rights of performance regulations. They believe that they will suffer major disadvantages compared with their colleagues in other European countries. They are also worried about the possible extensions of copyright. Will the Leader of the House look into that matter and arrange to have a short but effective debate on the subject in order to set their minds at rest?

**Mr. Newton:** I can be fairly forthcoming on that matter, although I am not yet certain about the timing. I think my hon. Friend knows that changes in the United Kingdom copyright law affecting music and other areas will be necessary as a result of various Community directives that have been adopted already. The Government have consulted widely about the matter and we shall bring forward statutory instruments in due course. They will require the approval of both Houses, so Parliament will have an opportunity to consider such legislation.

**Mr. John Gunnell** (Morley and Leeds, South): Will the Leader of the House arrange to have an early debate about the possible privatisation of nuclear power stations? I understand that he or some of his Cabinet colleagues have been discussing that issue and it might prove helpful if the whole House were able to debate it also. We could then gauge whether the public are any happier about that proposal than they were about the President of the Board of Trade's previous privatisation suggestion.

**Mr. Newton:** I am sure that, if such a proposal were brought forward, appropriate opportunities would be arranged for the House to consider it.

**Lady Olga Maitland** (Sutton and Cheam): Will my right hon. Friend consider arranging an urgent debate about education? I raise this matter in light of the National Union of Teachers conference last weekend, when we witnessed horrendous behaviour by teachers, who not only mobbed the Labour education spokesman but threatened strike action. The House should hear the comments of the five Labour Members of Parliament who are sponsored by the NUT. They should come to the Chamber and confirm whether they stand by the NUT or whether they intend to resign their sponsorship.

**Mr. Newton:** I am sure that my hon. Friend's comments will be widely echoed, certainly on Conservative Benches. Her suggestion will undoubtedly be considered by those at whom it is directed.

**Mr. Don Touhig** (Islwyn): At Wembley three years ago this month, the Prime Minister said:

"I'll tell you what you need for a strong recovery . . . you need low taxation . . . Let me tell you what you need to stay in recession. You need higher taxes".

He continued:

"So let's hear it for a successful, low tax economy".

In view of the calls from both sides of the House for a debate about the Government's taxation and economic policies, will the Leader of the House urgently reconsider the answers that he gave earlier and arrange to have such a debate as soon as possible?

**Mr. Newton:** One of the reasons why Britain is attracting overseas investment to a greater extent than other European countries—and some investment from European countries themselves—and is an increasingly attractive place to do business, is precisely that we have such a tax regime in comparison with other countries in Europe.

**Mr. Hugh Dykes** (Harrow, East): Does the Leader of the House agree that, following the excellent suggestion of my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland), it might be a good idea to widen the scope of future debate to trade union behaviour in general, so that the public could focus on the important phenomenon whereby union leaders and the rank and file

are asserting themselves increasingly in a way that will be all too obvious in controlling the Labour party in the future, just as they did in the past?

**Mr. Newton:** Were I to accede to the request of my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland), it would be right to widen the debate in the way that my hon. Friend suggests.

**Mr. Nigel Evans** (Ribble Valley): Will my right hon. Friend find time next week for the House to discuss local government finance and local taxation so that we can consider the contrast between the Government, who wish to maintain capping, and Labour and the Liberal Democrats, who wish to remove capping, which undoubtedly would lead to massive rises in taxation throughout the country?

We might also be able to examine specifically the expenditure of Lancashire county council. While the Government have increased expenditure in Lancashire by 1.4 per cent., Labour-controlled Lancashire county council has reduced the delegated budgets to our schools by 5.5 per cent. The county council is playing politics with the education of children in our county and that should not be allowed to happen.

**Mr. Newton:** Given the excess council taxation, for which I have already given the figures, in Labour and Liberal Democrat authorities, even with capping, my hon. Friend is certainly right to advert to the even greater problems that people under such councils would face with no capping.

**Mr. Andrew Robathan** (Blaby): My right hon. Friend is already aware that the BBC has obtained and has been using all day information about the confidential deliberations of the Nolan committee. Will he make time for the House to consider that irony and whether high standards in public life are best served by the use of a betrayal of trust by somebody closely connected with the committee, or by a so-called public broadcasting service instigating and utilising such a misuse of trust?

**Mr. Newton:** As I said earlier, clearly it is primarily a matter for the Nolan committee, if it wishes to consider it, but I am quite sure that it will also be extremely concerned about what has occurred. I have no knowledge of where any such leak may have come from.

## Privileges

**Madam Speaker:** We now come to the first motion on privileges. It might be helpful if I explain the procedure to be followed in the debate on the Committee of Privileges.

The motion itself will be moved formally, after which I propose to call, if they wish, each of the three Members whose conduct is called into question in the Committee's report. After that, I propose to call the Leader of the House as Chairman of the Privileges Committee. The debate will then proceed in the normal way. Under the business of the House motion agreed yesterday, the debate has to be brought to a conclusion after two hours.

My provisional selection of amendments was posted earlier today. The amendments that I shall be prepared to call formally when the debate is concluded are amendments (b), (c), (d), (e) and (f). If amendment (b) were to be agreed to, amendment (c) would fall. Similarly, if amendment (d) were to be agreed to, amendments (e) and (f) would fall.

The House may find it convenient to know what action I propose to take regarding access to the precincts if—and I emphasise "if"—any hon. Member is suspended at the conclusion of proceedings on the motion. I am advised—and it is stated in "Erskine May" on page 399—that it is the practice of the House that

> "A Member suspended from the service of the House on a motion not made pursuant to Standing Order No. 43 is not excluded from the precincts of the House unless the order for his suspension expressly provides therefor."

In interpreting this practice, it will be my intention to order that such access by any Member suspended today shall be confined to access to his office by the most direct route possible.

Finally, I know that the number of hon. Members wishing to speak in the debate is far more than I could possibly call in the two hours available, so I ask for brevity from those Members who catch my eye.

*Motion made, and Question proposed,*

That this House—

(i) approves the First Report from the Committee of Privileges (House of Commons Paper No. 351);

(ii) considers that, having regard to the conclusions of the Committee in respect of the honourable Member for Colne Valley, the conduct of the honourable Member fell below the standards which the House is entitled to expect from its Members, and therefore formally reprimands him for his actions; and suspends him from the service of the House for ten sitting days, with suspension of his salary as a Member for the same period and

(iii) considers that, having regard to the conclusions of the Committee in respect of the honourable Member for Bosworth, the conduct of the honourable Member fell below the standards which the House is entitled to expect from its Members, and therefore formally reprimands him for his actions; and suspends him from the service of the House for twenty sitting days, with suspension of his salary as a Member for the same period.—*[Mr. Conway.]*

4.9 pm

**Mr. Graham Riddick** (Colne Valley): Madam Speaker, the Committee of Privileges has criticised me for making a serious error of judgment. Last July, I accepted that I had made an error of judgment and I apologised to the House. I willingly repeat that apology once again to the House of Commons this afternoon.

*[Mr. Graham Riddick]*

I am grateful to the Privileges Committee for acknowledging that I came to my own conclusion that the proposed arrangement was not appropriate, that I returned a cheque uncashed at the earliest opportunity, and that I did that before I had any idea that it was a journalistic set-up.

I hope that the House will accept that, having made an initial misjudgment, I did then endeavour to behave according to the standards that the House expects of its Members: first, by inquiring how to register the proposed arrangement; secondly, by deciding within 24 hours, entirely of my own volition, not to accept any payment; and, thirdly, by immediately apologising to the House when I realised that my actions, to whatever degree, may have undermined the standing of the House. If the House feels that those endeavours failed in any respect, I can do no more than express my deep regret to the House. There are no other essential points about the Committee's report that I wish to make this afternoon.

I shall make two points in conclusion. First, I would like to express my thanks to many colleagues in the House, who have given me great support and friendship in recent weeks. Secondly, I would like to express my gratitude for the understanding and support that I have received from my constituents. In the eight years that I have been in the House, I have always regarded the work that I do in my constituency, especially the assistance that I am able to provide to individual constituents with their particular problems, as the most important part of my job as a Member. I rededicate myself to the service of my constituents in the months and years ahead.

Finally, in line with the original tradition of the House, I feel that it would be better if the House were to debate this matter unencumbered by my presence. I therefore intend now to withdraw from the House.

4.12 pm

**Mr. David Tredinnick** (Bosworth): Madam Speaker, I wish to offer my unreserved apologies to you and to the whole House for the error that I made on 7 July 1994. I fully accept that I did not evaluate wisely or correctly the proposition that was made to me. Nor did I seek proper advice. It is a matter of considerable regret to me that I should have done anything that could have damaged the reputation of the House or caused concern in the constituency of Bosworth, which I am proud to represent.

I hope that all hon. Members recognise that I much regret my error. I hope that hon. Members and you, Madam Speaker, will be able to accept my sincere apologies.

In accordance with precedent, and with your permission, Madam Speaker, I intend to withdraw when I sit down.

I have always regarded being a Member of Parliament as a great honour and a great responsibility. I much regret what has occurred and I ask the House to accept my sincere apologies.

4.13 pm

**The Lord President of the Council and Leader of the House of Commons (Mr. Tony Newton):** I think that the House will wish to acknowledge, in the unhappy situation with which we are all confronted, the clear and unequivocal apologies that my hon. Friends the Members for Colne Valley (Mr. Riddick) and for Bosworth (Mr. Tredinnick) have expressed. I shall endeavour to ensure that my speech is consistent with the note that they have struck.

The motion is in my name as Leader of the House, but I necessarily speak also as Chairman of the Committee of Privileges, whose report we are debating. To chair the Committee in this instance was a task which I must say was as difficult and as unpleasant as any that I have had in over 20 years in this place. I have little doubt that all those who undertook membership of the Committee will share that view.

I see no need—nor do I wish to do so—to remind the House of the events that led to the report, to describe at length the evidence that we took or to rehearse the Committee's conclusions. The evidence has been published in full. The background and the conclusions reached by the Committee, having considered that evidence, are set out clearly in the report.

The motion that I move seeks the endorsement of the House for that report, including its criticism of *The Sunday Times*, and its conclusions in the case of my hon. Friend the Member for Tayside, North (Mr. Walker). The report incorporates the resolutions proposed by the Committee—namely, that my hon. Friend the Member for Bosworth (Mr. Tredinnick) should be reprimanded and suspended without salary for 20 sitting days, and that my hon. Friend the Member for Colne Valley (Mr. Riddick) should be reprimanded and suspended without salary for 10 sitting days.

In speaking to that, I should make two important points, the first of which is that the report relates to the first half of a two-part remit given by you, Madam Speaker, on 12 July last year, to examine the allegations against the Members named in *The Sunday Times* and to advise on the law and practice of Parliament in that area. The Committee felt—again, I believe, rightly—that it should deal with the specific allegations before turning to the second and wider part of the remit. Clearly, though, there are wider questions that the Committee will need to go on to consider. In doing that, it may, of course, need to take account of any relevant recommendations made by the Committee on Standards in Public Life and of any consideration that the House itself might give to any such recommendations.

My second and more important point is to emphasise the fact that this was a unanimous report. Of course I understand that there are differences of opinion in the House, which are reflected in the amendments, just as there were—I hope that members of the Committee will not mind my acknowledging—in the discussion and deliberation in the Committee, but I believe that the Committee has done a service to the House by the agreement that was reached through careful and constructive discussion and which has achieved consensus among 17 senior long-standing Members of the House. Against that background, I would not think it right to advise the House to depart from those unanimous recommendations by accepting any of the amendments tabled.

**Mr. Robert G. Hughes** (Harrow, West): In considering the report, I seek my right hon. Friend's clarification on

something which, frankly, I just do not understand. It relates to what is said in paragraph 48, under the heading Conclusions and Recommendations. It says:

"Against this the House will have to put into the balance the letter sent by Mr. Riddick to the Clerk of the Committee on 3rd March after he had given evidence."

So I turned to appendix A and read that letter, and re-read it. I do not understand why it should be set against the evidence given by my hon. Friend, because I find it a helpful letter. It was seeking to correct misleading reports in the press. It is indeed a polite letter; one might even say that it is the sort of letter that a solicitor might encourage one to write in the circumstances. If I am asked to put that with what my hon. Friend said, I wonder why the Committee made such a harsh recommendation in his case.

**Mr. Newton:** I think that the Committee simply felt that the further written material that my hon. Friend had provided needed to be taken into account with the oral evidence that he had given earlier and his earlier statement to the House. It was no more, I think, than that.

**Mr. Peter Thurnham** (Bolton, North-East): I am grateful to my right hon. Friend for giving way. Will he confirm that today is a House of Commons day and that there will be a free vote? Can he advise me why the Government payroll vote is being whipped to vote for the suspension of my two hon. Friends?

**Mr. Newton:** I can confirm, as I said earlier, that although these are matters for my right hon. Friend the Chief Whip, it is not the norm, nor is it the practice today, for such voting to take place on a whipped party basis.

I conclude by simply saying that the reputation of the House has inescapably been damaged. We all want to do what we can to help restore it. I believe that the most effective step that we can take today towards restoring it is for the House to accept without variation the unanimous report that the Committee has laid before it.

4.19 pm

**Mrs. Ann Taylor** (Dewsbury): There can be no doubt that the disciplining of hon. Members for breaches of the obligations that we have is one of the most distasteful tasks that the House is called on to perform. On occasions it is necessary, however, and today is one such occasion.

If standards of propriety are to be maintained—in the current climate, some would say "re-established"—it is essential for us to make it clear not only to hon. Members but, just as important, to the public that certain types of behaviour are unacceptable, and that such behaviour must and will result in sanctions from the House. There may be—indeed, I know that there are—disagreements about which sanctions are most appropriate in this case; but our first duty today is to send a clear message to the outside world that the House will take action against hon. Members who, by their behaviour, damage the reputation of Parliament itself. For that is what has happened: the action of a couple of hon. Members has undermined the reputation of us all.

I congratulate members of the Committee of Privileges on the work that they have done to produce their unanimous report. Unlike the Leader of the House, I do not serve on the Committee and am not privy to all its workings; but, given the difficulties involved in its investigation—especially the early, genuine disagreements about the holding of sittings in public—I feel that its members should be congratulated, and thanked for their work.

Let me now deal with the Committee's specific recommendations, and the motion moved by the Leader of the House. I endorse the report as it stands, and I shall vote to accept all its recommendations: I think it important for us to endorse those recommendations, not least because this is a unanimous report from a Committee composed of hon. Members from both sides of the House, including some of our most senior colleagues.

**Mr. Alfred Morris** (Manchester, Wythenshawe): Does my hon. Friend recall reports of a proposition that the Privileges Committee should conduct its proceedings in public, except where there is some compelling legal reason, more especially one that might involve a breach of natural justice? Does she agree with the opinion now widely held in all parties that the Committee of Privileges ought to come into the 20th century and conduct its proceedings—wherever possible, as I have said—in public, and not in secrecy?

**Mrs. Taylor:** The House may recall that when we debated that issue I said that I felt strongly—as I still do—that it would have been beneficial to everyone had the Committee sat in public as much as possible. The motion that we moved then was defeated, but I think that we shall have to consider issues such as that raised by my right hon. Friend the Member for Manchester, Wythenshawe (Mr. Morris) in the future, although I do not think it appropriate to discuss the matter in detail now.

All who served on the Committee overcame their initial disagreements about whether it should sit in public, and performed their work extremely well. My right hon. Friend was among them, and I commend the details of the report to him. Partly because of all that work and partly because the report is unanimous, I do not think that we should set it aside lightly. It shows very clearly that the case made against the hon. Members for Colne Valley (Mr. Riddick) and for Bosworth (Mr. Tredinnick) was strong, and that it convinced all members of the Committee. The House must accept, as does the report and as the motion states, that the conduct of those two hon. Members

"fell below the standards which the House is entitled to expect from its Members",

and that a formal reprimand and suspension must follow.

I know that concern exists among some of my hon. Friends, who believe that the sanctions to be imposed are not adequate in the circumstances. They will be able to make their own case, if, Madam Speaker, they are able to catch your eye later. I must admit that I have some sympathy for those who want equity of treatment—*[Interruption.]* I have some sympathy for those who want parity of treatment for the two Members, but I personally will be supporting the specific recommendations of the Privileges Committee, as in the resolutions.

I heard a Conservative Member ask about *The Sunday Times*. I endorse—again, I know that some of my hon. Friends will disagree—what the report says about *The Sunday Times*, but it is extremely important to stress that

*[Mrs. Taylor]*

criticism of *The Sunday Times* does not detract in any way from the seriousness of the charges against those Members who are the subject of the report.

**Mr. Alan Duncan** (Rutland and Melton): If the hon. Lady is interested in equity, does she agree that the sanctions introduced in the report are inequitable in that they apply only to Members of the House, and not the newspaper that perpetrated the set-up in the first place?

**Mrs. Taylor:** The Members concerned have clearly breached the rules of the House. Those rules and the obligations that we have as Members of Parliament are serious. I support the Committee's overall conclusions, which is why I am happy to vote for the suspensions this evening.

I want to say a word about *The Sunday Times*. It obviously felt that it had a legitimate right to act as it did. It felt that because of information given to it by business men saying that Members of Parliament accepted payments for tabling questions. *The Sunday Times* would be treated more sympathetically and more seriously by many Members if it reported such matters and such individuals to the House so that any necessary action could be taken.

**Mr. Rupert Allason** (Torbay): Would the hon. Lady care to comment on the fact that the original allegations made by the unnamed business man to *The Sunday Times* concerned four hon. Members, and that *The Sunday Times* chose deliberately not to pursue those four, but, allegedly, to take a random sample of 20? Does she agree that it would have been more appropriate for it to have pursued those four, if indeed they ever existed?

**Mrs. Taylor:** I do not know whether it is appropriate for *The Sunday Times* to pursue those Members. It is important that, if any individual, inside the House or outside it, has any evidence whatsoever that any Member is breaching the rules, that evidence should be presented in the first instance to the House. That is a straightforward principle that should apply throughout.

**Dame Jill Knight** (Birmingham, Edgbaston): Does the hon. Lady agree that the fact that the four so-called Members who were not pursued in any way apparently still exist, and that *The Sunday Times* said that it knew who they were, throws a bad light on all hon. Members? None of us knows which four it is talking about.

**Mrs. Taylor:** The hon. Lady is right. Some questions are still unanswered. That fact, however, does not invalidate the report's findings and recommendations.

**Mr. Joseph Ashton** (Bassetlaw): Is not one of the problems with the House's recommendations the fact that the Press Complaints Commission has no sanctions to take against *The Sunday Times*? Unlike the British Medical Association, the Law Society, or even the Football Association, which can fine people, the commission has no sanctions, except to say, "Tut-tut," and to demand an apology. That is what it is going to do.

**Mrs. Taylor:** My hon. Friend is exactly right. There are many wider issues to which we will have to return on some other occasions. Other issues surrounding the activities of the press will require greater consideration over a long period of time, although some of the issues are not directly related to the cases that we are considering today. For example, the Privileges Committee report shows that there was deception by journalists, entrapment and bugging in the Palace of Westminster. We have seen similar techniques used to intrude into the private lives of hon. Members and others. Actions like that cannot be condoned.

I suggest that it is right to criticise the conduct of *The Sunday Times* in this instance as well as to criticise the conduct of the two hon. Members concerned who have now left the Chamber. We have many long-term lessons to learn from this unfortunate episode. We will shortly hear Lord Nolan's report, and the House will have a chance to draw its conclusions in respect of any changes that need to be made to our proceedings. The Privileges Committee report is extremely helpful to the House. The clarity of its recommendations is welcome and its suggestions should be supported by the House. I will vote for them this evening and I urge the House to do the same.

4.30 pm

**Mr. John Biffen** (Shropshire, North): These are unhappy occasions for the House of Commons. It is quite clear that my hon. Friends the Members for Colne Valley (Mr. Riddick) and for Bosworth (Mr. Tredinnick) have, as they said, committed errors of judgment. I might say that they were most breathtaking errors of judgment. However, ever since they have been Members of this House I have been pleased to operate with them as political colleagues. I must say that it is my experience that they have operated with total integrity. I have been pleased to call them hon. Friends, and that is my position this afternoon.

In what will be a very brief speech, I want to consider the broad issue, which is the extent to which outside interests either breach or conform with privilege. That is not something with which the House is particularly conversant. Most of our discussions hitherto have been to do with the reporting of Members' interests. Here we have an evaluation of that interest. As you said, Madam Speaker, you felt that there was an urgent need to clarify the law of Parliament. The Privileges Committee said that it was unable to fulfil that remit because the task that it already had was very considerable and there was the impending likelihood of the results of the Nolan report.

We have an attenuated report against what was originally supposed by many hon. Members. However, it was perfectly legitimate for the hon. Member for Workington (Mr. Campbell-Savours) to complain that two hours is a ludicrously inadequate time to consider an issue of this moment. My right hon. Friend the Leader of the House said:

"there is an agreement between the usual channels that the time allotted will be two hours".—[*Official Report*, 18 April 1995; Vol. 258, c. 28.]

I have not come here to be adversarial. However, we have ahead of us the Nolan and Scott reports, which will go to the very heart of what are proper relationships and conduct in this House of Commons. Whatever is agreed by the usual channels is not necessarily appropriate for what is a genuine House of Commons interest—*[Interruption.]* Perhaps the hon. Gentleman should stand up and say that I used not to say that. I have stood here

and I have stood at the Front Bench and I have conducted whatever task I had to conduct with a very lively commitment and interest in respect of the House of Commons generally.

I will not enter a discussion or make a judgment on what has been proposed in the report because my time is too short. None the less, I am much concerned about whether this Privileges Committee approach is the most appropriate for making judgments in these circumstances. I am talking not about privileges generally, but about privileges where they relate to the outside financial interest of members, as is the case in this instance. If Lloyd George said that war was too serious to be left to generals, the conduct and the investigation of these matters is too serious to be left merely to parliamentarians, however distinguished. I welcome the fact that Nolan is seeking to broaden the terms of consideration of these matters.

I should like to mention three areas in which the remit of a Committee which is investigating such matters could reasonably be widened. First, I have come to the conclusion—not initially, but certainly now—that the Committee should take evidence in public wherever that is practical. Secondly, inspired by Nolan, the Committee should go wider than the membership merely of Members of Parliament. Thirdly, those under investigation should have representation and a right of cross-examination.

I do not say for one moment that a Committee thus constituted would have come to different conclusions in this instance—I do not make that judgment—but the whole issue of the missing tapes and the whole issue of the letter contained in appendix A, which has been the subject of an exchange earlier this afternoon, would take on a different context and would have helped the House to have made a more balanced judgment.

As this debate proceeds, and with Nolan it inevitably will, there will be a realisation that the legitimacy and the definition of outside interests will mean a clarity that is much more focused than is provided this afternoon. Indeed, I go so far as to say that I believe that, eventually, we will end up with a framework of law for considering such matters. I was very encouraged to hear the right hon. Member for Chesterfield (Mr. Benn) making that point on the radio this morning.

Sooner or later, such matters will not be sensibly resolved within the arcane and historic practices of this Chamber. They call for a different form of consideration, and the law is the most satisfactory, for at least there is the chance of equity being secured and there is the chance of the scales being held equally. There is not the likelihood of passing political climate being an oppressive factor in the judgment that is made of those under investigation.

**Mr. Dennis Skinner** (Bolsover): Will the right hon. Gentleman give way?

**Mr. Biffen:** No. I have said that I would be brief, and I hope to hold to the promise.

The House is at its best when it is trying to make equitable judgments and not fashion punishment.

4.37 pm

**Mr. John Morris** (Aberavon): I, too, shall be brief in commending the report of the Committee on which I served—a unanimous report of the 17 Committee members. May I say two or three sentences on why it took us so long to produce it?

I regret that, in fairness to the three hon. Members and to the newspaper concerned, we were unable to sit when the House was in recess. The moment we were appointed, we sat until the very hour—3 o'clock—that the House went into recess. We were a large Committee of 17 members. Perhaps in future the House will want to consider whether membership should be smaller.

We were evenly balanced, and every effort was made by the authorities and by the Leader of the House to ensure that every Committee Member could attend. That was not easy. Every member of the Committee attended every sitting of the Committee. It was important, in view of the balance, that that was so. Perhaps in future a smaller Committee could dispense speedier justice and be empowered to sit in the recess.

We also lost some time because of the anxiety of many members of the Committee to sit in public to take evidence. I certainly regret that we did not do so. It might appear very odd to the outside world that Lord Nolan can hear evidence on matters that are not dissimilar to those that we heard, yet we decided not to sit in public. I hope that future Committees will bear in mind our experience and will carefully consider the dangers, if any, of not doing what Lord Nolan has seen fit to do—sitting in public.

I hope that I speak on behalf of all members of the Committee in saying that cross-examining colleagues was not a happy experience: I say no more than that. We took a very serious view, as the report shows, of the conduct of two hon. Members. We considered all precedents and adjudicated on—in my view and, more important, in the Committee's view—proper sentences of suspension, varying in length, and an additional formal reprimand in each case. The Committee found that the conduct of two colleagues fell below the standard expected of hon. Members. We recommend the finding to the House. I for one regard the reprimand as being of particular importance, as I am sure does the Committee as a whole.

We found that the hon. Member for Tayside, North (Mr. Walker) acted unwisely and that he committed an error of judgment. He was very frank, however, about his role and conduct, and his evidence epitomised the view that, I hope, right hon. and hon. Members of all parties would take. The hon. Gentleman was asked:

"If anyone offered you £1,000 for putting down a Parliamentary Question, whatever way it was dressed up as, either as a straight question or anything of that kind or any talk about a consultancy, you would, in your own mind, think it was a wrong thing to do?"

He replied:

"Yes, I do. I think it is very wrong."

That certainly gave me a great deal of assistance in confirming the view that all members of the Committee took of what the Leader of the House described a few moments ago.

It should not be forgotten that 17 other hon. Members had no truck with the proposal put to them, whatever the form of the proposal: not for one moment did they give it a moment's thought. In addition to the frank comments of the hon. Member for Tayside, North, that should sum up the reaction of all of us on the Committee.

I can speak only for myself about the way in which I distinguished between the punishments suggested for the hon. Members for Colne Valley (Mr. Riddick) and for

*[Mr. John Morris]*

Bosworth (Mr. Tredinnick). We tried as best as we could to act fairly and judicially. It is for the House to decide whether we achieved that. I tried to draw as best as I could from knowledge of other fields as regards a person's manner and to what extent a person is entitled to some discount when he accepts responsibility, pleads guilty and asks for the mercy of the House.

The hon. Member for Colne Valley accepted responsibility and pleaded guilty immediately in a debate in the House in July. He conceded three points: first, his lack of judgment; secondly, that it was unwise even to have considered—I emphasise those words—doing what was asked of him; and, thirdly, he apologised for the trouble caused. If he had left it there, he would been very much wiser. Unfortunately, he wrote a letter to the Committee as recently as 3 March. I hope—this matter was raised a little earlier—that right hon. and hon. Members will read that letter, which appears on page 182 in appendix 13.

The hon. Member for Colne Valley cannot have been advised to write as he did. If he was, it was very bad advice indeed. He expressed the following view:

"I wish to emphasise my strong belief that I was not in breach of Parliamentary privilege."

Unhappily, he has been found to be so.

**Sir Nicholas Bonsor** (Upminster): May I put two points to the right hon. and learned Gentleman about that letter? First, we must draw a distinction between my hon. Friend the Member for Colne Valley (Mr. Riddick) believing himself to be in breach of privilege and accepting that he had acted extremely foolishly. At that stage, he agreed to the latter, but not the former. The House has found otherwise. Secondly, in his letter my hon. Friend asked that the Committee see him again if it were minded to find him in breach of privilege. The Committee did not do so. Will the right hon. and learned Gentleman explain why?

**Mr. Morris:** The Committee certainly considered that matter. It is not for me to go further than what is set out in the report, but I can assure the House and the hon. Gentleman that the letter was certainly considered, account was taken of the request and the view of the Committee was that the evidence that we had heard was adequate to reach a decision. That letter, which appears on page xxi of our report, was read very closely and that is why the Committee invited the House to put it into the balance. In my view—I may be wrong—I fear that that letter, taken as a whole, goes a long way to undermine the apology first tendered to the House. It was unwise—regrettably—that the hon. Member sent that letter.

We were then left—certainly as far as I was concerned—with the other point that could have mitigated any sentence proposed for the hon. Member for Colne Valley. The hon. Gentleman had concluded, before he was exposed, that the transaction was improper and he had returned the cheque at the earliest opportunity. In my judgment, although the offence itself was abundantly proved, as set out in our conclusions, the hon. Member was entitled to have those circumstances taken into account in mitigation of any penalty proposed. That was certainly how my mind worked in reaching the view that the hon. Gentleman's sentence should be less than that of the hon. Member for Bosworth.

We took the view that the conduct of *The Sunday Times* fell substantially below the standards expected of legitimate journalism. I have read many of the comments and leading articles and I suspect that all of them—at least all that I have read, although the list may not be complete—ignored the word "substantially", which was deliberately included in the Committee's report. That word was ignored and it was merely stated what we recommended and that we found that the newspaper's conduct fell below the standards expected. It fell substantially below the standard required and I wish that some comment had been made about that.

**Sir Peter Tapsell** (East Lindsey): While the right hon. and learned Gentleman is on that point, will he explain to me and to the House how he reconciles the failure of the Committee to insist on an answer from the editor of *The Sunday Times* to the questions that were put to him about revealing the name of the business man and the four hon. Members against whom the allegations were made, with the statement on page 160, paragraph 11 of the report? That states that the House resolved

"'That the refusal of a witness before a Select Committee to answer any question which may be put to him is a contempt of the House and an infraction of the undoubted right of this House to conduct any inquiry which may be necessary in the public interest'".

It follows a paragraph that refers to episodes in August 1947, when journalists refused to answer such questions before the Committee and were summoned to the Bar of the House, publicly questioned by the Speaker in front of the entire House and forced to reveal the information and to give an apology. Why was that not done on this occasion?

**Mr. Morris:** I am sure that the hon. Member would have wished to ask each and every one of the members of Committee that, from the Leader of the House down. I cannot go outside the matter before us; it would be wrong so to do. [HON. MEMBERS: "Why?"] Simply because the Committee did not sit in public. Had the Committee sat in public, perhaps the answer sought by the hon. Gentleman would have been clear and apparent. I for one fought hard to ensure that the Committee sat in public. [HON. MEMBERS: "Answer."] That is my answer. In accordance with the resolution—

**Sir Peter Tapsell:** Will the right hon. and learned Gentleman give way?

**Mr. Morris:** No, I shall not give way again.

In accordance with the resolution of the Committee, by which I am bound, I cannot go outside the terms of the report or reveal in any detail any particular discussion. I am sure that in saying that I would be supported by every member of the Committee.

**Sir Peter Tapsell:** Will the right hon. and learned Gentleman give way?

**Mr. Morris:** No. I shall not give way again; I want to finish my speech.

**Mr. Skinner:** Will my right hon. and learned Friend give way?

**Mr. Morris:** Yes.

**Mr. Skinner:** One of the intriguing aspects is the fact that if *The Sunday Times* had said to one of the Tory Members, "Here's £10,000 to be a consultant to *The*

*Sunday Times*," they would have been able to declare that in the Register of Members' Interests and ask questions all year long. About 200 Tory Members are consultants, advisers and directors.

**Mr. David Shaw** (Dover): How many Labour Members?

**Mr. Skinner:** The public outside will want to know why more than 500 jobs are allocated to more than 200 Members, mainly Tories. Some of them have 10 or 11 jobs each, yet nothing is done about it.

**Mr. Shaw:** How many Labour Members? How much did the hon. Gentleman's flat cost?

**Mr. Skinner:** If, as a result of the debate today, all those moonlighting jobs are excluded, we shall have done the country a service—one Member of Parliament, one job.

**Mr. Shaw:** How much did the union pay for the hon. Gentleman's flat?

**Mr. Skinner:** Do not be daft.

**Mr. Morris:** If I may be allowed to continue, Madam Speaker, I can tell my hon. Friend that he has made his point. I am sure that he will want to read the report most carefully.

We were cognisant of the fact that Lord Nolan will cover some of the matters concerned. Secondly, in accordance with your more general remit, Madam Speaker, which goes wider than the particular conduct of the three Members and the newspaper, we intend to return to those matters in due course when Lord Nolan has reported. I am sure that the Committee will wish to consider some of the matters raised in my hon. Friend's intervention.

**Mr. Bill Michie** (Sheffield, Heeley): May I re-emphasise the fact that on more than one occasion the Committee discussed the problem of whether to sit in private or in public? If everything had been done in public, the questions being asked of my right hon. and learned Friend would have been irrelevant. One cannot ask more of some of the members, including my hon. Friends and the Liberal Democrat member, than that they plead with the Committee to sit in public. The Nolan committee was sitting in public, there was suspicion and we claimed transparency, yet still that did not happen. Given that it was forced to sit in private, members of the Committee should not be blamed for not having reached the right decision, and people should not say that we are not prepared to make the right statement.

**Mr. Morris:** I am grateful to my hon. Friend for confirming what I said earlier.

I want to bring my remarks to a close. Before I gave way, I was saying that the word "substantially" as applied by the report to *The Sunday Times* had been ignored. Of course *The Sunday Times* caught the fish in question, based on a line of inquiry emanating from the observations of an unknown business man. The House may wish to pass further comment as to whether the agreement between *The Sunday Times* and the business man should have been reached at all, and to develop that subject further.

Following those events, if our recommendations are accepted, the two Members are to be punished. They were caught through entrapment. Nothing was known against the 20 Members that *The Sunday Times* tried to seduce. Two happened to be caught with the bait, yet although five and a half months had passed between the business man's tip and the start of *The Sunday Times* inquiry, no evidence was found about any other Member. The newspaper went back to other sources, asking business men and people concerned with public relations, yet no evidence other than rumour was discovered. *The Sunday Times* told us that, by the terms of the agreement, it was forbidden to investigate the four names that the business man had given it. Two of our colleagues were caught by the bait.

I suspect that if a policeman had used the methods employed by *The Sunday Times*, shock and horror would have been expressed in leading articles in more than one newspaper. An agent provocateur, according to the recent royal commission, is one who

"entices another to commit an express breach of the law which he would not otherwise have committed".

The agent provocateur has been disapproved of over the years by judges, even though the fact that a person would not have committed the offence had it not been for the activities of the agent provocateur is no defence in English law. Entrapment through deception should be disapproved of, and I echo that sentiment. The taking of clandestine recordings within the precincts of the House may well undermine the bond of trust built up over the years between Members of Parliament and the lobby. That bond acts as a lubricant to ensure that news reaches the public under many guises. We all value it. I join in placing our report before the House for its earnest consideration.

4.55 pm

**Sir Cranley Onslow** (Woking): I am conscious that you want us to be brief, Madam Speaker, and although a lot has been said on which I would like to comment, I shall forbear. I simply say that tribute should be paid to my right hon. Friend the Leader of the House for his patience and skill in chairing the Committee. We found ourselves in a most unhappy situation, with a most disagreeable duty to perform.

I shall confine the rest of my speech to the conduct of *The Sunday Times* Insight team and its editor. I shall take as my text the editorial that appeared in that newspaper on 9 April under the headline, "Don't shoot the messenger". It set its own tone at the beginning, by saying:

"The whingeing of a small rump of Tory MPs last week over the outcome of the cash-for-questions affair made a sad spectacle."

It continued by saying that Members of Parliament, "predictably", had

"sought to muddy the waters with complaints about entrapment and agents provocateurs.

It was fitting, then, that the verdict on the affair came not from us, but from their fellow MPs",

from a body that the editorial described as

"The privileges committee, a self-regulating cross-party body".

I am sure that many colleagues will have read that editorial, and will have shared my surprise that it did not say that the Privileges Committee report specifically found that there was entrapment. The right hon. and

*[Sir Cranley Onslow]*

learned Member for Aberavon (Mr. Morris) has endorsed that fact, and it is not to the credit of *The Sunday Times* that it suppressed it.

In the 1,000 or fewer words of the editorial I find more cause to take offence at the newspaper's reaction, and at the considered and careful self-justification that *The Sunday Times* has inflicted on its readers. The editorial refers to

"the practice of MPs accepting money for putting down parliamentary questions",

and the newspaper's anonymous business man sought to persuade its readers that that was a common practice.

Anyone who reads the evidence that the Committee attaches to its report will see that there is no support whatever for the proposition that that is a common practice. Indeed, when Mr. Witherow was forced into a corner under examination, he was obliged to admit that all the research that *The Sunday Times* had carried out with its computer proved nothing of the sort.

However, in spite of our findings, the fiction is still maintained. I find it most regrettable that that respectable newspaper should have brought a stinking mess to the door of the House of Commons and then refused to help the Privileges Committee to clear it up.

The editorial goes on to state that

"our reporters and editor freely gave evidence"

to the Privileges Committee—"up to a point, Lord Copper", as Evelyn Waugh said. Anyone reading the evidence will see the stubborn refusal of the editor and his colleagues to help the Committee by identifying the alleged anonymous source. When pressed on the matter, witnesses took refuge behind the journalistic equivalent of the fifth amendment. I have sympathy with the anger that has been expressed about that point.

I must also point out that the editorial makes no mention of the Committee's conclusion that the agreement between *The Sunday Times* and the business man that prevented investigation of allegations against the four Members was not in the public interest. That, too, was carefully suppressed. The editorial claimed that the actions of *The Sunday Times*

"have now been investigated by both the privileges committee and the newspaper industry's own watchdog, the Press Complaints Commission."

The editorial states that the PCC is chaired by Lord Wakeham, a former Conservative Minister. There is no doubt that an inference is meant to be drawn from that statement. However, it is misleading as, at the material time, Lord Wakeham was not chairman of the Press Complaints Commission. That is, at the least, an example of gross carelessness by *The Sunday Times*.

Although we concluded in the report that the Press Complaints Commission should be invited to reconsider the matter again in the light of the evidence that we took, there is no mention of that in the editorial. I find that surprising, given the movement in the evidence of the editor when he appeared before us and his statement in a letter to the PCC on 13 July. I find it difficult to conclude that this is not another attempt to pull the wool over the eyes of the PCC and the public.

The conclusion of the editorial refers to the

"urgent task of rebuilding public confidence in MPs and in parliament itself."

We would all endorse that, and we hope that Lord Nolan's report will contribute to that task. There is no mention in *The Sunday Times* of the damage that has been done to the reputation of Parliament by its editor. That may be too much to expect from an editor who recently lent his columns to an attempt to assassinate the character and reputation of Michael Foot.

Journalists on *The Sunday Times*—including Michael Jones, a respected lobby correspondent—will no doubt claim an important part in rehabilitating the reputation of the House. I regard the editorial that *The Sunday Times* printed on 9 April as nothing more than the editor pouring a bucket of whitewash over himself. He may feel that he and his colleagues in this miserable business deserve our praise and congratulations. No one reading the evidence and the report could possibly share that view.

5.4 pm

**Mr. David Alton** (Liverpool, Mossley Hill): The right hon. Member for Woking (Sir C. Onslow) spoke for all members of the Committee in his remarks regarding the four Members whose identities were consistently concealed by *The Sunday Times* during the information that it gave to the Committee. I concur with what he said in that regard.

At the outset, may I commend the motion that is before the House to all Members? May I also thank the Leader of the House for the scrupulously fair way in which he dealt with the inquiry and the way in which he conducted the proceedings of the Committee? It would have been to the advantage of Parliament if the public could have seen those proceedings. If they had seen the fair way in which the Committee conducted the inquiry, it would have done a great deal to restore the reputation of Parliament. I agree with what the former Leader of the House, the right hon. Member for Shropshire, North (Mr. Biffen), said on that matter.

The Committee has painstakingly discharged its responsibilities both to you, Madam Speaker, and to the House. I believe that hon. Members would be most unwise to begin to unravel the carefully constructed series of recommendations. The duties of the Committee were twofold. First, to investigate the allegations of wrongdoing by two hon. Members and the methods used by *The Sunday Times* in gathering the information. Secondly, we had to consider the damage which undoubtedly has been done to Parliament and its reputation, and to see how our procedures might be changed to minimise the risk of a repetition.

The report inevitably deals only with the first part of that remit. The Committee must now go on to consider the referral by the House of Peter Preston and *The Guardian*, and then to examine the guidelines for future conduct. The Committee will also want to draw on Lord Nolan's recommendations.

What may be usefully said at this stage? First, I would like to refer to the hon. Members for Colne Valley (Mr. Riddick) and for Bosworth (Mr. Tredinnick). I do not think that there is any disagreement in the House, or by the hon. Members themselves, that they fell below the standards which the House has a right to expect of us all. It is right that they should be formally reprimanded.

I also think that it is right that we recognise the degree of culpability involved. That is what the motion seeks to do, by, in one case, talking about 10 days and, in the other

case, talking of 20 days. The Committee came to that conclusion because there was an initial apology, although the subsequent letter did not help in case of the hon. Member for Colne Valley. The hon. Member for Harrow, West (Mr. Hughes) suggested that it was the sort of letter a solicitor might have recommended. I would sack a solicitor who made that recommendation to me if I were his client. To send a letter to members of the Committee at that stage did nothing to assist the hon. Gentleman's case, but the fact remains that the hon. Gentleman returned the cheque and apologised to the House. There is a question of degree which the House must recognise.

Amendments before us seek to expel the two Members concerned. This fails to recognise—as members of the public may do—the seriousness of what will happen to the two hon. Members. Both of them were parliamentary private secretaries, and both may well have aspired to become Ministers. They are surely now in a position where their careers have been gravely damaged and probably endangered beyond repair. The former hon. Member for Winchester, John Browne, faced deselection as a result of a similar decision by the House, and there is no doubt that the seriousness and gravity of what the House may decide to do today in the case of the hon. Members for Colne Valley and for Bosworth will have profound effects on them in their constituencies.

It is a draconian measure to place the sanction of expulsion in the hands of the majority against what may appear to be a troublesome minority, and all hon. Members must think carefully about the use of such a weapon, which may one day be used in other circumstances—perhaps against them. Expulsion is a sanction that should be used by the electors and I do not believe that it would be appropriate to use it in this case.

I turn now to the case of *The Sunday Times*. Where allegations of financial corruption are involved, the right to subterfuge must be a legitimate weapon for any newspaper to have in its armoury. But there are ways in which that may be used. All of us feel uneasy about the breakdown in relations which has occurred between journalists and hon. Members as a result of people using concealed tape recorders when they come to talk to Members of Parliament.

It was unwise for *The Sunday Times* to enter into an agreement with its source—although no one would expect it to reveal the name of that source—not to reveal the names of the four Members of Parliament against whom the original allegations were made. That leaves a slur over every Member of Parliament, and those Members ought to have been brought to book. It also ought to be remembered that 17 of the 20 hon. Members who were originally approached refused to have anything to do with the plan whatsoever. That reflects well on the vast majority of Members of the House.

**Mr. Shaw:** Is the hon. Gentleman aware that a Member of the other place stated to the *Financial Times* that four Members of Parliament had taken cash for questions? I complained—as did Madam Speaker—that that Member of the upper House should be brought to the Bar of this House and forced to name the four Members.

I understand that that Member of the upper House is a lawyer and a Queen's Counsel who has acted for Mohamed Al Fayed. The obvious implication, although we have no evidence to prove it, is that the same four people who were displayed in *The Sunday Times* are those that Mr. Al Fayed seeks to name. There is not a shred of evidence to prove that the accusation by Mr. Al Fayed and Lord Lester is true.

**Mr. Alton:** There are two points here. The first concerns my hon. Friend, Lord Lester. I made it absolutely clear when he made his allegation that it would have been better if he had said who those allegations were being made against. So my view about Lord Lester is precisely the same as it is about *The Sunday Times*. The second point is about Mohamed Al Fayed. Members of the Privileges Committee—this is not a matter of secrecy because we have motions before the Committee—

**Mr. D. N. Campbell-Savours** (Workington): They are in the minutes of evidence.

**Mr. Alton:** As the hon. Member for Workington (Mr. Campbell-Savours) says, the issue is referred to in the minutes of evidence. Members of the Privileges Committee will have a chance to vote on a motion that I tabled requiring Mr. Al Fayed to come before the Committee during the next round of our proceedings, when Mr. Peter Preston of *The Guardian* is brought before us. I hope that every member of the Committee will vote for that motion so that the questions that have just been raised can be put to Mr. Mohamed Al Fayed and we can get to the truth of this matter once and for all.

The second matter that I wanted to discuss briefly is the damage to Parliament's collective reputation. The issue of lobbying came out in the minutes of evidence, where it was revealed that one of the hon. Members concerned received £12,000 a year from the Brewers Society to act on its behalf. Hon. Members must ask themselves what is the moral or practical difference between receiving £12,000 a year to act on behalf of an outside lobbyist, vested interest or commercial group and receive £12,000 during the course of a year to table,say, 12 parliamentary questions, and receiving £1,000 for tabling one parliamentary question. We shall have to look at that general issue in much greater detail, as we will at the transparency of the Register of Members' Interests. There is no compulsion to reveal in the register the details of the £12,000 to which I just alluded and it is high time that there was such a compulsion.

**Mr. Bill Michie:** Will the hon. Gentleman confirm that not only was £12,000 paid for a consultancy but that, before the hon. Member concerned would reveal how much it was, he said, "Only a small amount"? If £12,000 is a small amount, goodness knows what is happening.

**Mr. Alton:** The hon. Gentleman makes the point very well. The fact was that the hon. Member was not prepared to admit how much money he had received. That should be a matter of public declaration as everyone has a right to know.

It is impossible for parliamentarians to serve two masters. We are elected to serve our constituents and our consciences. We are here to pursue causes and I am deeply suspicious of anyone who is here to pursue anything other than a cause. People who are here to pursue vested interests place themselves in an impossible position; we should sever that umbilical cord.

At the very minimum, Parliament should consider requiring all candidates at parliamentary elections to state, in the literature that is delivered free by the Post Office to the homes of all their constituents, details of their

*[Mr. Alton]*

declarations of financial interests so that every elector knows precisely who those candidates seek to serve. Secondly, if a Minister resigns or retires from ministerial office, there should be a firebreak between the time that he or she has been in that office and the time at which he or she takes up subsequent financial interests.

Thirdly, we should consider the issue of self regulation. There is a case for an outside body on ethics in public life and penalties should be much tougher. It should be a criminal offence to try to bribe a Member of Parliament, which in many respects would deal with the problem that we have had to face in this case.

There is also a case for much more openness in our proceedings. I was one of those who supported holding the proceedings of the Privileges Committee in public. Everything that has occurred during the course of those proceedings confirms the view that I put, along with the right hon. Member for Chesterfield (Mr. Benn) and many others, when those matters were first considered. We said that it would be better for all of us if the issue were dealt with in the open rather than hidden away because that would only add to the impression held by people outside that we are looking after our own privileges and interests rather than their interests.

This whole sorry business has been a tragedy for all involved, and the sooner it is put behind us the better it will be—so long as lessons have been learnt.

5.14 pm

**Mr. Michael Alison** (Selby): I am glad that the hon. Member for Liverpool, Mossley Hill (Mr. Alton) ruled out the option of the sanction of expulsion that has been tabled as an amendment. I wish to go further in the opposite direction and put on record how mistaken—indeed, unfair—I believe the Privileges Committee has been in recommending so severe a penalty as suspension with incidental loss of salary for my hon. Friends the Members for Bosworth (Mr. Tredinnick) and for Colne Valley (Mr. Riddick).

The effect of indictment against my hon. Friend the Member for Bosworth, whose case I am particularly anxious to support, is contained in paragraph 51 of the report before us, where my hon. Friend is charged with

"a serious error of judgement".

I do not dissent from that verdict, as it was a serious error of judgment and my hon. Friend has admitted as much, but we must put that error of judgment in a reasonable perspective.

As we all know, the background to the case was the efforts of *The Sunday Times* to establish a close and crude cash-for-questions nexus—the alleged going rate of a thousand quid a question. But it is clear from the delphic and convoluted proposals which Mr. Calvert made to my hon. Friend the Member for Bosworth that he could not bring himself to pop the question crudely, directly and immediately as to whether my hon. Friend would be prepared to table a question for £1,000. It had to be dressed up in such a way as to lead my hon. Friend to believe that he was being offered a down payment for an on-going consultancy.

I admit that that may have been an error of judgment, but I ask the House to recognise that, if the tape recording which Mr. Calvert carried away from his encounter with my hon. Friend the Member for Bosworth had been of a crude question as to whether he would accept £1,000 to table a question, and if the tape in that form had fallen into the hands of the Privileges Committee, its verdict would probably have been not that it was a serious error of judgment but that that practice was gross and unacceptable. The Committee did not find that in its verdict, which was based on the clear impression which my hon. Friend received and conveyed in his exchanges with the Committee: that he was being offered something much less crude, draconian, immediate and limited than £1,000 to ask the question.

Under those circumstances, how much more reasonable is it that colleagues might make an error of judgment? *[Interruption.]* I do not conceal that it was an error of judgment, but I believe that *The Sunday Times*, by means of an elaborate, deliberate and technically adroit conspiracy to deceive my hon. Friend, had to establish that he was prepared to take £1,000 for asking a question. It could not, under any circumstances, allow the proposition to be dressed up in so crude a form because it knew that, had my hon. Friend been placed in that position, he would almost immediately have said, "You can't be serious. A thousand quid to ask one question?" [*Laughter.*] In spite of the mirth of Opposition Members, who do not take the approach that one might be considered innocent before one is proved guilty or that there might have been a genuine misunderstanding, which is exactly what the Privileges Committee has concluded, my hon. Friend would not have responded so crudely to such a crude offer.

**Mr. David Ashby** (Leicestershire, North-West): My right hon. Friend will have heard the mirth of Opposition Members, who always exclaim that they are looking after those who are underprivileged. Does my right hon. Friend appreciate that we have set up rules to protect the public from agents provocateur that would never allow the evidence in the matter that we are discussing to be given and used in any way in a court of law? Why should Members of the House be treated any differently from the ordinary people whom they always try to protect? They seem to care; they do not care a damn.

**Mr. Alison:** My hon. Friend has made a fair and reasonable argument.

I return to the essential evidence that the House has to consider—that the verdict of the Committee of Privileges is that what has been found as a fault is a serious error of judgment, not a crude and unacceptable practice. As a serious error of judgment—a limited, but serious fault—I do not believe that it is reasonable, especially in view of the fact that the Committee of Privileges began that consideration as long ago as July of last year, and we are now reaching a conclusion on this case, nearly a year later, that in the light of the indictment that we have levelled at my hon. Friend, it is now fair, nearly 12 months later, to produce a full and unmodified verdict of suspension.

To use an analogy, in many criminal cases—this case is obviously entirely non-criminal—outside the House, where someone has been put on remand against the suspicion that a crime may have been committed, when a sentence is passed, consideration is given to the lapse of time that the individual has already suffered as a penalty in prison. I believe that it is right that the House should take into consideration the fact that my two hon. Friends

have had to wait nearly 12 months—*[Interruption.]*—against the background of suspicion and accusation, to await the verdict of the House. It is reasonable, under those circumstances, that the original indictment should be modified in terms of the penalty that is envisaged, and that we should reduce it to a simple, straight reprimand.

**Mr. John Garrett** (Norwich, South): I am trying to follow the right hon. Gentleman's argument. Is he saying that, if his hon. Friends had been offered what he calls an ongoing consultancy, under the terms of which they would have been able, or required, to ask a series of parliamentary questions at £1,000 a time, it would have been perfectly satisfactory? *[Interruption.]*

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** Order. Hon. Members must control themselves.

**Mr. Alison:** In response to the hon. Gentleman's intervention, that would have been a serious error of judgment in my book. However, I do not believe that one can evaluate and make a judgment about what any other hon. Member might take the offer to be until the full offer and all the implications have been fully and properly spelt out, which they obviously had not been in this case.

My hon. Friend the Member for Bosworth is guilty of a serious error of judgment; no more than that. He has had to wait for nearly 12 months, with all the uncertainty and pain that that causes. Now that we are delivering the verdict, it is appropriate that we should reduce the penalty, make it a straight reprimand and give him the same fairness that the courts, at the behest of the House, give to prisoners who have been placed on remand and have had to suffer a long time in prison before their sentence is delivered. Let us reduce the sentence and make it a straight reprimand.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. Before I call the next right hon. Gentleman, I point out that it is a very short debate and a very serious one. Many right hon. and hon. Members are hoping to speak, and even 10-minute speeches are too long in this particular case.

5.23 pm

**Mr. Tony Benn** (Chesterfield): I wonder whether the House realises the real problem that faces it, which is not two Members who can be disposed of. We have no standards; that is the problem. We talk about Members falling below the standards expected—what are the standards expected? Is it that marvellous phrase, "conduct unbecoming of an officer and a gentleman"? Is that what they mean by standards? What are the standards? The House has no standards. Until we have standards—and I am glad that the right hon. Member for Shropshire, North (Mr. Biffen) endorsed the idea that I suggested about the legal position—we are in difficulty.

The Committee talks about investigative journalism falling below the standard expected. I did not think that anyone could be below the standard of investigative journalism of Mr. Rupert Murdoch. Have other Members experienced conduct far worse than that? I certainly have.

The Committee of Privileges met in secret. It did not want anyone to know what it was discussing. The fact that it is an unanimous report made my hair stand on end. Is there no difference between the two sides of the House on what is acceptable and what is unacceptable? Is there no difference? Was there no opportunity for someone to argue that the standards should be this or that? It was not mentioned at all.

I cannot vote for the report. I shall not vote against it, but I shall not vote for the report because it does not tackle the real question, which is, what should the standards be that we impose—I believe that it should be by law—on Members of Parliament?

The Nolan committee has been mentioned. I gave evidence to Nolan, because we must take our opportunities when they arise. But what the Prime Minister did was to take the matter out of the House of Commons by using the royal prerogative—which gives him the power to set up a commission—and thereby degut the Committee of Privileges, and then Nolan actually heard evidence in public.

I am not a bit interested—as I said from the beginning—in the two hon. Members. A newspaper lied, they fell for the bait and the trouble that was caused for them has already been caused by what has happened. So I have never been in favour of pursuing the two hon. Members—I have said that very many times. But I am interested in knowing what Members of the Committee of Privileges said to one another about standards.

I wanted the report of the debate to be public. I wanted to hear what hon. Gentlemen said, because that is what is of value. We are told that there was unanimous support. There is a theory that, if a thing is unanimous, it must be better. I have never believed that; otherwise we would not have debates and votes in the House. We must offer people a choice. That is the argument that I want to make.

It should be straightforward. Certain things should be legal and certain things should be illegal. I said this in the House—if I pay someone to vote for me in an election, I am guilty of an offence, I am taken to the election court and I may be unseated. We should have similar rules about the work of Members of Parliament.

It is not the moment to discuss what the standards should be, because I promised to speak for two or three minutes, but if the House thinks that it can solve the problem by holding a two-hour debate by agreement between the usual channels, it is an outrage. The matter is of great importance, and it is not about protecting Parliament.

I am not here to protect Parliament. It is not a club that I have joined, which I wish to protect. I am here to protect my constituents, and I want Parliament to ensure, as best it can, that it serves my constituents. The whole thing is the most ghastly whitewash and cover-up of the real question. Until we tackle the real question and put it on a legal basis, we can go on—

**Sir David Mitchell** (Hampshire, North-West) *rose—*

**Mr. Benn:** I shall not give way to the hon. Gentleman, because I promised to sit down after three minutes and I shall do that.

We should tackle the real question; we should not leave it to Nolan. I am very disappointed that the Privileges Committee unanimously agreed about something that never really tackled the question.

As for the two hon. Members, I am not a bit interested in them because I think that they have done themselves about as much damage as any two Members could have done by their conduct.

5.28 pm

**Sir Giles Shaw** (Pudsey): In following the right hon. Member for Chesterfield (Mr. Benn), I respect his opinions about those matters. I also recognise the amount of time that it took to get the Privileges Committee on the go, in view of the objections of the right hon. Gentleman to our sitting in private. I think that if we sit in private on that matter—or in public in future—we must ensure that proper provision is made for Members to have the type of assistance that is necessary in a normal court of law.

I do not think that anyone on the Committee of Privileges enjoyed the task that was allotted to us by the House. I congratulate my right hon. Friend the Leader of the House for the way in which he steadied our affairs along.

I wish to add three simple arguments to what has been said. My hon. Friend the Member for Colne Valley (Mr. Riddick) came first to the House to apologise clearly for what had occurred in relation to what he considered to be falling below the standards of the House. We accepted that then and we accept it now. I am proud to call him my hon. Friend and I look forward to canvassing in his constituency at the next election on his behalf, if he wishes. Having gone that far, it is important that the Committee should be able to set out clearly what it was that occurred and how that apology—if I may put it that way—was rightly earned. But difficulties arose from it.

Throughout the procedures, we have been dealing, not with an ordinary course of accident, deliberate fraud or someone deliberately flouting the rules of the House, but an elaborate entrapment procedure that caught the Members in the net. I fully supported the report, and if I earn the displeasure of the right hon. Member for Chesterfield (Mr. Benn) for so doing, that will give me a touch of credibility. But the fact that we were unable to find a suitable way of dealing with the activities of *The Sunday Times* is a matter of great personal regret. I recognise that the Committee was wise in trying to avoid the electric scenes of people coming to the Bar of the House. Such scenes would have created more joy and happiness among the press than a more rational and orthodox way of dealing with the matter. However, that issue has to addressed.

A reference has been made to the Press Complaints Commission. A clear sign has been given that such journalism, with professional and well-trained journalists becoming liars for the week, is not acceptable. We must find a way of dealing with that problem to restore the relationship between Members of Parliament and the press, who seek to get whatever evidence they can from us, on whatever issue, to increase the circulation of their newspapers. It is crucial that we address that matter quickly.

The episode has taught us all a lot. I sincerely hope that the House of Commons will regain its self-respect by not trying to elaborate on the problems that it has faced. It must recognise that there was a most unusual series of events caused by an extraneous force trying to find proof of an allegation. The newspaper was unable to find any evidence in support of the allegations against the four Members and the tabling of questions. After six months of computer analysis not a shred of evidence was found, and the matter should have been stopped there. The newspaper should have known that.

5.32 pm

**Mr. David Winnick** (Walsall, North): I support the recommendation of the Committee of Privileges regarding the two Members. I believe that the recommendation is sound and I shall vote for it in the Division, if there is one.

I do not agree with the strictures on *The Sunday Times*. It may be a minority view, but it is only right that another view should be advanced regarding *The Sunday Times*. Conservative Members have spoken in the debate as though the newspaper were in the dock, as though what it did was wrong and there was no public or legitimate interest involved. That view is clearly strongly held by Conservative Members and some of my hon. Friends—I understand and accept that. But it is not held strongly, if at all, outside the House.

It is interesting that, apart from the Press Complaints Commission, which upheld and justified what had been done, few comments have been made outside the newspaper world along the lines that we have just heard from the hon. Member for Pudsey (Sir G. Shaw) and others—that what was done was wrong. Like other hon. Members, I read the evidence carefully. Leaving aside the issue of what *The Sunday Times* said in justification—about what it was told by a prominent business man about four Members of Parliament—if that newspaper came to the view that some hon. Members were tabling questions for money, what should it have done about that?

It could have dropped the investigation and said that there was no way that it could find out the facts. As the editor of *The Sunday Times* said in evidence, a newspaper reporter could have phoned up the hon. Members, but he went on to ask, what good would that have done? The hon. Member for Colne Valley (Mr. Riddick) said in his evidence that, if he had been asked by a reporter whether he would take cash for questions, he would have given the answer that one would expect: no. No Member of Parliament, if phoned by a journalist, would give any other answer.

*The Sunday Times* therefore decided that there was likely to be some justification in the rumours that were circulating and set about its job accordingly. If, ultimately, *The Sunday Times* investigation had been carried out and found that no hon. Member was willing to take up its offer, we could all be proud of that. We could justify criticism of *The Sunday Times* and say that what it did was totally without justification. But surely the reason for today's debate is that *The Sunday Times* found two Members who—the Committee of Privileges has decided—acted wrongly. The two hon. Members involved have apologised for acting wrongly. However much of a minority view it is, I cannot see why *The Sunday Times* should be taken to task for carrying out an investigation that it believed to be in the public interest and that was justified by the Press Complaints Commission.

**Several hon. Members** *rose—*

**Mr. Winnick:** I normally give way, but Conservative Members will have to forgive me if I do not give way now. Unfortunately, the debate is confined to just two hours and there is great pressure on time.

It gives me some satisfaction that, of the 20 Members who were contacted, at most three were found to be worthy of investigation—about one of whom the Privileges Committee came to another conclusion. It

should give us some satisfaction that the large majority of those contacted would not be involved and made that clear to those who rang them.

**Mr. David Shaw:** On a point of order, Mr. Deputy Speaker. The House has rules about the declaration of interest when Members are speaking. If an hon. Member speaks in defence of a newspaper, should he not declare that in the Register of Members' Interests he declares payment by *The Guardian* and other fees from the media—as the hon. Member for Walsall, North (Mr. Winnick) does?

**Mr. Deputy Speaker:** All right hon. and hon. Members know the rules and it is up to each individual hon. Member to act as he thinks fit.

**Mr. Winnick:** Having had one article published in *The Guardian*, I went out of my way to ring up the Clerk of the Committee to ask whether, in view of my position in relation to *The Guardian* newspaper—which we are not debating today—I should declare my interest. The advice that I received was that it was not necessary to declare my interest in a newspaper as such. I went out of my way to put that entry in the register and I believe that I was justified in doing so. *[Interruption.]*

**Mr. Deputy Speaker:** Order.

**Mr. Winnick:** I share the concern of my right hon. Friend the Member for Chesterfield (Mr. Benn). I think that the gist of his argument was that, in defending his constituents, he was concerned about standards in the House. We are not concerned simply about ourselves; we are concerned about the maintenance of parliamentary democracy. If there is a general feeling that we are all on the make and there is sleaze everywhere, people lose confidence in this place and in the democratic process. That is against our interests.

There has rightly been a great deal of criticism about some of the ways in which newspapers, without justification, have made allegations and published stories about the private lives of hon. Members, whether Conservative or Opposition Members. Only two weeks ago there was a disgraceful story about a Conservative Member that could not possibly involve public interest. Indeed, the newspaper did not try to maintain that there was a public interest element.

We condemn trivial rubbish, for which we know there is no justification, and which is published in tabloids for the most obvious of reasons and, unfortunately, taken up by the serious press. But we must make a distinction between sensational tabloid material that has no public interest and legitimate matters in the public interest—which was what *The Sunday Times*, justifiably, was trying to find out about. *The Sunday Times* was trying to discover whether hon. Members were willing to take cash for questions. That was a legitimate investigation and in the public interest, so I hold that there is no justification for taking *The Sunday Times* to task.

5.40 pm

**Mr. Julian Brazier** (Canterbury): I have tabled the amendment in my name and in that of my hon. Friends because I believe that the punishment of my hon. Friend the Member for Colne Valley (Mr. Riddick) should be reduced to a reprimand. The Privileges Committee's report about my hon. Friend bases its case on a single distinction—the distinction between being paid for a question and tabling a question as part of a paid consultancy arrangement. That is implicit when it rightly says that there can be no distinction between being paid for tabling a question and a consultancy arrangement that only involves tabling a question.

I know that I am not alone in my view. The right hon. Member for Chesterfield (Mr. Benn) and other hon. Members on both sides of the House wonder whether there can be such a clear distinction. However, the Committee had no choice but to make that distinction, because it has been accepted according to long-established precedent that hon. Members on both sides of the House have interests about which questions have been tabled from time to time. I have not done that myself, but I am raising no objection now to that practice.

If we accept that premise—I think that there are good reasons for wondering whether it is a sound one—we must then ask what are the facts of the case involving my hon. Friend the Member for Colne Valley. Did he or did he not think that he was tabling a question as part of a consultancy arrangement? The original meeting at which the arrangement was made took place on the Terrace of the House. Quite conveniently, it is the only conversation of which *The Sunday Times* has failed to produce a tape recording.

We know that *The Sunday Times* journalist concerned, Mr. Calvert, alleged initially that the meeting took only five minutes. Upon cross-examination by the Committee, he subsequently admitted that it could have taken half an hour. In such circumstances, I wonder how much weight should have been given to his testimony in my hon. Friend's case.

I shall shorten my case, as my time is limited. It has been alleged that my hon. Friend smelt a rat when he sent back the cheque. In fact, he carried out research first, not, as some hon. Members appear to believe, after he had received the cheque or after he had tabled the question. The hon. Gentleman did exactly what I would have done if, as a former business man, I were assisting a consultancy—although I would not have tabled a question. He went to Companies House to gather information about the company concerned. When I worked on takeover bids before my election to the House, I would begin my investigations at that point.

My hon. Friend agreed to table a question—that is the only point at which I disagree with his actions. I would not have tabled a question if I had a consultancy arrangement with a company—as many other hon. Members who have consultancy arrangements with businesses or trade unions have agreed to do in the past. *[Interruption.]* I know that hon. Members on both sides of the House want to see justice done and we are currently considering an issue of individual justice.

A cheque subsequently arrived through the post and appended to it was the note, "Your payment for tabling a question." Although there had been an initial half-hour discussion about a consultancy arrangement, it was at that point that my hon. Friend realised that it was not a consultancy arrangement: it involved simply tabling a question. Within an hour or two, he put the cheque back in the post—long before anything was exposed.

My hon. Friend has admitted to an error of judgment, and I think that he made such an error. However, I believe that he is a man of the highest integrity and I am proud

*[Mr. Julian Brazier]*

that he is one of my colleagues. It is unbelievable that the Privileges Committee should propose to suspend him for 10 days over this matter.

I feel bound to put one final comment on the record. I have been a Member of Parliament for less than eight years and, as such, I do not expect my views to carry much weight. However, I was astonished that my right hon. Friend the Leader of the House, who is the Chairman of the Committee, did not give us any guidance about the substance of the case against my hon. Friend the Member for Colne Valley. I could not help contrasting his actions with the short speech that my noble Friend Lord Howe delivered in the much more grievous case involving the former Member for Winchester. In a few succinct sentences, Lord Howe gave the House clear guidance as to the substance of that case.

I believe that my right hon. Friend the Leader of the House had difficulty giving guidance about the substance of the case against my hon. Friend the Member for Colne Valley, because there is no substance to that case. I urge all hon. Members to support my amendment.

5.44 pm

**Mr. Kevin Barron** (Rother Valley): I tabled the amendment which appears on the Order Paper because I do not believe that the Privileges Committee's recommendations are strong enough. However, I will back the Committee's recommendations if my proposals do not receive the support of the House. I will certainly support the Committee's recommendations against the other amendments which have been tabled today which suggest that at least one, if not both, of the hon. Gentlemen involved should be let off.

On 13 July last year when we debated the issue, the hon. Member for Tayside, North (Mr. Walker) said that tampering, for whatever motive, with the right to ask questions should be dealt with severely by Parliament. I agree entirely with his comments. However, it is not simply a question of journalists or members of the public tampering with parliamentary procedure. As Members of Parliament, we should ensure that we do not tamper with or undermine the credibility of the tabling of parliamentary questions. I believe that the hon. Members for Colne Valley (Mr. Riddick) and for Bosworth (Mr. Tredinnick) have tampered with our right to ask questions in the Chamber, and I agree that they should be dealt with severely.

When we table questions in the House, at public expense, people in the community should be confident that we do so as part of our duty as Members of Parliament and not in order to receive a fee. I am particularly concerned about the nature of the apology that the hon. Member for Colne Valley made to the House on 13 July last year. If hon. Members look closely at the letter submitted to the Privileges Committee by the hon. Gentleman on 3 March, they will see that he seems virtually to renounce his initial apology to the House. The letter states:

"I wish to emphasise my strong belief that I was not in breach of Parliamentary privilege."

The hon. Gentleman puts up a robust defence of his actions and says:

"A possible breach of privilege could only have occurred if I knowingly agreed to table a question in return for money. This I totally refute."

On 13 July last year, the hon. Gentleman said:

"I accept that I made an error of judgment in agreeing to table a question and in agreeing initially to accept a fee".—[*Official Report*, 13 July 1994; Vol. 246, c. 1026.]

There is no reason why the two hon. Gentlemen should be treated differently as result of what happened on the Terrace of the House or in the parliamentary precincts.

Outside the House, the hon. Member for Colne Valley is telling another story. He recently gave an interview to the *Huddersfield Daily Examiner* and the article stated that he was

"relieved that the Committee did not say he was in breach of privilege, nor that he was in contempt of Parliament".

I do not believe that that is true. We are discussing the issue today because the Privileges Committee believes that the hon. Gentleman was in breach of the privileges that we enjoy as Members of Parliament. I believe that the electorate, and not necessarily the Parliament, should decide the future of the two hon. Gentlemen. The Nolan committee may reflect on whether we should sit in our own judgment in the future.

No talk about set-ups or secret taping by journalists, and no cries of underhanded tactics or entrapment, can justify the hon. Gentlemen's decisions to accept payment for tabling parliamentary questions. I do not defend the actions of the journalists concerned; I think that they were wrong. However, I defend the actions of those Members of Parliament on either side of the House who were also approached by journalists. Six Labour Members and four Conservative Members refused to table questions for a fee.

The hon. Members for Colne Valley and for Bosworth also had that option, but they did not say no. I am sure that the majority of hon. Members would refuse to table questions for a fee and, on that basis, I believe that the two hon. Gentlemen deserve the punishment which will be meted out to them today.

5.48 pm

**Mr. Nigel Waterson** (Eastbourne): I shall comment briefly on the amendment standing in my name on the Order Paper. Almost every hon. Member who has spoken in the debate today has accepted that it is wrong to receive money in return for tabling questions. That principle was also accepted in the generous apologies of my hon. Friends the Members for Colne Valley (Mr. Riddick) and for Bosworth (Mr. Tredinnick) with regard to this matter.

Beyond that, it is absolutely right that the House should debate our future conduct and that rules, Members' interests and so on should currently be a matter for the Nolan committee.

The motion is not even-handed. Recently, there have been several instances of the decline in the standards of modern journalism in *The Sunday Times*, *The Guardian* and others. They work on the principle that the ends will justify practically any means.

One has only to look at the report. It found that

"the *Sunday Times*' conduct of its enquiries fell substantially below the standards to be expected of legitimate investigative journalism."

It also stated:

"the taking of clandestine recordings is manifestly a contempt of the House."

Another phrase leaps off the page:

"This was clearly a form of entrapment through deception."

One Opposition Member used the word "seduction".

**Sir Michael Marshall** (Arundel): I have considerable sympathy with my hon. Friend's views. He will be aware of my concern, as I feel some responsibility for referring journalists to my hon. Friend the Member for Bosworth (Mr. Tredinnick). Will he take into account two considerations? The first is the repeated use of the suggestion that a constituent had put the journalist in touch with the Members of Parliament concerned, and the second, which perhaps is not clear in the report, was the journalist's claim to be a friend of many Members of Parliament, including myself, which clearly influenced strongly the reaction of my hon. Friend the Member for Bosworth.

**Mr. Waterson:** My hon. Friend's points are absolutely valid. It was not only a deception, but a deception planned in the most infinite detail by the journalist involved and based on a tissue of lies. We are asked to believe a theory that is based on evidence of people who have not been named—the men who never were. The report is redolent with observations and conclusions on the conduct of *The Sunday Times*.

In principle, I support the Committee's conclusions on the penalties on my hon. Friends, but only if an equivalent penalty is imposed on the newspaper involved. I see no reason why such sanctions should apply to my two hon. Friends, but not also to the newspaper, and that is why my amendment calls for journalists working for *The Sunday Times* to have their Lobby passes withdrawn for a period of 20 days.

It may assist the House to know that I do not intend formally to move the amendment standing in my name, but on that basis I cannot support the main motion on the Order Paper.

5.52 pm

**Mr. Joseph Ashton** (Bassetlaw): The references to *The Sunday Times* have been wide and varied, but there have been few references to the powers of the Press Complaints Commission, which are non-existent.

In the past three years we have considered the Calcutt report and the report of the National Heritage Select Committee on privacy and media intrusion, which dealt with the antics of the press. We have also seen what the Chancellor of the Exchequer was spending on his credit card flashed across the papers, Princess Di having intrusive cameras in the gymnasium and the royal family's telephones being bugged. The growth of electronic surveillance is totally out of control.

Even since the publication of the report, there was the incident reported in the *News of the World* two weeks ago. A woman had a tape recorder in her handbag when she met a Conservative Member of Parliament. Every word was recorded and splashed across the newspapers. There are no ground rules and no controls. There have been recommendations from the Calcutt committee and the Select Committee, but nothing has been done. I am critical of the Government, but the Press Complaints Commission knows that there must be some self-regulation and some ground rules. That is how every other organisation works.

**Sir Wyn Roberts** (Conwy): Will the hon. Gentleman give way?

**Mr. Ashton:** I am sorry, but there is not enough time.

The press breaks its own embargoes on the Queen's Speech. There is no question of the Press Complaints Commission fining or suspending anyone. There are picket lines on doorsteps as soon as anyone is in the news and an army of freelances invades people's houses.

The tactics of the press and the growth of electronic surveillance cannot be allowed to continue without some control. The British press now resembles the KGB, the Stasi and J. Edgar Hoover, and all the villains use the excuse of investigative journalism.

**Mr. Campbell-Savours:** What could *The Sunday Times* have done?

**Mr. Ashton:** It could have gone to the police. It is amazing how often the police tipped off *The Sunday Times* when they were about to raid the house of Bruce Grobelaar when he was accused of taking a bribe. They work and collude together, but the victim has no recourse unless he has £500,000 to spend in the libel courts, which few people have.

In the two or three years since Calcutt and the Select Committee report, the Press Complaints Commission has refused to introduce ground rules in the same way as the British Medical Association and the Law Society have done, or self-regulation stating that it is not in favour of entrapment or of agents provocateurs.

A recent article in *The Sun* stated:

"Colin Stagg, cleared of murdering Rachel Nickell on Wimbledon Common, is suing the police for malicious prosecution and wrongful arrest . . . after an Old Bailey judge condemned police over a trap set by an undercover girl detective to lure him into a confession."

The girl had carried a tape recorder and when the police produced the tape in court, the judge kicked out the evidence.

We now have one rule for the police and another for the press. The Select Committee report on the press stated that there should be no protection for Members of Parliament or any other famous people. It suggested that we go into the arena, so we know what to expect, but even in an arena we expect some Marquess of Queensberry rules.

**Mr. Denis MacShane** (Rotherham): Will my hon. Friend give way?

**Mr. Ashton:** I am sorry, but I do not have enough time.

There are no rules even in the House. Anyone connected with the press who comes into the House should wear a badge. At the Labour and Tory party conferences, members of the press have to wear a badge. How many times do we go into a bar in the House and talk to a strange face? We do not know who those people are and they do not introduce themselves. They have been banned from the Terrace because of the way in which they hounded hon. Members who were in the news, so they now resort to the subterfuge of going on to the Terrace with a microphone up their sleeve.

*[Mr. Ashton]*

Why cannot the Committee of Privileges and the Press Complaints Commission get together and say that we shall accept the present method of lobbying, provided that there are Lobby rules in the House so that we know what is happening?

When members of the press ring me, I automatically assume that they have a tape recorder running at the other end of the telephone. I have taken three cases to the Press Complaints Commission—I won twice and lost once—and the telephone conversation was produced every time. Everyone should be aware that the growth of electronic technology is such that it has produced not the freedom of the press, but the unlicensed tyranny of the press, which newspapers abuse regularly to denigrate democracy in the House and increase circulation.

5.58 pm

**Mr. David Evans** (Welwyn Hatfield): It is important for debates in a national Parliament to reflect the central cultures of the nation that it aims to represent, so today's debate must be reflecting the time-honoured British custom of hypocrisy.

*The Sunday Times*, once a great national paper, is reduced to gutter reporting. Everybody in the nation and everybody in the House knows perfectly well what those journalists were doing. They used totally different approaches to Conservative and Labour Members. One minute they were talking about offers of a public affairs contract, the next they were having a conversation on the Terrace about consultancy and then, when the Committee asked for a very important tape—the House will not believe this—they lost the tape. They think that we all come out the Thames in a biscuit tin.

It seems, however, that there is a gulf of difference in the way in which Members register how they sell their services. What is the definition of long or short-term consultancy work? What is the definition of consultancy work? Surely those are two of the central questions that we should be asking.

We should consider also establishing a suitable means of adjudicating on alleged cases of corruption and misuse of privilege. If a Member's memory falls foul of the hazy House of Commons guidelines, he must undergo a trial by a kangaroo court. My hon. Friend the Member for Colne Valley (Mr. Riddick) returned the cheque on the same day that he received it. He believed that the transaction could be classed as a short-term consultancy. After checking the details of the transaction more thoroughly, he felt, as he put it—this was on reflection—that it would be inappropriate for him to accept the cheque. He made a mistake and he did everything in his power to remedy it as quickly as possible. He apologised to the House at the earliest possible opportunity.

In my opinion, my hon. Friend the Member for Colne Valley acted as honourably as he could after he had discovered that he had made an error of judgment. Somehow that is not good enough. The Committee of Privileges still wishes to punish him. The Committee classed my hon. Friend's concept of short-term consultancy as a breach of privilege even though there are no clear guidelines.

It is not only Members who sell their services. We know that entire political parties sell their souls and their policies for financial reward. For a start, take that lot over there on the Opposition Benches. Why is it that 135 Opposition Members, including the entire Opposition Front Bench, are sponsored by unions? Why is that? It is done so that Labour Members can table questions on behalf of unions day in, day out, to look after their unions' interests.

Why does the Labour party raise £8.5 million a year? Half of it comes from its unions so that it can look after their interests. That is why Labour Members table questions day in, day out in this place.

Why is the right hon. Member for Sedgefield (Mr. Blair), the Leader of the Opposition, who is better known as Bambi or the right hon. Member for Sedgefield (Oratory), so eager to explain to the British public that

"trade unions will have no special or privileged place within the Labour Party"?

How is it that such wanton hypocrisy is allowed to go unpunished?

Labour does not confine itself to exercising hypocrisy in accepting favours from the unions. The Labour leadership campaign provides an example. Three former London Weekend Television executives paid and fund-raised most of the £79,000 required for Bambi to become the leader of the Labour party. Those executives all made millions out of share option schemes. The hon. Member for Dunfermline, East (Mr. Brown) has been trying to make sanctimonious scandal out of share option schemes. Does not that seem a little like double standards? Why was not the £79,000—

**Madam Speaker:** Order. We have had an amusing couple of minutes, but I must bring the hon. Member for Welwyn Hatfield (Mr. Evans) to the motion that we are debating, which is set out on the Order Paper. Perhaps he will return to the motion and the amendments that are before us.

**Mr. Evans:** The double standards in this place are there for all to see. Have any of us never made a mistake? We have all made mistakes. When we pass through the Lobbies, we shall see the ones who claim that they have never made a mistake. We shall see which Lobby they pass through.

I do not condone the actions of the Members in this matter, but rather than make scapegoats of them so as to brush a problem under the carpet, surely it is best that we think seriously about remedying the nonsense in the rules governing privilege. In that way, we shall all know where we stand. When a Member clearly breaks the rules against that background, I shall be the first to say that he or she must be punished.

6.4 pm

**Mr. D. N. Campbell-Savours** (Workington): I am sure that the hon. Member for Welwyn Hatfield (Mr. Evans) feels most relieved to have got all that off his chest.

First, if it had not been for *The Sunday Times*, the truth would not have come out. Let there be no doubt about that. Secondly, can we be clear what we are talking about? We are talking about conduct by Members—

**Mr. Allason:** Four Members.

**Mr. Campbell-Savours:** Perhaps more than [illegible]er Members.

Over the years, Members have been prepared to sell the service of using parliamentary procedures to their clients for personal benefit. That has been going on for decades in the House, and that is what the hon. Members for Colne Valley (Mr. Riddick) and for Bosworth (Mr. Tredinnick) stand accused of. Let their punishment be seen in that light.

I have major and deeply-seated concerns about the report of the Privileges Committee. I feel ambiguous about the conclusions that the Committee has arrived at. Paragraph 47 causes me particular concern. It reads:

"We see"—

that is, the Committee—

"no sustainable distinction between a payment of £1000 for tabling a Parliamentary Question and a consultancy for which the fee is £1000 and the only requirement the tabling of a Parliamentary Question."

The Committee sees "no sustainable distinction" between the two propositions. Nor do I.

I would go further. I see no distinction between a consultancy for which the fee is £1,000 for tabling one question over a period of a few days, and a consultancy for which the fee is the same £1,000 for tabling a series of questions over a few weeks. There is no distinction to be drawn. In my view, they are both consultancies.

I understand that the hon. Member for Colne Valley protested to the Committee—this was later in his evidence—and said that he did not believe that it was a consultancy when he realised that he had to table only one question. I do not accept that. The relationship was parliamentary consultancy from beginning to end and indistinguishable from other relationships between Members and their clients in which series of questions are being asked.

The Committee, however, has seen a distinction. Paragraph 48 states that, in the first case, the action

"fell short of the standards the House is entitled to expect of its Members, and that the House should take appropriate action to mark this view."

That is in the case of one question for £1,000. When it comes to the issue of a number of questions for £1,000, the Committee fails to take a position and says, in effect, that it may well return to the matter later.

The Committee had a duty to consider consultancy in its widest context before it drew the conclusions that it did in the case of the hon. Members for Colne Valley and for Bosworth. There is a simple reason for its failure to consider the wider issue of consultancy. From the inception of the inquiry, when the Privileges Committee was set up to examine the entire affair, the Committee was riddled or laden down with Members with commercial interests.

Their remit was to protect consultancies. They set out with a strategic aim, which was to isolate two Members, make out that what they did was not consultancy and somehow preserve the position of Members engaged in consultancy and doing precisely the same thing. That was an unacceptable way in which to proceed. I feel that the hon. Members for Colne Valley and for Bosworth must receive some form of punishment, but I shall not enter the Division Lobby.

6.10 pm

**Sir Patrick Cormack** (Staffordshire, South): I have heard enough this afternoon to confirm the belief with which I came into the Chamber—that the process that we have followed in investigating these complaints is entirely wrong.

**Several hon. Members** *rose*—

**Madam Speaker:** Order. I am now required under the Standing Order to put the Question on the amendments. We come first of all to amendment (b).

**Mr. Winnick:** I withdraw the amendment.

**Madam Speaker:** Amendments (c), (d), (e) and (f) are not moved.

*It being two hours after the commencement of proceedings on the motion,* MADAM SPEAKER *put the Question, pursuant to Order [19 April].*

*Question agreed to.*

*Resolved,*

That this House—

(i) approves the First Report from the Committee of Privileges (House of Commons Paper No. 351);

(ii) considers that, having regard to the conclusions of the Committee in respect of the honourable Member for Colne Valley, the conduct of the honourable Member fell below the standards which the House is entitled to expect from its Members, and therefore formally reprimands him for his actions; and suspends him from the service of the House for ten sitting days, with suspension of his salary as a Member for the same period and

(iii) considers that, having regard to the conclusions of the Committee in respect of the honourable Member for Bosworth, the conduct of the honourable Member fell below the standards which the House is entitled to expect from its Members, and therefore formally reprimands him for his actions; and suspends him from the service of the House for twenty sitting days, with suspension of his salary as a Member for the same period.

## Select Committees

*[Relevant document: the First Special Report from the Select Committee on Members' Interests (HC 288).]*

6.11 pm

**The Lord President of the Council and Leader of the House of Commons (Mr. Tony Newton):** I beg to move,

That if any select committee, or sub-committee thereof, considers that the presence at a meeting, or part of a meeting, of that committee to which the public are not admitted of any specified Member of the House not nominated to that committee would obstruct the business of the committee, it shall have power to direct such Member to withdraw forthwith; and the Serjeant at Arms shall act on such instructions as he may receive from the chairman of the committee in pursuance of this Order.

That this Order be a Standing Order of the House.

As matters stand at the moment, any Member of the House has a right to be present at meetings of a Select Committee of which he or she is not a member, even if the Committee is meeting in private. "Erskine May" tells us that Members usually leave if asked to do so, and it says that they

"ought, on the grounds of established usage and courtesy to the committee, immediately to retire when the committee is about to deliberate".

But if they refuse to go, the Committee has no powers to make them, although it can ask the House to take action.

A difficulty of that kind arose earlier this year in the Select Committee on Members' Interests. On 7 February, the hon. Member for Workington (Mr. Campbell-Savours) attended a private meeting of the Committee. As the Committee proceeded to consideration of the draft report, the hon. Gentleman attempted to address the Committee. Although the hon. Gentleman was strictly within his rights in attending, it was clearly not appropriate for him, or consistent with the advice in "Erskine May", I would judge, to seek to interfere directly with the Committee's proceedings. The Chairman of the Committee, my hon. Friend the Member for Wealden (Sir G. Johnson Smith), who, for health reasons, has apologised to the House for the fact that he is unable to be here this evening, asked him to leave, but he refused. The Committee then adjourned.

On 7 March, the hon. Member for Workington again attended a private meeting of the Committee, and again refused to leave when asked to do so. The Committee then reported to the House, seeking from the House the power to exclude the hon. Gentleman from its future private meetings.

In considering how to advise the House on how it might deal with that request, it seemed to me sensible to consider responding by introducing a general provision to cover such circumstances, rather than simply to propose an ad hoc resolution directed at one hon. Member in relation to one Select Committee. Accordingly, after consultation with the Chairmen of the Liaison Committee and the Procedure Committee, and through the usual channels, I have tabled the motion before the House.

The motion provides that any Select Committee that finds that its business is being obstructed in such a way by a Member who is not a member of the Committee would have the power to direct that Member to withdraw from a private meeting and, if necessary, to call on the Serjeant at Arms to enforce any such direction. It applies both to deliberative meetings, which Select Committees are required by the rules of the House to conduct in private, and also to meetings at which a Committee has decided to take oral evidence in private.

There are two things that I should emphasise. First, this is permissive, not mandatory. Non-members of Committees will still be able to attend Committees' private meetings if the Committee does not regard them as obstructing its proceedings, and their rights to attend meetings at which evidence is given in public—that is to say meetings where the public in the more general sense are allowed in—are not affected in any way by the terms of the motion.

The second point that I wish to emphasise is that that power is not a dictatorial power vested in the Chairman of the Committee acting alone, but in the Committee as a whole. No Member could be asked to leave a private meeting unless the Committee had first discussed the matter and decided that, in the circumstances, it would be inappropriate for him or her to remain in the Room.

This matter needs to be resolved, so that the Select Committee on Members' Interests can make progress with its current inquiry.

But I commend the motion to the House not only on that basis, but because I think it represents a sensible power to be available to all Select Committees to ensure that their work, which the House rightly values highly, can proceed as the House would wish.

6.14 pm

**Mr. D. N. Campbell-Savours** (Workington): I make it clear in opening my remarks this evening that I do not intend to breach the privileges of the Select Committee on Members' Interest in any way by saying anything about evidence that is being given to it. I say that, Madam Speaker, to put at rest your mind and the minds of the Clerks of the House in so far as they might feel that I would be inclined to breach that principle. I do not intend to do that. I intend to speak to the motion and, if necessary, to call on the precedents of earlier debates, not only in this century but in the previous century, to justify what I am doing.

I stand accused of disrupting the Select Committee on Members' Interests. The motion would give a Committee the power to direct a Member who disrupted or obstructed the business of a Committee to withdraw. I will argue—indeed I do argue—that a Committee should not be given that power, and that the Floor of the House must crucially remain the forum for appeal for a Member who feels that a Committee is conducting its affairs contrary to the interests of Parliament.

Let me give the House an example of a Committee which, by its conduct, is failing to carry out the remit set by resolution from the Floor of the House of Commons—the Select Committee on Members' Interests. My view is that its proceedings are an abuse of Parliament, and in the way in which I acted I have been able—and will be able—to draw attention to its deficiencies. There is no other proceeding in the House that allows a Member to do this. I can ask a question: that is not a debate. I can apply for an Adjournment debate; I have no guarantee that I will be called, because I may not be selected or may not come up in the ballot. I can apply for the ballot for motions—I have no right to win the ballot. I have no right to catch

your eye, Madam Speaker, in any debate, and no right of laying down, other than through the process of ballot, a motion that is debatable in this place.

If hon. Members think about what I am saying, it is the only proceeding open to me as a Member of the House of Commons to initiate a debate of this nature. Let me use the Select Committee on Members' Interests as an example. Its members cannot do what I am doing, because, being members of that Committee, they cannot reveal what is, in effect, unreported evidence to the House. They cannot comment publicly on its proceedings. I can, if I find out, by whatever means.

Indeed, in this case I was able to read about it in *The Guardian*. They have no rights to do what I am doing. My view is that any Member of the House of Commons who believes that the proceedings of a Committee of the House are being abused has a responsibility to use proceedings to draw the wider attention of Parliament to what is happening, as indeed I would argue is happening in that Committee. This is the only procedure that I know can be used.

Let me be more specific. There are two Committees of the House of Commons that are, effectively, quasi-judicial—the Privileges Committee and the Select Committee on Members' Interests. I heard, during the debate that took place on the report into John Browne, some eloquent speeches by Conservative Members of the House, arguing that the proceedings were so judicial that they required a different approach by Westminster. So I think that we would generally concede that they are quasi-judicial.

What happens if a Government Whip—a Minister of the Crown—is placed on that Committee? Does it inspire confidence in the public to know that that Committee is adjudicating on matters that are quasi-judicial and yet can be subject to the influence of a Whip—the person who fixes the pairings, and may arrange foreign delegations; the person who, perhaps, allows a Member to go off and visit his or her family, and who may even arrange a promotion? I believe that, if a Whip's eye is on the proceedings of a Committee, it will influence the way in which the Committee works.

If members of such a Committee can say nothing—if the only way in which we can ensure that the matters that we are discussing are drawn to the attention of Parliament as a whole is for someone like myself to use the procedures of the House to that end—so be it. That is one reason for my actions; I shall give others shortly.

**Mr. Alex Carlile** (Montgomery): Does the hon. Gentleman agree that it is difficult for a Committee of the House ever to satisfy the House—and, in particular, the public—that it is judging issues of credibility fairly? Does not the judgment of credibility itself lose all credence in the public mind if a Whip is on the Committee, influencing the way in which members of his party vote on whether a Member of Parliament should be believed or not?

**Mr. Campbell-Savours:** The hon. and learned Gentleman has encapsulated my argument in fewer sentences than I have used. That argument concerns the Committee's credibility in the eyes of the wider public and, indeed, Parliament.

That is the first abuse that, in my view, requires protest: in that context, this forum is essential for the identification of a deficiency. The second, however, is far more important, and one in which I would expect parliamentarians to take a particular interest. I refer to the relationship between a Committee of the House of Commons and a court of law.

We know that the hon. Member for Tatton (Mr. Hamilton) is bringing a libel action against *The Guardian*, and I know that, subject to the rules of the House, members of the Committee cannot speak about these matters outside the Committee. What happens if, during that Committee's proceedings, the fact that a libel action may be brought by an hon. Member—the subject of a complaint—begins to interfere with the Committee's judgments and the way in which it conducts its inquiry? What happens if the Committee decides, in its wisdom, that it is not prepared to address a particular subject because it feels that that might prejudice—I use the term advisedly—action that may or may not subsequently arise in a court of law?

That is precisely what is happening in the Select Committee on Members' Interests. If members of that Committee are not free to speak on such matters, who will speak—except people like me, who are prepared to take on the House's procedures to bring Parliament's attention to what we consider a deficiency?

I put it to the House that the timing of the inquiries—I stress that the word is plural—by the Committee is being determined by a civil action in the courts. I ask hon. Members to think of the implications. Let us suppose that someone's action—whatever it might be—had to be referred, by way of complaint, to either the Privileges Committee or the Select Committee on Members' Interests; the Member involved might say, "Ah: if the Committee will have the probability of a libel action in mind, perhaps I"—that is, the person about whom the complaint is being made—"should bring a libel action in the courts, knowing that it may be delayed for two or three years."

That is a way of effectively destroying Parliament's right to debate issues and carry out full inquiries, and that is what I object to. That is why I say that we must have the right to protest on the Floor of the House: Committee members cannot speak about the matters to which I am referring now.

The libel action that I mentioned is not even listed, and may never be listed. I understand that there are some judgments that have a bearing on whether it will be listed. My hon. Friends cannot refer to the matter, but I can, because of the procedure that I have used. I refer to Burdett *v.* Abbott in 1811 and Stockdale *v.* Hansard in 1839. The jurisdiction of the Houses over their Members—their right to impose discipline within their walls—is absolute and exclusive.

It is possible that, if someone faced a libel action brought by a Member of Parliament when the House was dealing with a complaint, it could be argued in a court of law that the matter must be dealt with in Parliament rather than the courts, and the Member concerned might well have to petition Parliament before he could deal with the issues with which he wished to deal in court. My argument is that the Committee is being manipulated by proceedings in a court of law, in a way to which my hon. Friends cannot refer. I am using the only procedure open to me in order to refer to it.

**Mr. Nigel Spearing** (Newham, South): My hon. Friend has made a powerful point about the relationship between

*[Mr. Nigel Spearing]*

a Select Committee and courts of law, but may I return him to his first point? He referred to Whips sitting in on Select Committees. Surely it is accurate to say that—as my hon. Friend suggested—when a Government Whip is involved he is, in practice, a Minister of the Crown. Moreover, he is a paid Minister of the Crown: he is paid to do the work of the Executive, which we accept for reasonable purposes as individuals sitting in the Chamber. Is it not a practice, however, for no Minister to be a member of a Select Committee, and is that not an even more powerful argument for resisting the incursion of the Executive on the legislature?

**Mr. Campbell-Savours:** I must dissent slightly from my hon. Friend's comments. There are Committees to which there have been Government appointments, but I am talking about quasi-judicial Committees—special Committees.

Another abuse requires protest. It, too, is linked with the libel trial. To what extent should a libel trial determine who gives evidence to a Committee? If Mr. Al-Fayed, Mr. Greer and the hon. Member for Tatton do not give evidence to that Committee because of the possibility of a subsequent libel trial, I would argue that Parliament's proceedings are being interfered with. But my hon. Friends can say nothing to the Committee, because they are locked in by an oath of secrecy and confidentiality—which, I must say, I have always supported in a different context involving non-reporting of proceedings.

**Sir Terence Higgins** (Worthing): I take the hon. Gentleman's point about Whips on Committees, and have some sympathy with his view about the relationship between Committees of the House and outside judicial proceedings. I may not have followed the hon. Gentleman closely enough, but I do not understand what parliamentary procedures he seeks to invoke to put matters right. Does he argue that he has the right to disrupt Committees to bring these issues to the attention of the House?

**Mr. Campbell-Savours:** I am speaking against the motion. The Leader of the House has tabled a motion that would give the Chair power to exclude those who wished to protest about what goes in Select Committees, when it is known that members of those Committees can say nothing because they are bound by an oath of secrecy and a principle of not speaking on unreported evidence.

**Mr. Iain Duncan Smith** (Chingford): I have listened carefully to the hon. Gentleman. He has just said that a problem arises if the individual is bringing a case of defamation, or of libel as he termed it, against someone or a newspaper, as that conflicted with the interests of this place in so far as the Committee could not hear evidence from those people. Surely he must be careful that the individual, by being a Member of Parliament, has no fewer rights to defend himself or herself in a court of law if that is their chosen venue.

**Mr. Campbell-Savours:** The hon. Gentleman has not quite grasped what I have said. I am not saying that those things conflict, but that Committee members have decided that they are prepared to give the court action precedence. That is interfering with their judgment on the way in which the Committee should proceed.

Protest should take place on the basis of another argument. It relates to the way in which the Committee has been taking evidence. We know that a libel trial is going on outside. We find that when Peter Preston, the editor of *The Guardian*, was giving evidence to the Committee, the hon. Member for Tatton was present in the room to hear the evidence. However, when the hon. Gentleman submits his evidence to the Committee, whether it be oral or written, *The Guardian* editor is not allowed access to that evidence.

The Committee, therefore, is being used as a sort of discovery forum where a Member can discover the case of *The Guardian*, but *The Guardian* cannot discover the case of the hon. Member for Tatton. It seems to be a very unlevel playing field, if I might use that term. I object to the fact that the Committee's proceedings are being used in a way that favours one party in his action, in the event that it were to take place in a court of law.

Another abuse certainly requires protest. It is one that should be close to your heart, Madam Speaker. When a Committee leaks, there is normally a leak inquiry. We know for a fact that the Committee has been leaking like a sieve because, in early March, *The Guardian* published an article that, I understand, was based on the Committee's draft report. The article stated: "Hamilton breached MPs rules".

Who objected? Did the Committee convene to consider that leak? Whenever I have been on a Committee where a leak has occurred—thankfully, over the years, there have been few—normally we have had a leak inquiry. If I remember rightly, a leak happened only once when I was on the Public Accounts Committee, whose Chairman is present, and we went to Liaison Committee. A discussion had to take place in the Liaison Committee about what action would be taken, yet the Select Committee on Members' Interests, for whatever reason—I shall come to it in a minute—is not prepared to ask for a leak inquiry.

I shall tell hon. Members why no request for a leak inquiry has been made. It is simple. No inquiry has been requested because that Committee is leaking like a sieve through the Tory Whips Office. That is where the leaks are coming from. A Committee member is in the Whips Office. Furthermore, everything that happens in the Committee is going not only into the Tory Whips Office, but to the hon. Member for Tatton, who knows chapter and verse what is happening in the Select Committee on Members' Interests.

I challenge anyone on the Government Bench to deny what I am saying. They know the truth. They know that, if they come to the Dispatch Box and deny what I am saying, it is contempt of the House. It is contempt deliberately to mislead Parliament. The hon. Member for Tatton knows in detail what is happening during proceedings in that Committee, which is discredited.

**Mr. James Clappison** (Hertsmere): I appreciate that the hon. Gentleman has strong views on the matter, but, in effect, he is complaining about the procedures of the House. Is not obstructing that Committee the wrong way to complain about those procedures? May I give the hon. Gentleman one example of where he is wrong? He has complained about one of the Committee members. He probably knows full well that a procedure exists in the House for appointing Committee members. When that

hon. Member was appointed, neither the hon. Gentleman nor anyone else objected to that Member's inclusion on the Committee.

**Mr. Campbell-Savours:** This is obviously a time for honesty. My hon. Friends will be surprised by what I am going to say. The hon. Gentleman may remember that, last year, an argument took place in the House about the conduct of the hon. Member for Rutland and Melton (Mr. Duncan). After I had objected to every Select Committee appointment for four months, I did a deal with the Tory Whips—I admit it. I agreed that I would not object to any more Members being appointed to any Select Committee.

The hon. Member for Hertsmere (Mr. Clappison) has required me to breach a confidence. He presses me across the Floor. He is a Conservative Member. I did a deal saying that I would not object, and, of course, the nomination went through. I kept my side of the bargain—I did not object—but Ministers of the Crown should have known that it was improper to appoint a Minister to that Committee. They must have realised that that would lead to an argument in the House.

Some people are sceptical about the reason why Ministers put that Whip on the Committee. It might be that, at that time, they knew that an argument would take place about the right hon. Member for Thanet, South (Mr. Aitken). I will not go into that today. They will certainly have known about the complaint about the hon. Member for Tatton. They may have foreseen that a number of complaints would be considered by that Committee over a period of months, which would be highly embarrassing, and that they needed the services of a Whip to ensure that the Whips Office was kept informed of what was going on in the Committee.

The hon. Member for Medway (Dame P. Fenner) smiles, but I ask her rise to her feet and challenge anything that I have said. She has been a member of the Committee for 10 long years, nine of them with me. I know her well on these matters. Normally, she would protest. Please protest.

**Dame Peggy Fenner** (Medway): The hon. Gentleman has asked me to intervene and I am nothing if not obedient. I know him to be a man who feels strongly about things. May I take up one point that he has made? My hon. Friend the Member for Tatton (Mr. Hamilton) was sitting in at the deliberations, but, as things are at present, he was entitled to. Do I understand from the hon. Gentleman, who is a great constitutionalist, that he thinks that we should not allow Members to sit in? We should allow them to do so.

**Mr. Campbell-Savours:** The hon. Lady makes my case for me. If she and her hon. Friends had the libel action in mind in determining the Committee's proceedings, she should not have allowed the hon. Member for Tatton to sit in on Mr. Preston's evidence as she would be destabilising the playing field, or it would not be level in terms of the information made available. It is she and her colleagues who would introduce the element of libel action.

**Mr. Oliver Heald** (Hertfordshire, North): Does the hon. Gentleman agree that the Committee has its authority as a result of the resolution of this place, that it is therefore arrogant of him to say that its decisions, which are made with that authority, are wrong, and that he is entitled just to walk into the Committee and speak in breach of all the rules? What does that say about this place's powers and the Committee's authority? Is he not breaching it through arrogance?

**Mr. Dennis Skinner** (Bolsover): My hon. Friend is a searcher for the truth.

**Mr. Campbell-Savours:** I thank my hon. Friend. To some extent, the hon. Gentleman is correct. What I have done might be perceived to be arrogant, but I put the question back to the hon. Gentleman: what alternative did I have to draw attention to all those undeniable deficiencies?

**Mr. Terry Lewis** (Worsley): May I try to clear up the question of Peter Preston's evidence? It should be set against the background of the four principal players in the whole inquiry. The whole tenor of the Committee changed as soon as the Whip was appointed to the Committee and walked in part of the way through the inquiry. We were left in a position where discipline was imposed and three of the four principals were excluded from the Committee's examination. I know of no Select Committee which was to examine people which examined one person and excluded three.

When Peter Preston came, his case, as my hon. Friend the Member for Workington (Mr. Campbell-Savours) said, was prejudiced because the hon. Member for Tatton (Mr. Hamilton) exercised his right, as a Member of the House, to sit in on that investigation and inquiry and to take notes. To my mind, that is unacceptable. I congratulate my hon. Friend the Member for Workington on raising this matter for debate.

**Mr. Campbell-Savours:** It is unacceptable only because a majority of the members of the Committee were prepared to have the possibility of a libel action in mind when they were deliberating on the pace of proceedings. It is clear that, to begin with, the delay of six weeks since my alleged sin was committed was very convenient for the Government. I understand that the Whips were crowing. They said, "We may well get this case listed before we can get on to the second part of the inquiry." I do not want to go into the detail of those allegations, but many would argue that they should have been dealt with in the first part—

**Mr. Bill Etherington** (Sunderland, North): Will my hon. Friend give way?

**Mr. Campbell-Savours:** Yes, but we must not deal with the detail of the allegations.

**Mr. Etherington:** If I go wrong, I am sure that you will put me right, Madam Speaker. Is my hon. Friend aware that the libel action was well known about before Peter Preston was called? It had been agreed that witnesses would be called. Only after Peter Preston had given his evidence, which was heard by the hon. Member for Tatton (Mr. Hamilton), did the Conservative majority decide to hear no more evidence.

**Mr. Campbell-Savours:** We are learning something new by the minute. If that is the case, the Committee is discredited and what I did was absolutely right. It means that the great British public cannot rely on a parliamentary Committee to be objective when it sits down to adjudicate on matters of that nature. The comments of my hon. Friend the Member for Sunderland, North (Mr. Etherington)

*[Mr. Campbell-Savours]*

harden my resolve and my feeling that what I have done is right, even though it might be described as arrogant by the hon. Member for Hertfordshire, North (Mr. Heald).

I have used the only procedure available to me in the House of Commons to raise the issue. There is no other way and that is why the motion is wrong. It is ill-conceived because it means that, if such things happen again in future and members of a Committee are constrained in respect of what they can say in public because of issues of privilege and contempt of the House, no one will be able to do what I had the right to do and that is to get up today and reveal what is happening. I did that in the public interest.

The Leader of the House is today closing down the public interest. He is closing down the opportunity for debate. He is taking away the right to protest. The right that I have used is not being abused. It has been used very rarely over the years. It was used once in 1991; once in 1994; once in 1989; once in 1982; once in 1974; once in 1952; once in 1827 and once in 1849. The point is that the procedure has been used very rarely over the years. However, when it has been used, it has been used to defend the interests of Parliament.

6.43 pm

**Mr. Peter Griffiths** (Portsmouth, North): I should like to return to the motion, which relates to procedures in Select Committees, not to the detail of the procedure that has been partly completed in one Select Committee. The time to discuss the behaviour of a Committee and the way in which it called evidence and the evidence that it published is when the evidence has been completed and is published for the House. The minutes of the Committee are published for the House, as are the recommendations. That would be the normal procedure. However, those of us on the Select Committee on Members' Interests faced a situation that became quite intolerable.

At this point, I must stress that I am not usurping the role of the Chairman of the Select Committee on Members' Interests. He is indisposed and I am not seeking to speak for him or to take on his mantle. The important feature of this debate is that we should make it possible for a Select Committee that was given direct and clear instructions by the House to continue and complete the work that it was authorised to begin.

It is entirely improper for there to be discussion outside the Committee on matters discussed by the Committee before the Committee has had a chance to reach a conclusion. It is wrong to suggest that the Committee has been behaving other than according to the normal rules that apply to Select Committees of this House. It has been meticulous in its respect for the rights of Opposition Members and it was courteous when it was interrupted, not once, but twice.

It was explained to the hon. Member for Workington (Mr. Campbell-Savours), who interrupted the Committee, that the matter he raised was not one for the Committee because the Committee does not decide its own composition. The House decides who shall sit on a Committee. If any hon. Member has the slightest objection about a nomination, that protest should be made when such a nomination appears on the Order Paper, when there is an opportunity to vote on the matter.

If hon. Members do not read the Order Paper, that is not the fault of the Committee or a fault of the proceedings of this House; it is a lack of diligence. If someone wishes to accept that he or she lacked diligence, that is a matter for that person. The issue of who should be a member of a Select Committee is not the issue before us tonight, and who interrupted the Select Committee on Members' Interests is not of particular importance.

The hon. Member for Workington is overweening in his suggestion of his own significance in this matter. The matter that he wanted to raise was raised in the wrong place. He was in the wrong place and he was discourteous. Until that time, it had been assumed that, if an hon. Member wished to attend a Select Committee meeting, particularly a Select Committee of the nature of the Select Committee on Members' Interests, he would do so. An hon. Member was not expected to interrupt such a Committee.

I have been a member of the Select Committee on Members' Interests for as long as any serving Member. I cannot remember the Committee being interrupted in that way. However, had such an interruption occurred, I would have assumed—and I believe that most hon. Members from all parties would have done so too—that the Chairman would request the hon. Member to withdraw. If the Chairman had asked the hon Member to withdraw, I assume that he or she would have done so. That may not have been a well-founded assumption, but that is what I assumed.

However, once it has been found possible to stop a Select Committee deliberating, what prospects have been opened up if we do not take firm action immediately? Any Member of the House who decides that he does not like what a Select Committee is doing and who thinks that there may be some party political or personal advantage to be gained can simply disrupt the Committee in the knowledge that it will take some time to bring the matter to the Floor of the House.

One person, whose name has been referred to in the debate, is a victim of the tactics of the hon. Member for Workington—my hon. Friend the Member for Tatton (Mr. Hamilton).

**Mr. Lewis:** Come on.

**Mr. Griffiths:** I will certainly come on, and say that justice should be done as swiftly as possible. I do not reveal secrets from the Select Committee, except to say that we have made progress; we are moving towards a decision. My hon. Friend the Member for Tatton has a right to know the decision of the Committee at the earliest possible moment.

The result of the two interventions by the hon. Member for Workington has been simply that the Committee has not been able to sit. It has not been able to listen to the comments of his hon. Friends who, on occasion, have had my support in that Committee. *[Interruption.]* Opposition Members have never found me taking a purely party political line, and I object to the suggestion that that might be so.

**Ms Angela Eagle** (Wallasey): I agree with what the hon. Gentleman says about his conduct. As he is so worried about the delay, does he agree that it is disgraceful that we have had to wait six weeks since my hon. Friend the Member for Workington (Mr. Campbell-Savours) came into our Committee proceedings to have this debate? In the

past, such matters were always dealt with on the same day or the day after. Will the hon. Gentleman admit that that is the fault of the Leader of the House?

**Mr. Griffiths:** I certainly regret that there was a delay. Had the hon. Member for Workington made his protest on the one occasion and then left the matter at that point, the Committee would have met again the following week. It would then have proceeded to deal with the matter in hand. But the hon. Gentleman repeated the interruption, and that meant that it was not possible for the Committee to continue its work.

As for the suggestion that there is some division between the two parties on the Select Committee—which I resent—I am sure that many hon. Members will recall that, on two occasions, I pressed my right hon. Friend the Leader of the House for an early debate. I also pressed that he should initiate the debate on a substantive motion, which would have dealt with the impasse that had arisen.

I believe that the Select Committee on Members' Interests has behaved properly. Individual members of that Committee have also behaved properly according to their consciences. That has always been so on the Committee. I do not recall any breaches at any time in this Parliament or previously.

I do not want to delay the discussion. I simply ask that we consider the needs of Select Committees to carry out the remit of the House. They need the opportunity to discuss matters privately on occasions, and to discuss matters with care. The contributions of individual hon. Members should be equal, regardless of their party or their length of service. Each person who is properly appointed by this House should be allowed to express his view.

**Mr. Piara S. Khabra** (Ealing, Southall): Does the hon. Gentleman agree that the Committee has become moribund for two reasons? First, the libel action has stopped progress in the Committee. As the hon. Gentleman knows, one evening the Committee sat from 6 pm to 9 pm. We did much work, but since the libel action was initiated that work has stopped. Secondly, in respect of a Minister being appointed to the Committee, hon. Members objected at earlier meetings, not later.

Those two matters are of great concern to certain members of the Committee. I appreciate that the hon. Gentleman has been very co-operative with the Chairman of the Committee and has been trying to behave in a non-partisan way, but the Committee is making no progress for those two reasons.

**Mr. Griffiths:** Those matters can be resolved within the Committee when it is permitted to meet and to carry on its discussions. It can decide its own procedures. It will report its conclusions and the minutes of the discussions will be made available. There will be no secrecy about what happened and when. Any evidence that is called will be reported fully to this House and there will be an opportunity to discuss the matter at that point. To call in the jury before the evidence has been heard is grossly unfair to the person who is the subject of consideration by the Select Committee.

**Mr. Campbell-Savours:** Will the hon. Gentleman give way?

**Mr. Griffiths:** This must be the last time.

**Mr. Campbell-Savours:** According to *The Guardian*, in so far as part of a report has been leaked to *The Guardian*, the Committee was dealing with a draft report. That being so, is it true that, when that draft report was being considered, members of the Committee had in mind the existence of a potential libel action? Did they have it in mind?

**Mr. Griffiths:** I do not think that the House would expect me to answer a question about what was said in Committee. I would not presume to say what was in the minds of my fellow members of the Committee. All that I know is that the matter was discussed and that we were moving, having taken some evidence, towards the point where we would seek to reach conclusions. That is what was being done.

**Sir Anthony Durant** (Reading, West): Does my hon. Friend agree that we took advice in Committee about the libel case? We were told by the Clerk to the Committee, who had taken advice, that we could proceed to deliberate on all those matters because the case had not been put down. Is that my hon. Friend's understanding? It is certainly mine.

**Mr. Griffiths:** I am grateful to my hon. Friend for making that point. I had rather hesitated to say what legal advice we were given. Certainly, the hon. Member for Wallasey (Ms Eagle), who raised the matter earlier, was aware that the Committee was told that it could discuss whatever it wished and that it could proceed, regardless of what was happening outside, until the question of sub judice arose. I would not wish to go beyond that. That was the legal advice that the Committee had; it was available to every member of the Committee. It would be available to any Member of the House who sought legal advice, presumably.

The point tonight is that the Select Committee on Members' Interests needs to complete its discussions. We ask for the protection of the House in carrying out the duty that the House gave us. We need, therefore, the right for our Chairman to exclude any person who seeks to disrupt our proceedings—no one else.

As this matter has been the subject of so much discussion, there is a danger that others may be tempted to follow along the very undesirable path trodden by the hon. Member for Workington. Therefore, it is necessary that all Select Committees have a power in reserve so that it can be used if it becomes entirely necessary. Whenever it is used, of course, it will be used on behalf of the House, and the House will make the decision. The House is the final arbiter. Select Committees are simply the instruments that do their humble best to carry out the duties that are given to them.

6.57 pm

**Mr. Alex Carlile** (Montgomery): I am grateful for the opportunity to make a short contribution. I do so as the complainant in both complaints made to the Select Committee on Members' Interests in relation to the hon. Member for Tatton (Mr. Hamilton). In normal circumstances, I would agree with almost everything said by the hon. Member for Portsmouth, North (Mr. Griffiths), who is well known for his independence and for not being a slave to the party Whips. However, extreme circumstances call for extreme actions. The hon. Member for Workington (Mr. Campbell-Savours) has rightly been driven to extreme actions in this case.

*[Mr. Alex Carlile]*

As one of the lawyers in the House, I am used to hearing the courts and lawyers criticised for being slow, indecisive and inefficient. I have to say, as the complainant, that the Select Committee on Members' Interests has been slow, indecisive and inefficient. Even the enormous charm of its Chairman can do nothing to hide those conclusions. The complaints made against the hon. Member for Tatton have not been adjudicated upon; the Committee has delayed for months.

In relation to at least one set of those complaints, there is an issue of credibility, although I shall not go into it on the Floor of the House. It is well known, and it has been expressed in the public domain, that the allegation is denied. Witnesses are available to give evidence about the complaint, and, of course, the hon. Member for Tatton, if he wishes, can give evidence to deny the complaint. The task of the Committee is to adjudicate on who is telling the truth—or so one would have thought. Yet, months after I made the original complaint, not only has neither of the protagonists been called to give evidence before the Committee but the Committee has resisted calling witnesses to give evidence.

If a complaint is made on the basis of an hon. Member being paid cash or vouchers in return for assisting a particular business, and if that allegation is denied, how on earth can anybody inside and outside the House have any confidence in a Committee that does not even have the courage to adjudicate on the issue of who is telling the truth? In this Committee's action we have the very evidence necessary, if it were necessary, to convince the country that the implementation of recommendations made by Lord Nolan's committee that there should be some independent scrutiny of issues of factual credibility is very much needed.

In circumstances such as those under discussion, it would be quite wrong for the House to approve action against the hon. Member for Workington when what he did was to highlight serious shortcomings in Committee procedure. I am not satisfied with the failure of the Select Committee to adjudicate on my complaints. I feel like a litigant left without a solution, a remedy. Surely the House cannot possibly be satisfied with that state of affairs.

7.1 pm

**Mr. Oliver Heald** (Hertfordshire, North): This House has entrusted the Select Committee on Members' Interests with its authority. In doing so, I believe that we, as Members of this House, should respect that. We should, in a sense, set a standard. If we invest a Committee with authority, especially an authority which, as the hon. Member for Workington (Mr. Campbell-Savours) explained, is absolute and exclusive in a certain area, it should be wrong for individual Members, whether they be the hon. Member for Workington or, indeed, the hon. and learned Member for Montgomery (Mr. Carlile), to say that their judgment is greater than that of the House, greater than that of the Committee, thereby abandoning an essential principle. If one sets up such a Committee, as we have in this House, we should not interfere with its authority.

That principle has been this place for more than 150 years. In 1844, the Speaker observed in a similar issue:

"no Member who was not a Member of the Committee had any right to interfere with the proceedings . . . though he might be present in the room."

**Ms Eagle:** Will the hon. Gentleman give way?

**Mr. Heald:** Not just yet. [HON. MEMBERS: "Give way."] I shall in a minute.

It is important to look at why we have those rules. The manner of the investigation of a Committee of this sort is important. If the investigation is to be judicial, it must be made in an atmosphere that is not sullied by sympathy or prejudice and is not interfered with by individual Members who put their own opinions above those of the Committee and seek to interfere with its business. There is a danger of improper pressure on Committee members if hon. Members attend the Committee's deliberations and make personal attacks on its members, as the hon. Member for Workington has today with reference to a particular Member.

**Mr. Campbell-Savours:** Who?

**Mr. Heald:** The Government Whip in question.

**Mr. Campbell-Savours:** No.

**Mr. Heald:** It is certainly a personal attack to say that that Whip was trying to influence the Committee.

**Ms Eagle:** Will the hon. Gentleman give way?

**Mr. Heald:** Not just yet.

It is certainly a personal attack to say that somebody who is there to do his duty on a Committee and who has been placed there by the House is likely to interfere and place undue influence on the Committee's members. There would be very little point in having such Committees—we might just as well go back to having a Committee of the whole House with witnesses brought to the Bar of the House—if all Members were entitled to attend Committees and to interfere in the processes. There must be a remedy.

**Ms Eagle:** Will the hon. Gentleman give way?

**Mr. Heald:** Not just yet.

The only remedy is that which the motion suggests—in fact, the traditional remedy. On other occasions when it has been necessary to exclude a Member from a Committee, a motion has been placed before the whole House and that person has then been told that he must not attend the Committee at the behest of the Chairman. If there is no remedy, such Committees will become meaningless.

It is wrong to say that there have been only a few instances over recent years. In the present climate, many interest groups which are represented—trade unions among them—by hon. Members from all parties, campaign for this, that and the other issue. If it becomes the practice that a Member may attend a Committee that is deliberating on one such issue and interfere with its process, Committees will not be able to do a proper job.

**Ms Eagle:** Will the hon. Gentleman give way?

**Mr. Heald:** Before I give way, I wish to say that it is worth remembering the words of Gladstone, who was involved in the debate in 1844. He said:

"great inconvenience would result from investing Members of that House, who were not Members of the Committee, with a recognised authority to appear as advocates . . . sitting in the Committee, and possessing every authority except that of voting, but taking part in the discussions equally with the Members of the Committee."

**Hon. Members:** He did not make that point.

**Mr. Heald:** He made that point. He also said:

"to adopt such an arrangement, while it was totally unnecessary as aiming at supplying a defect which did not exist, would be exceedingly mischievous, because it would impair the authority, which belonged to the Committee, and would constitute a number of Members of the Committee, who would be swayed by different interests, and must render the tribunal less competent to conduct the proceedings in such a manner as would be conducive to the interests of the public".—[*Official Report*, 8 March 1844; Vol. 73, c. 724-25.]

The hon. Member for Workington wishes to attend the Committee and to put forward his own point of view on issues that are sub judice, and so on, with the aim of interfering with the views of its members. He also wants to be able to make unfair and unjustified attacks—I believe—on members of the Committee when he did not object to their selection or their election to that Committee. It is all very well and good to say, "Oh, I did a deal with the Whips," but that does not show the sort of campaigning spirit that he seems to be parading today.

The hon. Member for Workington described himself as somebody who could not find a remedy on the Order Paper and could not find a way in which to express his opinions. As a new Member in the House, I have noticed the hon. Gentleman in operation: nobody uses the Order Paper more, nobody is present more often at business questions, during points of order and at all the other opportunities that exist for Members to put a point of view if they wish to do so.

**Mr. Gary Streeter** (Plymouth, Sutton): Will my hon. Friend give way?

**Mr. Heald:** I am going to give way to the hon. Member for Wallasey (Ms Eagle) in a moment.

The hon. Member for Workington is known as an operator—somebody who can make decisions and find ways in which to put forward a point of view. He may even wish to attend a debate on the Committee's report—a point made by my hon. Friend the Member for Portsmouth, North (Mr. Griffiths). For the hon. Gentleman to suggest that he is an innocent abroad, who cannot find a way in which to put over his point of view, is frankly wrong. Everybody here knows that.

**Ms Eagle:** We are talking about a particular and rare instance. What does the hon. Gentleman suggest that hon. Members should do if they believe that something is overwhelmingly and utterly wrong with the way in which a Committee is proceeding? If this motion is passed tonight, there will be no way in which to deal with such rare circumstances—ever. This is a very serious issue. I enjoy the hon. Gentleman's light-hearted speeches, but he is missing the point. What would he do if he were on a Committee and unable to speak, but he believed that something utterly wrong was being allowed to go on and that there would be no way in which to draw the very serious matter to the attention of the House?

**Mr. Heald:** I am grateful to the hon. Lady for giving me the opportunity to say that I do not accept her premise. There are ample opportunities in this place for campaigners—

**Mr. Campbell-Savours:** What are they?

**Mr. Heald:** I have already suggested six or seven ways in which Members can make their points of view known, including objecting to the appointment in the first place. There are many opportunities available here.

In the past, there have been occasions on which, because of their powerful views on a particular issue, Members have been drawn to challenge a Committee and to interfere with its proceedings. In 1849, Bernal Osborne felt so strongly about the Irish Poor Law Committee that he tried to interfere with its deliberations, and was told to go.

**Mr. Bill Michie** (Sheffield, Heeley): Which Committee?

**Mr. Heald:** It was the Irish Poor Law Committee, but there have been numerous examples down the years.

I do not believe that it is right for an individual Member to put his strong views above those of the House. When this place has decided by resolution to give a Committee authority to deal with an issue, it is simply wrong for another Member to be there trying to interfere with the members of the Committee and with its deliberations.

**Mr. Streeter:** I am greatly enjoying my hon. Friend's argument. Does he agree that the disturbing aspect of the case before us is not simply the fact that the hon. Member for Workington has clearly broken the long-established rules and procedures of the House, but the fact that he has done so solely to pursue his personal agenda? That agenda is not about an issue of national security or a threat to democracy but is designed merely to peddle his personal diet of sleaze, slur and innuendo, and to attack Conservative Members.

**Mr. Heald:** I am grateful to my hon. Friend for making that intervention. No doubt the hon. Member for Workington will have heard it.

A more fundamental issue is at stake—the law of Parliament, which has set out those principles for more than 150 years, and which the hon. Member for Workington, aided and abetted by the hon. and learned Member for Montgomery, now wishes to break and to treat with contempt. That says something about the form of campaign with which they wish to associate themselves.

In the House there are many methods of making a point or pursuing a campaign, and both those Members have used them over the years. I believe that that is the democratic way of doing things. The other way is to ignore the authority of the House, and to be prepared to flout its rules, to be chucked out of the Chamber, to interfere with Committees—

**Mr. Campbell-Savours:** To wave the Mace?

**Mr. Heald:** I had intended to make another point, which is that all those activities amount to a principle that

*[Mr. Heald]*

we often hear expressed by Opposition Members—that it is justified to break the law for a cause. But there are an awful lot of causes, and if everybody is entitled to say, "I can break the law, because of my cause," we shall end up with anarchy. That principle is a Labour trait. We have seen it applied to the poll tax and to the Members of Parliament who refused to pay it; we have seen it on the picket lines and in many other contexts.

The worrying aspect is the "demo-ism"—the wish to take direct action to establish a form of street cred. The House should have no truck with that. I do not say that we should uphold the institution for the sake of it, but in our earlier debate on the report of the Privileges Committee the right hon. Member for Chesterfield (Mr. Benn) said that the issue at stake was the upholding of our constituents' rights. I believe that for that purpose the law of Parliament is important. Once we start breaking that law, there will be no end to it.

7.13 pm

**Mr. Bill Michie** (Sheffield, Heeley): The motion is narrow, which is a pity, because the feeling in the Committee, and certainly among my hon. Friends, is that a wide-ranging issue of principle is involved. I congratulate my hon. Friend the Member for Workington (Mr. Campbell-Savours) on having taken action that will at least allow us a debate, even within the narrow terms of the motion.

There is no doubt that the Select Committee is in deadlock, but that has nothing to do with my hon. Friend the Member for Workington disrupting its proceedings; it stems from the make-up of the Committee itself. That is the problem, and it is a serious one. As has already been said by more than one Member, I am afraid that by its actions so far the Committee has discredited itself.

I sit on two Select Committees, and I tried to take part in the earlier debate on privileges but did not succeed. Comparing my experience on those two Committees, I can tell the House that the level of democracy in the Privileges Committee is years ahead of what happens in the Select Committee on Members' Interests.

Not only has the Committee been discredited by its own make-up but we have been mugged by the rules of the House. As my hon. Friend the Member for Workington has made clear, there is no way, shape or form in which we can speak out of turn as members of a Committee committed to sitting in private. We have to rely on other Members to help us out, and that is an unfortunate position to be in.

The hon. Member for Portsmouth, North (Mr. Griffiths) said that we should leave it to the Committee to make its report, and the House could then debate and deliberate on the issues and the rights and wrongs. That idea is beyond belief, because there is no confidence whatever in the Committee. I not speak not for myself alone but for many members of the Committee who now find themselves in an impossible situation.

How can such a Select Committee be impartial when a Government Whip is sitting there? How can there be an impartial judgment when we called only one witness before the majority on the Committee decided that one witness for one side was enough, and that we should now make a rational judgment? How can that be right?

There are papers before the Committee that—

**Mr. Terry Lewis** (Worsley):—have not even been discussed.

**Mr. Michie:** As my hon. Friend reminds me, those papers have not been discussed and cannot be discussed. "We'll see to that later," it is said, "Let's deal with this issue first. We want a decision now, having heard one witness, all in private. Then we will deal with the other issues."

To my mind, some of the papers before the Select Committee on Members' Interests are more revealing than anything that came out in the previous debate on cash for questions. The two or three Members involved in that affair are in the Endsleigh league compared with what might happen—

**Mr. Alex Carlile:** They are in the Vauxhall Conference.

**Mr. Michie:** Yes, those people are in the Vauxhall Conference compared with what might happen if the Committee were allowed to discuss or question some of the evidence before it.

Unfortunately, there are even greater restrictions, because some of that evidence may not even be within the remit of the Committee. Some have asked why we do not let the Privileges Committee deal with it, but unfortunately the rules of the House do not allow that to happen. I have some of them here. I shall not read them all out but, among other things, they say:

"It is not possible for Select Committees to exchange unpublished evidence",

although there are certain powers that enable that to happen in some circumstances. Apparently, the only way in which it can be done is for a motion to be brought to the House by a member of the Government. I do not have enough confidence in the Government to think that they would allow even one of their Members to do that. So that is another serious problem.

**Mr. Campbell-Savours:** We need a protest.

**Mr. Michie:** My hon. Friend is right: we need a protest to ensure that that can happen.

The House should now free Members of Parliament and allow them to make the right investigations as responsible Members and as selected members of the Committee, rather than passing rules to restrict them as the motion would do.

The Nolan committee will respond to the Prime Minister and the House in May. It seems that the Select Committee and the Nolan committee—indeed, the House and the Nolan committee—are going in opposite directions: one, Nolan, is going for more openness and the other, the House, is going for more restrictions. The Select Committee on Members' Interests is battening down the hatches to ensure that information cannot flow, but it is battening down the hatches on a sinking ship.

Nolan is on the horizon, and unless the House gets its act together, Nolan will have to do it for us. The public are demanding more information and more transparency, yet the House—through a Committee with a Whip as a member—is restricting the rights of Members and information. I honestly believe that, unless we change our ways—we must have fewer, not more, restrictions—we

will come to a point where it will not be the Committee that is in disrepute and not looked upon with confidence, but the whole House.

7.19 pm

**Sir Terence Higgins** (Worthing): I had not intended to speak in this debate, so I shall be extremely brief. I am as anxious as anyone that the Select Committee system should work effectively. If it is not doing so, that must be of concern to the whole House. Equally, I have considerable sympathy for some of the points made by the hon. Member for Woking.

**Mr. Campbell-Savours:** Workington.

**Sir Terence Higgins:** I am sorry. I have sympathy for the particular point he made on the matter of Whips serving on Select Committees. Having said that, I feel bound to say that a number of Committees of the House—for example, the Committee of Selection—have Labour Whips among their members. I personally have qualms about that, because there is a tendency for the Labour Whip to take rather more of a role in selecting Committee members than is the case with Conservative Whips. There have been previous debates on the matter in which I have expressed similar concerns. It is for the House itself to decide who serves on a Committee, and it will be interesting to see which way the House votes when the matter next comes up.

Having said that, I have considerable sympathy for the point which the hon. Member for Workington (Mr. Campbell-Savours) made with regard to the position of the Committee on Members' Interests and the Privileges Committee. I have given evidence to the Nolan committee and I believe, in the light of recent experience, that that matter ought to be looked at by Nolan, and I hope that he will make recommendations. The overlap between the Privileges Committee and the Select Committee on Members' Interests creates an unsatisfactory situation, and certainly the time taken by either of the Committees to reach a decision is of concern.

I have served on the Privileges Committee on every occasion recently except the present occasion, and it is my opinion that it is too large to operate expeditiously—not least because of the difficulty in getting all of the members in one place at one time, as so many are senior Members of this House. An appropriate compromise may be to look at the terms of reference of the two Committees, and perhaps have a specific sub-committee which could report to the Privileges Committee on investigations into matters such as the one we debated earlier today.

Having said that, I intervened on the speech of the hon. Member for Workington because I had terrible difficulty in understanding what he was saying. He said that he was using the only procedure available to him to bring the matter to the attention of House. It gradually dawned on me—it had not occurred to me when he started—that he regards having the right to disrupt a Select Committee's work as a procedure of this House. That is intrinsically an absurdity. A Committee is set up by the House, and the hon. Gentleman says that one of the procedures which Members may use is to disrupt the work that this House wishes that Committee to carry out.

I take the point made by the hon. Lady, the Member for Hertfordshire, North. She is a relatively new Member, for whom I have considerable respect.

**Ms Eagle:** My constituency is Wallasey.

**Sir Terence Higgins:** I was misinformed.

**Mr. Heald:** I represent Hertfordshire, North.

**Sir Terence Higgins:** I apologise. I have respect for my hon. Friend as well.

I respect the contributions which the hon. Member for Wallasey (Ms Eagle) has made to a number of debates, and I accept that she feels passionately about this subject. I am bound to say to her that Committees are set up by the House to deliberate on a matter, and their proceedings and deliberations are then published. If there is a problem, the right moment at which to raise it is when the report is brought to the House.

**Mr. Campbell-Savours:** But then the deed is done.

**Sir Terence Higgins:** No, the deed is not done. The matter is then before the House to consider, and the House can decide whether it agrees with the view that the Committee expresses. That is the right way to deal with the matter. To say that individual Members have the right to disrupt the work of a Committee that has been established by the House to carry out that work is intrinsically absurd.

The motion this evening is reasonable. It does not infringe the rights of Select Committees and, far from that, it seems to me wholly to facilitate their work.

7.24 pm

**Mr. William Ross** (Londonderry, East): As it happens, I am the only Committee member who is not a member of either of the two major parties and, to some extent, I have been a spectator of the private quarrels which seem to go back and forward between the two parties.

Since we are talking about a Committee that has a wide remit to decide the form and content of the Register, we must tread with great care on that narrow ground between what is really in the public interest and what is private business. It became clear to me during the gathering of information on Lloyd's just how easy it is to stray over the line. A great many of those who sat on the Committee at that time would agree that the Lloyd's rules had ramifications that were not immediately apparent when the rules were first drawn up.

The Committee makes recommendations as to changes in the form and content of the register.

**Mr. Campbell-Savours:** Will the hon. Gentleman give way?

**Mr. Ross:** The hon. Gentleman made a long speech, and I have little time. I shall not give way to him.

**Mr. Campbell-Savours:** They are still registering syndicates—

**Madam Speaker:** Order. The hon. Gentleman must be allowed to continue.

**Mr. Ross:** I will abide by your guidance, Madam Speaker. Frankly, the hon. Member for Workington

*[Mr. Ross]*

(Mr. Campbell-Savours) was not present during all the discussions. If he had been, he might not have made those comments.

The rules of the register change and develop over time. A consequence of that is that things that were formerly not registered now fall within the rules, and those things will certainly fall within the rules in the future as the intention behind the rules becomes more precisely defined. Sometimes the rules are applied in what seems to me as a layman a retrospective manner. The time of clarification of the rules should be the cut-off point for the declarations that Members may have to make.

The financial interests and benefits of Members of this House are treated as a rich hunting ground by the press, and by some Members, and as an opportunity for political mud-slinging. That is true of Members on both sides of the House, if I may say so.

One complaint made by members of the Committee was that there was a Conservative Whip on the Committee. I noticed that, the first or second time that matter was raised, the complaints were confined strictly to the fact that the hon. Gentleman concerned was a Whip. When I pointed out that I was a Whip also, matters developed somewhat, and they have developed considerably further this evening.

It was pointed out that the Conservative Whip would have a power of patronage that was denied to me. *[Interruption.]* I see the Leader of the House smiling at that, and he knows that that is correct. It may be, however, that during a debate in the House I could say to an Ulster Unionist Member that he would find great favour with his Whip if he went down a particular line. That is not likely to happen, since my right hon. and hon. Friends are strong-minded individuals, but no one objected to my presence on the Committee on the grounds that I was a Whip.

I can only assume that that was because it was understood that when I came through the door of the Committee room, I left my Whip outside the door. I believe that we all should do that, as we are members of a Committee whose reports could have a destructive effect on the integrity, character and personal standing of any individual whose conduct we are investigating. I believe that if everyone behaved in that way, some of what we see and hear might not happen.

We must be able to consider the questions before us in a calm and non-partisan manner, and to reach conclusions that are clearly understood by the House and the public. The behaviour of the hon. Member for Workington was designed deliberately to disrupt the proceedings of the Committee.

**Mr. Campbell-Savours:** That is correct.

**Mr. Ross:** The hon. Gentleman agrees. I heard him say earlier that there was a leak of the draft report to *The Guardian* which occurred in March. However, I understand that the first disruption that he brought about was before that, so any possibility of the Committee carrying out an investigation into that matter was immediately aborted.

**Mr. Campbell-Savours:** It was in February.

**Mr. Ross:** Well, that is all right then. The first disruption was on 7 February, so the time scale is interesting. The hon. Gentleman's disruption demonstrated a lack of faith in the integrity of Committee members.

**Mr. Streeter:** On a point of order, Madam Speaker. Is it in order for the hon. Member for Workington (Mr. Campbell-Savours) to send signals to and receive replies from someone in the Press Gallery who works for *The Guardian*? Does that not show the real story going on?

**Madam Speaker:** I cannot see the Press Gallery and had not noticed that signals were being given. If that is the case, it is certainly not in order and the hon. Gentleman is right to raise such a point of order. If that is taking place, it must cease forthwith. Mr. Ross must not be interrupted further.

**Mr. Ross:** I was bringing my remarks to a conclusion anyway, Madam Speaker, by saying that the behaviour of the hon. Member for Workington demonstrates the need for the motion.

7.30 pm

**Mr. Jeff Rooker** (Birmingham, Perry Barr): This has been an interesting and unusual debate. Without wishing to denigrate the debate that preceded it, this debate has probably been more important to the future of the House than the debate on the conduct of hon. Members.

I accept the motion and, if it is put to a vote, I shall vote for it and encourage my hon. Friends to support it. The motion is permissive. The decision would be made not by the Chairman or Chairperson of the Committee but by the Committee itself. It must be based on a reasonable view that the presence of a specified hon. Member, not being a member of the Committee, would obstruct business. To that extent, the motion would not stop any hon. Member attending a meeting of any Select Committee that is held in private to listen to its deliberations and take notes, because that could not be held to be obstruction. The hon. Member for Tatton (Mr. Hamilton) attended a previous meeting of the Select Committee on Members' Interests and took notes, but nobody held that to be obstruction; therefore, it forms a useful precedent.

I see no case for disrupting Committee procedures, whether they be Select or Standing Committees held in public or in private. Hon. Members can always find a suitably convenient time and place to raise any issue that they want on the Floor of the House. I remember those long distant days when we had a Labour Government—those times will soon return—and, as a humble Back Bencher, I found that I could raise any issue I chose whenever I chose to do so by using the procedures of the House.

**Dr. Norman A. Godman** (Greenock and Port Glasgow): I would have had more sympathy for the motion had it referred to the disruptive conduct of a specified hon. Member. Instead, it talks about the presence of an hon. Member. I am concerned that an hon.

Member who attends such a Committee and behaves honourably and courteously could still be put out of the Committee's sittings.

**Mr. Rooker:** That would be unreasonable if the hon. Member simply attended, listened to the deliberations and took notes. That could not be held to be obstructing the Committee's proceedings.

**Mr. Clappison:** On the subject of raising matters on the Floor of the House, is the hon. Gentleman aware that, contrary to the impression that the hon. Member for Workington (Mr. Campbell-Savours) may have given, the hon. Member for Workington raised exactly the same matters regarding membership of the Committee on the Floor of the House in a point of order last year and was given the answer that he should have raised the matter at the appropriate time by objecting to the motion? We now know that he was busy doing deals.

**Mr. Rooker:** My view, which is shared by many of my hon. Friends, is that the Select Committee on Members' Interests is a classic example of the failure of self-regulation by a quasi-judicial body in this House. That is one reason why I sincerely hope that the Nolan committee will get to grips with that failure. Self-regulation has been a failure ever since it started. I cannot recall the Committee ever taking a proactive view in making the Members' interests register a serious tool for the House and those outside. We hope, therefore, that the Nolan committee will get to grips with the problem. The House will rue the day that we ignore any recommendations by the Nolan committee on reforming the Members' Interests Select Committee.

As has already been said, Ministers sit on Select Committees. For example, a Treasury Minister is a member of the Public Accounts Select Committee. By convention, Ministers attend only once on appointment, but they receive all the papers. None the less, it is open to them to attend. The Attorney-General is a member of the Privileges Committee. *[Interruption.]* So, too, is the Leader of the House.

However, whereas Ministers sit on Committees in their departmental capacity, Whips are part of the House's business management and deal with the discipline of party management of their party. They are wholly different animals from departmental Ministers. Anyone can read the rules of the House. Nothing stops the Government placing a departmental Minister on any departmental Select Committee if they choose to do so. Nothing in the rules prevents that. By convention, the Government do not do so but, by convention, they never put Whips on the Members' Interests Select Committee. The matter must therefore be tidied up so that we know which Ministers of the Crown are eligible to serve on investigatory Committees of the House. That serious matter must be dealt with.

I do not wish to go into the details of the incident in question, because the Members' Interests Select Committee has an inquiry under way. I do not know whether it conducts inquiries in tandem, but I have reason to believe that other inquiries are mounting up behind it. On the inquiry that my hon. Friend the Member for Workington disrupted and on which he has allegedly prevented the Committee from making a report to the House because only one witness out of three has been called to give evidence, subject to how that has been handled, my Front-Bench colleagues and I will seriously consider advising the parliamentary Labour party as a whole to withdraw complete co-operation and participation from that Select Committee if it is clear to us that a legitimate inquiry has not been brought to a satisfactory conclusion because there has been a whitewash. That matter may be overtaken by the Nolan inquiry, but if there is a whitewash—in this case, there are prima facie grounds for believing that there will be—we shall play no part in it.

**Mr. Lewis:** I am one of those Committee members who, by consensus, has been diligent. I am considering my position because of what has happened over the past several weeks.

My hon. Friend said earlier that hon. Members could raise matters by some device or other on the Floor of the House or elsewhere. Over the past few weeks, all Committee members who have held an alternative view have felt inhibited by our responsible attitude towards privilege and the amount of information that we have in our hands. We are behaving responsibly by not using those devices. Will my hon. Friend take that on board?

**Mr. Rooker:** I fully accept the constraints under which my hon. Friends have been placed, which is why this difficulty has arisen. If it appears that that Committee has been unable to function because of interference by Government business managers, we shall have no part of it. Only a bent and twisted Government would seek to manipulate investigative Committees of the House.

The Labour Opposition know exactly where we are coming from and how we want to reform the system. That does not mean that we must put up with manipulation of existing procedures. This matter is extremely serious, and, subject to what happens in the Committee and the approval of the motion tonight, we may reach that conclusion. It is not being done in haste, but we consider the matter to be extremely serious and are disturbed by the way in which the Government have behaved.

7.40 pm

**Mr. James Clappison** (Hertsmere): I welcome the opportunity to make a short contribution to the debate, as a member of the Select Committee on Members' Interests. I strongly endorse the arguments that were made by my hon. Friend the Member for Portsmouth, North (Mr. Griffiths), who serves on the Committee with me, and my hon. Friend the Member for Hertfordshire, North (Mr. Heald).

What the hon. Member for Workington (Mr. Campbell-Savours) has done is wrong. I appreciate that he holds strong opinions about the matter, but it must be wrong for any Member of the House to override the procedures of the House and take it on himself to decide the way in which Committees operate. As a result of the hon. Gentleman's behaviour, the Select Committee has been obstructed.

At the beginning of his speech, the hon. Gentleman said that he wanted to respect the privacy of the deliberations of the Select Committee. However, by the end of his speech I had reached the conclusion that we would have had more privacy if we had conducted our proceedings in the middle of Trafalgar square, because he blatantly used his speech as an opportunity to ventilate as much as he could.

*[Mr. James Clappison]*

Turning to the merits of what the hon. Gentleman says—one does not need to do so for long—he undermined his own case about the membership of the Committee by not taking—

**Dr. Godman:** Will the hon. Gentleman give way?

**Mr. Clappison:** No. I do not have time.

The hon. Member for Workington undermined his own case by not taking advantage of the proceedings—

*It being one and a half hours after the commencement of proceedings on the motion,* MADAM SPEAKER *put the Question, pursuant to Order [19 April].*

*The House divided:* Ayes 135, Noes 35.

**Division No. 133]** **[7.40 pm**

AYES

Ainsworth, Peter *(East Surrey)*
Amess, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mouth E)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Bates, Michael
Beresford, Sir Paul
Booth, Hartley
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowis, John
Brandreth, Gyles
Bright, Sir Graham
Burns, Simon
Butler, Peter
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Clappison, James
Clarke, Rt Hon Kenneth *(Ru'cliff)*
Clifton-Brown, Geoffrey
Coe, Sebastian
Congdon, David
Conway, Derek
Coombs, Simon *(Swindon)*
Currie, Mrs Edwina *(S D'by'lre)*
Curry, David *(Skipton & Ripon)*
Deva, Nirj Joseph
Douglas-Hamilton, Lord James
Dover, Den
Durant, Sir Anthony
Eggar, Rt Hon Tim
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fenner, Dame Peggy
Forsyth, Rt Hon Michael *(Stirling)*
Forth, Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Freeman, Rt Hon Roger
French, Douglas
Garnier, Edward
Gillan, Cheryl
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Hague, William
Hanley, Rt Hon Jeremy
Hargreaves, Andrew
Hawkins, Nick
Hayes, Jerry
Heald, Oliver
Heathcoat-Amory, David
Hendry, Charles
Heseltine, Rt Hon Michael
Higgins, Rt Hon Sir Terence
Hogg, Rt Hon Douglas *(G'tham)*
Horam, John
Hunt, Rt Hon David *(Wirral W)*
Jack, Michael
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Kirkhope, Timothy
Knight, Mrs Angela *(Erewash)*
Knight, Greg *(Derby N)*
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lidington, David
Lightbown, David
Lilley, Rt Hon Peter
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacKay, Andrew
Maclean, David
Malone, Gerald
Mandelson, Peter
Mans, Keith
Marshall, John *(Hendon S)*
Martin, David *(Portsmouth S)*
Merchant, Piers
Mitchell, Andrew *(Gedling)*
Monro, Sir Hector
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholson, Emma *(Devon West)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Page, Richard
Paice, James
Portillo, Rt Hon Michael
Richards, Rod
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Rooker, Jeff
Ross, William *(E Londonderry)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Shaw, Sir Giles *(Pudsey)*
Shephard, Rt Hon Gillian
Shersby, Michael
Sims, Roger
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Spicer, Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Streeter, Gary
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Thurnham, Peter
Trend, Michael
Twinn, Dr Ian
Waldegrave, Rt Hon William
Ward, John
Watts, John
Wells, Bowen
Wheeler, Rt Hon Sir John
Whittingdale, John
Widdecombe, Ann
Wood, Timothy
Young, Rt Hon Sir George

**Tellers for the Ayes:**
**Mr. Sydney Chapman and**
**Mr. David Willetts.**

NOES

Barnes, Harry
Benn, Rt Hon Tony
Campbell-Savours, D N
Carlile, Alexander *(Montgomery)*
Clwyd, Mrs Ann
Corbyn, Jeremy
Eagle, Ms Angela
Enright, Derek
Etherington, Bill
Ewing, Mrs Margaret
Gerrard, Neil
Godman, Dr Norman A
Grant, Bernie *(Tottenham)*
Hanson, David
Hardy, Peter
Hill, Keith *(Streatham)*
Hinchliffe, David
Hughes, Simon *(Southwark)*
Jones, Lynne *(B'ham S O)*
Livingstone, Ken
Mackinlay, Andrew
MacShane, Denis
Madden, Max
Michie, Bill *(Sheffield Heeley)*
Pickthall, Colin
Pike, Peter L
Rendel, David
Sedgemore, Brian
Skinner, Dennis
Vaz, Keith
Wallace, James
Welsh, Andrew
Wicks, Malcolm
Winnick, David
Wray, Jimmy

**Tellers for the Noes:**
**Mr. Terry Lewis and**
**Mr. Piara S. Khabra.**

*Question accordingly agreed to.*

*Ordered,*

That if any select committee, or sub-committee thereof, considers that the presence at a meeting, or part of a meeting, of that committee to which the public are not admitted of any specified Member of the House not nominated to that committee would obstruct the business of the committee, it shall have power to direct such Member to withdraw forthwith; and the Serjeant at Arms shall act on such instructions as he may receive from the chairman of the committee in pursuance of this Order.

That this Order be a Standing Order of the House.

## Health Board Funding (Scotland)

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Bates.]*

7.50 pm

**Mrs. Margaret Ewing** (Moray): As you, Madam Speaker, will be aware, after several attempts I have managed to raise on the Adjournment the subject of funding for health boards in Scotland and its implications for the pay of those who work in the national health service. I am pleased to see that, although there is a fairly small number in the Chamber this evening, there are more hon. Members present than is normal for Adjournment debates, which are often attended by only the hon. Member who has the Adjournment and the Minister. I hope that that reflects the genuine interest of everyone present in the implications for pay of those who work in the national health service.

I must declare an interest: I serve on the parliamentary panel of the Royal College of Nursing. I am also in regular contact with the Royal College of Midwives, the British Medical Association and other groups involved in health. But that having been said, I think that I speak as an individual and someone who reflects the views of all our constituents.

All of us, irrespective of our standing in society, our income or where we come from, need the national health service. We must recognise the dedication and commitment of those who work in that organisation. We are all indebted to them for the work that they do. I speak as someone who went through a long illness and appreciated the work done by the nurses and others in the hospital. I am also a daughter with an aged mother who suffers from Alzheimer's disease and I recognise the contribution of the staff to people such as my mother.

In tonight's debate we are talking about the values and principles of the society that we want to see. It is often said that nursing is a vocation, which has somehow become almost a derogatory term. We give those with a vocation a pat on the head and a lump of sugar, but do not, as a society, recognise the commitment that they give to individuals. They are people who carry out tasks that are important to the well-being of those we love and those we want to see cared for. We should look at ourselves, as the House of Commons and as representatives of the public, and ask whether people who take a vocational job should be dismissed as unimportant and not worthy of national recognition.

I have raised the subject in tonight's debate because I have seen what has happened over the past several weeks in the context of the discussion on the pay of nurses, midwives, health visitors and others in the health service. It is essentially a Scottish debate because I have made specific reference to the health boards in Scotland in recognition of the different administrative system in Scotland. But the principles about which I want to speak, and which underpin the debate, are UK-wide. I trust that the Under-Secretary of State for Scotland, the hon. Member for Edinburgh, West (Lord James Douglas-Hamilton) will accept that rationale of the comments that I shall make.

A review body report was published on 9 February. It recommended a two-tier approach to salaries. It was the review body's 11th report and it was the first time that the Royal College of Nursing or any other organisation had rejected a review body's report. The reason that the college rejected it was the recommendation of a two-tier approach.

What was being offered was that 1 per cent. of a pay increase would be guaranteed as a national increase. The assumption was that it would be directly funded by the Government. But the reality was that the 1 per cent. was not being directly funded by Government, but had to be met by the trust boards—so many of our organisations are now represented by trust boards. The figure was going to be part of the payments that were to be made by the trust boards.

It is important to remind ourselves of that, because many people thought that the Government were directly funding the 1 per cent. and the trust boards had to find another 2 per cent. or whatever. But the figure was part of the final negotiations on the national health service funding system. Any additional funding had to come from the trusts, along with that 1 per cent.

Many people regard that aspect of the Government's policy as the beginning of an attitude that will lead to local pay negotiations in many professions and many trades where we would expect to have national recognition of the contribution made by those who work in them. If we add to that the fact that the trusts will, in future, theoretically be able to ensure that negotiations relating to conditions of service—such as sick leave, sick pay, annual leave and hours of work—could be included, we realise that national standards are being demeaned. If all aspects of negotiations and discussions of the conditions in which our health service workers operate are put alongside pay levels, we see that, even if they are diluted in one trust, the idea of equality of standards and equality of service delivery has been destroyed once and for all within what we call a national health service.

An editorial in the *Nursing Times and Nursing Mirror* of 8 to 14 March 1995 states:

> "We also predict that within one or two years, the national element will have withered away altogether."

Were I to be suddenly afflicted by appendicitis in London or Lossiemouth, I would expect the same standards of treatment to be allocated to me as a member of the national health service. Wherever our nurses, doctors, health visitors and midwives happen to work, we should ensure that they are given equal recognition for the service that they offer us.

In answer to a parliamentary question that I put to the Minister of State on 29 March 1995, he told me that funding to health boards in Scotland had risen in real terms over the past year by 3.9 per cent. and, apparently, the projection for 1995-96 is that it is to rise by 3.6 per cent.

I do not dispute the figures, but they do not represent a standard pattern throughout the health boards in Scotland. In my area, the Grampian health board will receive a funding increase of only 2.66 per cent. How will areas which are receiving an increase of less than 3 per cent. pay their staff the salaries that they seek?

*[Mrs. Margaret Ewing]*

It would cost the Moray health trust £600,000 to pay the 3 per cent. pay increase which the nurses have requested and which I endorse.

The Minister will probably respond by saying that efficiency savings are required within the health service. The efficiency savings target in Scotland this year is 2.75 per cent. or £75 million. A 3 per cent. pay increase across the board for the staff to whom I have referred tonight would cost £23.2 million. When we compare that sum with the efficiency savings target of £75 million, we can see how little it would cost to ensure that our health service workers are paid the salaries that they so obviously deserve.

What does it mean when we talk about efficiency savings within the health service? In reality, it means a reduction in all kinds of services. Services within the NHS have already been pared to the bone. Are we now expected to drain the marrow from those services?

What efficiency savings does the Minister envisage making in Scotland while maintaining the current standard of service delivery? What would happen if health service staff asked to be paid for the overtime they work—overtime that is not recognised at present? Those committed and dedicated staff work that overtime because no nurse, midwife or health visitor will be dictated to by the clock. None of them would walk away from a case because they had already worked an eight-hour day. We must recognise their commitment and their dedication.

Staff turnover among nurses in Scotland continues to rise, and last year it increased from 12 per cent. to 19 per cent. There is also a shortage of student and trainee nurses. Between 1988 and 1992, the number of student nurses in Scotland fell by 35 per cent. Those figures were supplied by the Department of Employment, whose labour force survey also showed that unemployment in the nursing profession is just 1.7 per cent.

Against that background, variations in local pay deals will set nurse against nurse and trust against trust. I represent a rural area where vast distances must be travelled. A local Lobby correspondent recently asked me why nurses in Moray should receive the same pay as nurses in London, when the cost of living is so different. I argue that the dedication of nurses and the care that they provide is equal throughout the length and breadth of the United Kingdom. Low wages must not be introduced to the rural areas of Scotland.

The Royal College of Nursing, to which I referred earlier, does not accept that increases in nurses' pay should be self-financing or funded through productivity improvements. Will there be arguments in favour of performance-related pay for nurses? How does one measure the productivity of a nurse, midwife, health visitor or someone working in the area of community care? A broader range of factors must be considered—I return to the issue of principles and values in society—including recruitment and retention, fair pay comparisons, morale and projections for future demand.

The Minister will be aware that, of the 46 trusts in Scotland, only four have made offers so far in the context of pay negotiations. In Greenock—I am glad to see that the hon. Member for Greenock and Port Glasgow (Dr. Godman) is in the Chamber—there has been an offer of 2.5 per cent. Grampian Health Care in my area has made an offer of 2.83 per cent., but that is conditional upon the acceptance of a trust contract. The Southern general hospital in Glasgow has offered 3 per cent., 1 per cent. of which has unspecified conditions attached. North Ayrshire has offered 3 per cent. with no conditions attached. Only four out of the 46 Scottish trust boards have made offers, two of which are conditional. What conditions are people being asked to accept in fulfilling their duties to society?

By 13 April this year, 127 out of almost 500 trusts had made local pay offers. Of those, 80 per cent. offered an increase of 3 per cent. or more. I think that we must accept that most trusts wish to recognise the level of demand and the merits of the case that has been advanced. Some 75 per cent. of the 3 per cent. minimum offers are seemingly without strings: they are not conditional upon the acceptance of trust contracts, employment or changes to conditions of service, leads or allowances.

The Scottish Office has not issued any guidance to trusts in Scotland about local pay, unless it has done so in the last few hours. It is allowing individual trusts to make their own arrangements at their own pace—which may explain why a relatively small number of offers have been made in Scotland so far. I think that it is unfair and unjust that health service workers do not know what the trusts are prepared to offer.

I contrast that situation with what has happened in England and Wales. Ken Jarrold, the national health service executive and director of human resources, wrote to all trust chief executives in England and Wales on 11 April. He said:

"Ministers have expressed concern that there have not been more pay offers".

He continued:

"It is very important that all employers give an early indication of their intentions . . . It would be helpful for staff . . . to be made aware of the local pay offers being made by employers."

Why has no instruction or advice along those lines been offered to the chief executives and executive and non-executive directors of trusts in Scotland? In responding to the debate tonight, I hope that the Minister will assure me that he intends to offer similar advice to Scottish trusts and that he will clearly endorse the argument for a 3 per cent. pay increase. He must make it clear that the Government recognise the worth of health service staff.

I believe that health service workers would be more interested in the colour of the money that the trusts intend to offer than in the colour of the BMWs which are driven by the administrators and managers who are not involved in service delivery. It is critical in this debate that we argue the case on behalf of the committed and dedicated people to whom many of us owe our lives. We must have a proper sense of values.

8.8 pm

**The Parliamentary Under-Secretary of State for Scotland (Lord James Douglas-Hamilton):** I congratulate the hon. Member for Moray (Mrs. Ewing) on securing this debate on the Adjournment. She has been assiduous in her concern in this area, and she recently secured another Adjournment debate about community care.

I welcome the opportunities that the debate offers, not least because it allows me to acknowledge the valuable work performed not only by nurses, midwives and health visitors, but by all those who work in the national health service in Scotland. I pay tribute to their commitment. A very distinguished hospital, the Western general, is located in my constituency. It is involved with many areas of specialist care and I am full of admiration for the work that is performed there. The Scottish Office fully recognises that fact also.

As the hon. Lady will no doubt be aware, we allocate £4 billion per year to funding the national health service in Scotland. It represents almost one third of the resources available to the Secretary of State for Scotland and provides clear evidence, if such evidence is required, of the importance and the priority that the Government continue to attach to the provision of health care services.

Since 1979, we have increased the annual level of resources available for the NHS in Scotland from £1 billion to today's figure of £4.1 billion. That represents a real-terms growth of more than 53 per cent. and, despite competing financial pressures from other quarters, the Government have continued to honour their 1992 manifesto pledge to a year-on-year increase in the level of real resources committed to the national health service in Scotland.

As I just stated, for the first time, net expenditure on the NHS in Scotland will exceed £4 billion in 1995-96. In broad terms, just over £1 billion will go towards family health services and centrally funded services, but by far the largest element—just over £3 billion—will go to hospital and community health services.

Some £2.5 billion of that £3 billion has been allocated to health boards through a standard and long-accepted weighted capitation formula. In essence, the formula weights individual health board populations for age and sex, relative health care need and geographical differences in the costs of providing services. The aim is to ensure that, across Scotland, there is equal opportunity of access to health care for people at equal risk.

By now, in respect of 1995-96, most of the £2.5 billion allocated to health boards—as purchasers of health care services—will be committed to NHS trusts—as providers—through service contracts. The trusts' contract prices will, of course, include provision for pay together with the trusts' other operating overheads.

On whether health boards—and hence the NHS service as a whole—have sufficient resources to meet possible pay awards, the short answer is yes. The total resources available to health boards through their general allocations and expected cash-releasing efficiencies are, as I have just said, £2.5 billion. That is an increase of just under £130 million or 5.4 per cent. on their 1994-95 provision. Those additional resources are required to meet the cost implications of demographic change, medical advance and, of course, pay and price increases.

The Government's policy is that public sector pay must be met from within efficiency gains.

**Mrs. Ewing:** I hear all that the Minister is saying in the context of those complex figures, but, basically, does he believe that throughout Scotland every worker—nurses, midwives or health visitors—should have access to the same pay increase? If that does not happen, how does he intend to cope with the fact that nurse will be set against nurse and trust against trust?

**Lord James Douglas-Hamilton:** I shall explain the Government's position exactly. The hon. Lady asked specifically about guidance. The management executive of the NHS in Scotland will issue guidance to the trusts on local pay within the next week and that will encourage the trusts in Scotland to make offers and point out the review body's anticipation that increases will range between 1.5 per cent. and 3 per cent. I shall return to that in more detail in a moment.

Health boards have been set a minimum cash-releasing efficiency target of 2.75 per cent. for 1995-96. That equates to some £70 million, which in itself amounts to just over 4 per cent. of the estimated pay bill for 1994-95. An element of that £70 million will be required to meet demographic change, medical advance and general price increases, but with total additional funds of almost £130 million in 1995-96, health boards have been given sufficient resources and have sufficient flexibility within those resources to budget for and meet all potential cost increases.

I now refer to the actual pay awards for nurses, midwives and health visitors. Recommendations on their pay are made by an independent pay review body, as the hon. Lady appreciates. For 1995-96, the review body recommended a two-tier approach, comprising a 1 per cent. increase in national salary rates and local negotiations on pay and/or conditions.

The Nurses and Midwives Pay Review Body recommended that 1 per cent. increase, as I mentioned. The review body also recommended further local negotiations on pay. Both national and local increases are to be effective from 1 April 1995. On local negotiations, the review body did not prescribe an upper limit—and that is most significant—but it expected that in the majority of cases, the outcome of local negotiations plus the 1 per cent. increase in national rates would provide improvements for the staff concerned, totalling between 1.5 and 3 per cent.

Regarding those local negotiations on pay, it is of particular note that Whitley councils, representing all the 40 per cent. of NHS staff not covered by review bodies, have already accepted a provision that enables an element of their pay to be determined locally.

The review body believes that trusts should be able to reach agreements in local negotiations. It did not prescribe an upper limit, but expected that in the majority of cases the outcome of local negotiations plus the 1 per cent. increase would provide improvements totalling between 1.5 and 3 per cent.

It must be made clear that the review body is quite independent. Let me also make it clear that the Scottish Office and the Government hold nurses, midwives and health visitors in the very highest regard. It was largely because of that regard that we set up their independent review body in 1983 and we have accepted its recommendations every year since.

If one went entirely by the coverage of the matter in the media, the impression would be gained that the figures in the recommendations were somewhat arbitrary and that they suddenly emerged in the public domain

*[Lord James Douglas-Hamilton]*

from nowhere and without any basis. I am therefore glad of the opportunity to dispel misconceptions and mythologies. The best way of doing it is to draw attention to the facts.

This year, the review body again considered the main issues that had influenced its recommendations in previous years. Those issues are: first, the need to recruit and retain sufficient staff of the right quality in the long term as well as the short term; secondly, the need to maintain their morale and motivation at levels necessary to secure provision of the level and quality of service required; thirdly, the need for nursing, midwifery and health visiting staff and the public to feel that the nursing staff had been treated fairly; and fourthly, the need to avoid imposing an unfair burden on the taxpayer. The review body explained that those issues continued to be important to it as indicators of the adequacy of pay levels for nursing staff overall.

Evidence on those issues was submitted to the review body by the Health Departments, including the Scottish Office Home and Health Department. Evidence was also submitted by the staff side of the Nursing and Midwifery Staffs Negotiating Council and other individual staff organisations, such as the Royal College of Nursing, the Royal College of Midwives, the Scottish Health Visitors Association and Unison.

For its present report, the review body made a number of visits to hospitals to see the work of staff on whose pay it makes recommendations and to listen to their views on pay issues and related matters.

All those issues, as well as local pay, were carefully considered by the review body before it reached its conclusions and made its recommendations.

We fully accept the review body's recommendations. I regret talk of industrial action, as we all do. It is singularly regrettable that such talk has arisen simply because the Government have again accepted the recommendations of the independent pay review body.

There is nothing unusual in the Government having accepted the recommendations. We have accepted all the previous recommendations, which have resulted, for example, in nurses' pay rising in the past six years by 78 per cent. compared with some 48 per cent. in the private sector and 49 per cent. in the whole economy. Recognition also needs to be given to the fact that in seven of the 11 years since they have had an independent pay review body, nursing staff's pay awards exceeded those for doctors and dentists.

In accepting the current recommendations, the Government recognise that the way forward is through local negotiation. The way for nurses, midwives and health visitors to achieve fair pay increases that reflect their value to the NHS is through local negotiation, not confrontation. At the same time, local pay is a vital part of achieving a more efficient NHS, much better at responding to the needs of patients.

**Mrs. Ewing:** I think that we all accept the importance of the review body—no one is arguing against its retention—but surely even the Government must recognise that we are talking about the first report out of 11 that has been rejected by serious organisations. That must cause some concern, even on the Treasury Bench.

The Minister mentioned the motivation and morale of staff. I have never found motivation and morale lower. I say that having read speeches that I made in the House in March 1979 in the days of the Labour Government, when there was an argument about whether to establish a review body.

The Minister talks about the need for local negotiation. Is he prepared to say clearly that in no circumstances will local conditions be attached to pay negotiations in future? That is one of the strongest fears within the nursing profession and all the other professions that are involved in the discussion.

**Lord James Douglas-Hamilton:** I cannot say to the hon. Lady that there will be no variation anywhere within Britain.

The hon. Lady talked about the weighted capitation formula and whether the area that she represents has been properly treated. It has. There is no question of Grampian health board having been unfairly treated or disadvantaged in the 1995-96 allocation round.

**Mrs. Ewing** *rose—*

**Lord James Douglas-Hamilton:** I shall continue with the point that I was making; the hon. Lady may intervene again in a moment.

In keeping with normal practice, the health board's general cash allocation has been calculated on a weighted capitation formula. In short, the formula determines the board's target share of national resources that are available on the basis of its relative need for funds. That relative need is determined by taking account of the age and s x composition of each board's resident population and, most important, the relative health needs of the population group.

The measurement used for determining health need is the standardised mortality ratio for those under 65 years. That, in effect, acts as a proxy for morbidity by contrasting the number of actual deaths in a board area within that age group with the expected number of deaths. The average standardised mortality rate for Scotland is set at one, and Grampian's rating is 0.82. In other words, the population in Grampian is presumed to be healthier than the national average. That is why the board received not its 10.1 per cent. pro rata share of Scotland's general allocation provision but a target share of 9.36 per cent. Despite that, over the past three years the board has continued to receive an allocation increase above the national average percentage increase for 1995-96. That has been worth almost £500,000.

**Mrs. Ewing:** I accept that vital factors work in Grampian. Has the Minister, however, or anyone within the Scottish Office, when deciding the allocation of funding, considered referral rates from, for example, West Unit as it was previously called? I know that many general practitioners in the area that I represent have not referred patients to Aberdeen royal infirmary or to Raigmore. They prefer to keep them at home and within travelling distance to monitor them for 24 or 48 hours. That has led to a non-recognition of the additional burden that GPs have taken on in rural areas such as my constituency.

**Lord James Douglas-Hamilton:** In terms of capitation, the health needs of Moray, considerable as they may be, must properly be taken into account. I shall certainly examine the detailed point that the hon. Lady

has made and write to her. However, if we take the west central belt of Scotland, a part of which the hon. Member for Greenock and Port Glasgow (Dr. Godman) represents, we see that health needs indicators are higher than in the hon. Lady's constituency. The Scottish Office is properly entitled to take that into account in the allocation. I must stress that allocation is carried out strictly according to formula. It is not done at the discretion of Ministers. The Scottish Office follows the formula that is laid down.

A strong motive in our NHS reforms is that, the nearer to patients decisions are taken, the better they are likely to be. We believe that that also applies to pay. It is our view that responsibility for devising pay arrangements should, like other aspects of management, be delegated wherever possible to those who are responsible for the delivery of services. It is for that reason that the Health Departments submitted evidence to the review body not to recommend an across-the-board increase.

We suggested that, instead, the review body should assist in the introduction of local arrangements by leaving employers with maximum scope for local action. By providing for a degree of local negotiation, the review body has endorsed and encouraged the aim of introducing local pay into the NHS. I hope, therefore, that nurses, midwives and health visitors will participate fully in the local negotiations to secure pay settlements that are both entirely fair to them and affordable to their employers: I stress, both fair and affordable.

I fully expect NHS employers in Scotland to approach the local pay negotiations in a responsible manner. The local pay increase must be seen to be fair. Local pay is not about delivering very low pay awards. That would be rightly regarded by staff and the public as unfair.

Public perception of the pay of nursing staff was one of the matters taken into account by the review body. The issues of fairness and comparability were considered. In doing so, it commented that there is a wider sense in which the pay of nursing staff should be "felt fair" by the community as a whole, as well as by the staff themselves, and that is central to the job that the review body is required to do. The issue was therefore considered by the review body, and that informed its recommendations.

While the local pay increase must be seen as fair, it must also be affordable. This issue was addressed by the review body, which recognised that where some element of pay is determined locally, affordability for pay purposes will also need to relate to the financial circumstances of individual trusts. In these circumstances, affordability will be influenced by trusts' success in negotiating contracts with purchasers, including some outside the NHS, as well as by their ability to control their costs.

How should this matter now be taken forward? At national level, talks are continuing in the Nursing and Midwifery Staffs Negotiating Council on an agreement that would promulgate the 1 per cent. increase in national salary rates and facilitate local negotiations on the additional payments.

At local level, the vast majority of NHS trusts in Scotland have concluded their discussions with various NHS purchasers regarding the costs and quality of service that they wish for 1995-96. Trusts in Scotland can now ascertain their income for 1995-96, and I expect them to engage in local negotiation with bodies representing staff on the implementation of the review body recommendations. The outcome of the negotiations in any particular trust will be a matter for that trust and its respective staff interests.

I appreciate that there are anxieties and fears, which is only natural when there are changes to pay determination mechanisms. Having to negotiate locally on an element of pay is a challenge, but it should also be regarded as an opportunity.

Concern has been expressed in some quarters about the readiness of the service to take on the job of local pay bargaining. The review body explained that it understood and had some sympathy with that concern. It concluded, however, that the necessary confidence and expertise will be fully developed across the NHS only when the parties are confronted by the actual process of making local pay arrangements. That is what the service, management and staff representatives alike now need to do.

Implicit in all that I have said is that pay is not an end in itself. That is well known to all those who work in the NHS in Scotland, where the objective is to deliver the highest standard of patient care.

**Mrs. Ewing:** I shall not reopen the argument about the establishment of trusts—that argument is in the past. Is the Minister convinced that the trusts, which are essentially in their infancy, are capable of negotiating and dealing with issues such as pay and conditions for their staff?

**Lord James Douglas-Hamilton:** Yes, I am. I should take the opportunity to say that in terms of funding generally in Scotland, health expenditure is 23 per cent. higher per capita in Scotland than in England. That is significant. The boards in Scotland have substantial resources and I would expect them to deliver awards that are both fair and affordable taking all the relevant circumstances into account.

This has been a useful debate and it has been good that so many hon. Members from Scotland have attended, including my hon. Friend the Member for Aberdeen, South (Mr. Robertson), who is keenly interested in the matter, and the hon. Members for Angus, East (Mr. Welsh) and for Greenock and Port Glasgow.

I should like to make several points to draw the strands of the debate together. Since 1979, resources available to the NHS in Scotland have grown from £1 billion to £4.1 billion. Since 1979, resources within those figures available to the hospital and community health service in Scotland have increased from £801 million to £3,146 million. Between 1979 and 1994, overall staffing in the NHS increased by 4.5 per cent. However, in that period, the nursing work force increased by more than 20 per cent., and the qualified nursing work force by 34 per cent.

**Mrs. Ewing:** I want the Minister to pin carefully the argument that Ministers propound so often—that somehow or other the Scottish national health service is subsidised and given additional funding. Does he agree that, in the five years since 1986, in England and Wales additional funding has been 18.2 per cent., whereas in Scotland it has been only 14.6 per cent.?

**Lord James Douglas-Hamilton:** The settlement in England this year, of 1 per cent., is greater than that in Scotland, which is 0.35 per cent. Scotland has had a

*[Lord James Douglas-Hamilton]*

substantial increase and, as I have mentioned, health expenditure per head is 23 per cent. higher than in England. The hon. Lady would not wish us to be put on the same basis as England, because health expenditure in Scotland would be cut to an extent that she would hardly have dreamed possible.

Before making its current recommendations, the nurses' review body considered evidence from both staff organisations and management. We have implemented in full all the recommendations of the nurses' review body since its inception. This has contributed to an increase in nurses' salaries of 53 per cent. in real terms since 1979. Resources are available to meet the increases recommended by the review body.

Taken together, those points surely demonstrate our continuing commitment to the provision of very high-quality NHS health care in Scotland, and they recognise the contribution made to this by the broad group of nursing staff.

*Question put and agreed to.*

*Adjourned accordingly at twenty-eight minutes to Nine o'clock.*

# House of Commons

*Friday 21 April 1995*

*The House met at half-past Nine o'clock*

PRAYERS

[MADAM SPEAKER *in the Chair*]

## PETITION

## Electricity Showroom, Beumont Leys

9.35 am

**Mr. Greville Janner** (Leicester, West): I am pleased to have an opportunity to present a petition signed by more than 1,300 people who live in the Beumont Leys area of my constituency, where the electricity showroom is to be closed tomorrow. This is not a matter of huge national concern, but to the people who live in the area it is a disaster. The showroom has provided a service that is now to be destroyed in the wake of the privatisation of the electricity industry and that provides jobs which my constituency can ill afford to lose, as we have the highest unemployment rate in the area.

The petition reads:

The Humble Petition of citizens of Leicester, West, Councillors, County Councillors and residents of Beumont Leys in the city of Leicester, sheweth that the House do note the great anxiety of the citizens of Beumont Leys Estate resulting from the proposed closure of the Electricity Showroom in Beumont Centre in Beumont Leys and that the same closure would result in hardship to residents of all ages but especially to elderly and disabled people. Wherefore your Petitioners pray that the honourable House do urge Her Majesty's Government to seek all ways to avoid the closure of the Electricity Show room and to ensure that adequate communal facilities be provided for this estate; that Her Majesty's Government take all appropriate steps to ensure that Beumont Leys in the city of Leicester and all other estates like it be assured of all necessary facilities for the normal communal needs of their communities.

*To lie upon the Table.*

# Orders of the Day

## Carers (Recognition and Services) Bill

*Considered in Committee.*

[MR. MICHAEL MORRIS *in the Chair*]

### Clause 1

ASSESSMENT AND PROVISION OF CARERS' SERVICES

*Question proposed,* That the clause stand part of the Bill.

**The Chairman of Ways and Means (Mr. Michael Morris):** With this, it will be convenient to consider the following: New clause 1—*Assessment of ability of carers to provide care: England and Wales—*

'—(1) Subject to subsection (3) below, in any case where—

(a) a local authority carry out an assessment under section 47(1)(a) of the National Health Service and Community Care Act 1990 of the needs of a person ("the relevant person") for community care services; and

(b) an individual ("the carer") provides or intends to provide a substantial amount of care on a regular basis for the relevant person,

the carer may request the local authority, before they make their decision as to whether the needs of the relevant person call for the provision of any services, to carry out an assessment of his ability to provide and to continue to provide care for the relevant person; and if he makes such a request, the local authority shall carry out such an assessment and shall take into account the results of that assessment in making that decision.

(2) Subject to subsection (3) below, in any case where—

(a) a local authority assess the needs of a disabled child for the purposes of Part III of the Children Act 1989 or section 2 of the Chronically Sick and Disabled Persons Act 1970; and

(b) an individual ("the carer") provides or intends to provide a substantial amount of care on a regular basis for the disabled child,

the carer may request the local authority, before they make their decision as to whether the needs of the disabled child call for the provision of any services, to carry out an assessment of his ability to provide and to continue to provide care for the disabled child; and if he makes such a request, the local authority shall carry out such an assessment and shall take into account the results of that assessment in making that decision.

(3) No request may be made under subsection (1) or (2) above by an individual who provides or will provide the care in question—

(a) by virtue of a contract of employment or other contract with any person; or

(b) as a volunteer for a voluntary organisation.

(4) The Secretary of State may give directions as to the manner in which an assessment under subsection (1) or (2) above is to be carried out or the form it is to take but, subject to any such directions, it shall be carried out in such manner and take such form as the local authority consider appropriate.

(5) Section 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (duty of local authority to take into account ability of carers) shall not apply in any case where—

(a) an assessment is made under subsection (1) above in respect of an individual who provides the care in question for a disabled person; or

(b) an assessment is made under subsection (2) above.

*[Mr. Michael Morris]*

(6) In this section—

"community care services" has the meaning given by section 46(3) of the National Health Service and Community Care Act 1990;

"child" means a person under the age of eighteen;

"disabled child" means a child who is disabled within the meaning of Part III of the Children Act 1989;

"disabled person" means a person to whom section 29 of the National Assistance Act 1948 applies;

"local authority" has the meaning given by section 46(3) of the National Health Service and Community Care Act 1990; and

"voluntary organisation" has the same meaning as in the National Assistance Act 1948.

(7) In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committees) at the end there shall be inserted—

| | |
|---|---|
| "Carers (Recognition and Services) Act 1995 (c.00) | |
| Section *(Assessment of ability of carers to provide care: England and Wales)* | Assessment of ability of carers to provide care.".'. |

And the following amendment thereto: (a), at end of subsection (2) insert—

'(2A) Where the carer making a request for an assessment under subsection (1) or (2) above is unable to communicate either orally or in writing by reason of any mental or physical incapacity, it shall be the duty of the local authority to whom the request has been made to take such steps as are required to enable that person to provide the information necessary for a proper assessment of his ability to provide the care in question.'.

Clause 2 stand part.

New clause 2—*Assessment of ability of carers to provide care: Scotland—*

' .—(1) Section 12A of the Social Work (Scotland) Act 1968 (duty of local authority to assess needs for certain services) shall be amended as follows.

(2) After subsection (3) there shall be inserted—

"(3A) Subject to subsection (3B) below, in any case where—

(a) a local authority make an assessment of the needs of any person ('the relevant person') under subsection (1)(a) above, and

(b) a person ('the carer') provides or intends to provide a substantial amount of care on a regular basis for the relevant person,

the carer may request the local authority, before they make their decision under subsection (1)(b) above, to make an assessment of his ability to provide and to continue to provide care for the relevant person; and if he makes such a request, the local authority shall make such an assessment and shall have regard to the results of that assessment in making that decision.

(3B) No request may be made under subsection (3A) above by a person who provides or will provide the care in question—

(a) by virtue of a contract of employment or other contract; or

(b) as a volunteer for a voluntary organisation.

(3C) Section 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (duty of local authority to take into account ability of carers) shall not apply in any case where an assessment is made under subsection (3A) above in respect of a person who provides the care in question for a disabled person."

(3) In subsection (8), after the definition of "medical practitioner" there shall be inserted—

" 'person' means a natural person.".'.

And the following amendment thereto: (a), after new subsection (3A)(b) at end insert—

'(3AA) Where the carer making a request for an assessment under subsection (3A) above is unable to communicate either orally or in writing by reason of any mental or physical incapacity, it shall be the duty of the local authority to whom the request has been made to take such steps as are required to enable that person to provide the information necessary for a proper assessment of his ability to provide the care in question.'.

9.38 am

**Mr. Malcolm Wicks** (Croydon, North-West): The grouping of the clauses and amendments represents the heart of the Bill. While they specifically relate to England, Wales and Scotland, the policy intentions have implications for Northern Ireland, which we shall return to later. In considering the Bill and the amendments to it, one increasingly recognises the complex nature of policy and of the legislation. It is complex for three reasons, which I should like to set out for the Committee.

First, the Bill relates to a formidable array of past legislation, certainly for England and Wales and also for Scotland and for Northern Ireland. For England and Wales, there is the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1970, the Children Act 1989 and the National Health Service and Community Care Act 1990. Other legislation is also relevant, so the matter is complex legislatively.

Secondly, the matter is complex because the policy intentions behind the Bill as originally drafted—and as it is today—are that it should apply to carers throughout the United Kingdom. I have met carers in Northern Ireland, Wales, Scotland and England and, although all individuals vary, their needs in many respects are the same. It would be totally wrong if the legislation could not apply to the whole of the United Kingdom, either directly or by negotiations with the Northern Ireland Office, so that it could apply there also. Given the legislative background in Wales, Scotland and Northern Ireland and the variations between our nations, we are dealing with a complex matter.

The third reason why the Bill is complex, and rightly so, is that we seek to include all carers. Carers vary enormously. While in the popular mind we perhaps think of an adult, often herself or himself quite elderly, looking after a frail, elderly relative, and while such people may represent the bulk of caring by family carers, two other groups need to be included in our deliberations and, more important, in our legislation.

First, there is a group of parent carers—parents who look after children with mental or physical disabilities. They often have to undertake major burdens. It is our intention that they will be included in the legislation. They account for the amendments that I have tabled today. Another group that has to be included is children who are carers. They are a newly recognised group. The Minister and I had an opportunity yesterday to meet a small delegation of carers from various parts of the country. They had an opportunity to talk with us about their needs. I know that all hon. Members want to ensure that we develop social policies and legislation which recognise that group of children.

For the reasons that I have given, we are dealing with a complex matter and we need to get the legislation right. Therefore, I make no apology that during our negotiations and discussions, not least with the Department of Health

but also with the Carers National Association, we saw the need to amend the original Bill heavily today. That is why later I shall invite hon. Members to delete some clauses and to approve new clauses.

One of the reasons why we found the legislation complex is that inevitably in British government and political life we tend to compartmentalise different areas of policy. The Bill seeks to bring together community care and children's welfare. The National Health Service and Community Care Act 1990 deals mainly with community care. The Children Act 1989 deals with children's welfare. Our original thought was simply to amend the National Health Service and Community Care Act, but if we had done so, the Bill would not have been a vehicle for dealing with the welfare needs of children—either those needing care or those who are carers.

Therefore, in this legislation we want to deal with family care in the round. We want to integrate the different issues. I well recall as a young student of social policy at the London School of Economics and later at York university that, in the era of the Seebohm report, an attempt was made to develop a family service. Since that time, we may have become more specialised again. There is always a tension in social services between the generic and the specialised. The Bill is an attempt to move back to the more general. Human beings and carers tend to have the habit of coming in the round. Departments and legislation sometimes seek to compartmentalise their needs, and therefore do not recognise them fully.

In grappling with the complexities, I have debts of gratitude that I should like briefly but sincerely to acknowledge. The idea of the legislation came first from the Carers National Association, one of the leading voluntary organisations in social welfare. I pay tribute to the director, Jill Pitkeathley, who more than any other person in this country has put carers on the map. I also pay tribute to Francine Bate of the Carers National Association, who has acted as my major guide and mentor and negotiator with the civil service and others on the Bill. I also acknowledge Jenny Jeger, the honourable parliamentary adviser to the association, and its legal adviser, Luke Clements. Many staff members have spent much time on the Bill on my behalf and on behalf of the House. Many other voluntary organisations have contributed.

9.45 am

I am also grateful to the Under-Secretary of State for Health, the hon. Member for Battersea (Mr. Bowis), for the way in which he has approached the Bill. Right from the start, people said to me that private Members' Bills seldom got on to the statute book. They said, "I guess you are just trying to raise the issue of carers to get it noted for a few days." I said, "No, we are serious about having a recognition of carers stamped on to our statute book." I approached Ministers and asked seriously to discuss the matter. We have seriously discussed it. Sometimes the discussions were difficult because of the complexity of the process, but I am grateful to the Minister and his officials, and to parliamentary counsel, who has more than helped me draft the complex amendments to the Bill.

I also thank the Leader of the House, who from an early stage took an interest in the Bill because of his past commitments. Although Leader of the House, he is to some extent Minister of social services emeritus, I believe. I also thank my Front-Bench colleague, my hon. Friend the Member for Wakefield (Mr. Hinchliffe), for his keen encouragement of my efforts and his advice and expertise. He may seek an opportunity to say later in the debate that the measure reflects the development of policy in the Labour party and his strong personal commitment to the needs of carers.

We are dealing with a formidable number of people. According to the general household survey data, which are now somewhat out of date and therefore probably understate the numbers, there are some 6.8 million carers throughout Great Britain. At one end of the continuum, some may care for a few hours a week. At the other extreme, I have met people who care literally around the clock for a loved one—for someone with dementia or someone with a major physical handicap.

I am particularly struck by the fact that an estimated 1.5 million carers provide care for 20 hours a week or more. It is often considerably more. It is certainly the policy intention of the Bill to target that group of carers who carry the major burden. That caring army of 1.5 million people is a larger labour force in our welfare society than the entire labour force of the national health service and social services departments combined.

Much thought has been given to community care policy in this country. Despite many, often significant, differences of party political opinion, there is major consensus that community care is the right policy, but that we need to think hard about how to make it not merely a policy statement but a reality.

The White Paper "Caring for People", published in 1989, contained six key objectives on community care reform. One of them related to carers.

"to ensure that service providers make practical support for carers a high priority."

The White Paper stated:

"Assessment of care needs should always take account of the needs of caring family, friends and neighbours. "

That was a key objective, but it was not included as a legal obligation in the Act of Parliament.

I should note that the Department of Health issued guidance to social services authorities, which stated clearly:

"Carers who feel they need community care services in their own right can ask for a separate assessment.

This could arise if the care plan of the person for whom they care does not, in their view, adequately address the carer's own needs".

In that guidance, the policy intention behind my Bill—to enable carers to have their own assessment of needs—was spelt out, so why do we need the Bill? Simply because, despite much good practice from local social services departments, most carers are not being recognised by departments and only a minority have received a separate assessment.

The Carers National Association sponsored an important report entitled, "Community Care: Just a fairy tale?" by Norman Warner, who was a Department of Health official at one stage and later became a director of a social services department. His survey found that only 13 per cent. of carers received a separate assessment, and nearly 80 per cent. felt that community care reforms had made no difference to their lives. Indeed, 8 per cent. considered services to have got worse.

*[Mr. Malcolm Wicks]*

In my discussions with carers throughout Great Britain, to whom I listened before deciding on the amendments, many complained, although carers are not a complaining group, that they were not being recognised. In Northern Ireland, a woman caring for three people told me:

"No-one ever asks, how are you?"

In my borough of Croydon, a carer told me:

"The thing that makes me so angry is that no-one ever asks. No doctor ever says 'Do you need help? Have you had any sleep?'"

There is now some concern that, because of resource constraints, many hard-pressed social services departments are using the existence of a carer to withdraw services from the cared-for person. I have come across examples. Scope, which was formerly the Spastics Society, has also produced examples of how services can be withdrawn. To quote one example from its report, "Disabled in Britain", which was published last year:

"Home help service (was) taken away when I got married. My husband also has a disability (but) it was assumed that he would take on the role of home help . . . We used to have a district nurse for help with a bath—that stopped when I got married. The point is that no consideration is taken about my husband's disabilities."

To quote another example:

"I have had home care withdrawn because my mother and father are regarded as providing sufficient care—my 78-year-old mother is in the early stages of senile dementia and my 80-year-old father has Parkinson's Disease—I now have to rely on friends for help."

Sadly, the fact that a person who needs care has a family member who is acting as carer is sometimes used as an excuse to deny services—it is still happening. That is wrong. It is not recognition, but the reverse, and the Bill aims to end all that.

What do carers want? If one listens to them and considers the extraordinary role that they play in our community, the remarkable thing is how modest their demands are. Sometimes I think that they are far too modest. They willingly continue in their role of carer and ask for very little. According to research commissioned by the Carers National Association, however, 90 per cent. of carers surveyed agreed with the statement:

"Social services should be required by law to assess carers' needs separately."

That is the intention behind my Bill.

On the detail of the amendments, hon. Members will see from the amendment paper that I want to delete the key clauses and to establish new ones. It is important that I explain why. It has become apparent that substantial amendments will be necessary to ensure that the Bill places on the statute book the policy intentions behind it.

New clause 1 is an example. As I stated, we need to cover the whole of the United Kingdom. I referred to the complex web of legislation that governs the field in the different countries of the UK, and I know that hon. Members would want to ensure that all carers are covered by the Bill's policy intentions. Because of the different legislative arrangements, it has been helpful to draw on the expertise of parliamentary counsel.

New clause 1 would withdraw our original definition of "disabled person". I am advised that that would not enable parent carers of disabled children to be included and that the term "disabled person" might not have applied to the care of a frail elderly person. By means of new clause 1, we want to include more carers in the measure rather than exclude carers, so it is a positive rather than a negative amendment.

When we first considered some of the issues, we were struck by the fact that it was difficult to legislate. At one stage it seemed that we would have serious difficulties in including parent carers in the Bill. The good news is that, by discussing the matter positively with the Minister and his colleagues in the Department of Health, we have managed, through new clause 1, to ensure that parent carers—those providing regular and substantial care to disabled children—are covered, as are all other carers of people being assessed under section 47 of the National Health Service and Community Care Act 1990.

Parent carers are of vital importance. As Contact a Family, a leading voluntary body in the field, stated:

"There are an estimated 360,000 disabled children in the UK, of which 98.5 per cent. are cared for at home by their parents. The Joseph Rowntree Foundation recently reported that most parent carers find 'the stresses associated with the care of their disabled child to be wide-ranging, unrelenting and sometimes overwhelming'.

The Social Services Inspectorate (1994) reported that 'very often parents have been left alone to deal with a multitude of emotional, practical and social problems'. Indeed, 'many parents were unable to get access to the support they required in order to continue caring for their child, until they reached crisis point'."

The purpose of the Bill is to ensure that support and recognition are given before parents reach that crisis point.

Parent carers and other carers of children are dealt with in subsection (2) of new clause 1. If the Bill is enacted, it will give most carers the right to an assessment when a person is being assessed for community care services under section 47 of the National Health Service and Community Care Act 1990, but disabled children are not assessed for services under that Act, so we should not assess the needs of their carers under that provision. New clause 1 would give parents or other carers of disabled children the right to an assessment when their child is being assessed under the Children Act 1989 or section 2 of the Chronically Sick and Disabled Persons Act 1970.

**Mr. Alan Howarth** (Stratford-on-Avon): Would that right apply also in a case where parents were exploring the possibility of an educational statement for the child?

**Mr. Wicks:** The hon. Gentleman raises an important point about the relationship between the way in which local education authorities assess such needs and what we intend for social services departments. My judgment is that the answer to his question is yes, if the Bill becomes law, parent carers would have the right to have their needs assessed. But the hon. Gentleman raises a more important issue, by implying that, if the Bill goes through and guidance is issued by the Department of Health, we need to ensure that there is proper co-ordination and discussion with the Department for Education, so that local education authorities, social services departments and health authorities sing from the same hymn sheet when it comes to assessing needs in that area.

10 am

I mentioned young carers in my introductory remarks. None of us knows how many children play the role of carer. Estimates vary; early estimates suggested 10,000 to 20,000, while recent research suggests up to 40,000. We need better research in that area to establish the facts, not least so that local authorities can plan properly, but we

know that children carers exist and probably exist in larger numbers than we recently thought. The Minister and I had an opportunity only yesterday to meet some of those young carers.

May I illustrate the position facing young carers? The first case is that of a young 17-year-old woman who went to live with her grandmother following some problems at home. Her grandmother claims attendance allowance and has bad arthritis. The 17-year-old woman is still trying to finish her studies at the local college, but when she approached the social work department to ask whether her grandmother could have some rails in her bathroom, she was told that as she, the carer, was now present in the home, all her grandmother's home care would be withdrawn. The 17-year-old explained that, although she was helping in the evenings, she was out at college all day and could not provide support in the daytime. She was told that her grandmother was now low priority as she was no longer alone, and that going to college was her choice, which she could give up if it was too difficult. Her needs and right to study were entirely disregarded.

The second example is of Richard, a 12-year-old boy who looks after his mother who has rheumatoid arthritis. His father left the family two years ago, so Richard is the major carer. Before he goes to school, he helps his mother to dress, combs her hair and makes her bed. Some days, he goes home and gets his mother's lunch but he tells his school friends that he is going home to feed the dog in case they laugh at him. When he comes home in the evening, he does the vacuuming, tidies the kitchen and prepares the tea. He then helps his mother have a bath. He often does not manage to finish his homework, which means that he gets into trouble at school. Twice a week, the local authority provides domiciliary care, but some days the woman cannot come, which means extra work for Richard.

Those cases show that, while many children in that position are among the most responsible children in our society, they are effectively being robbed of their childhood and education. The implication of the point made by the hon. Member for Stratford-on-Avon (Mr. Howarth) applies here. In assessing the needs of young carers, we must ensure that assessment and recognition are matched in both local education authorities and social services departments, because education is a crucial aspect.

In carrying out assessments of people being cared for, local authorities should consider all the circumstances of those people, including whether children in their families provide care. The service provided should then try to ease the burden on children or young people providing care. Under part III of the Children Act 1989, local authorities have a duty to safeguard and promote the welfare of children in need.

I hope that local authorities are assessing the needs of children within the framework of the Children Act, but evidence and experience show that that is not always or even usually the case, and we need substantial improvement. It is vital that children and young people be seen as children first and carers second. We must try to address their needs by a different route compared with that for adult carers. It must be acknowledged that children are different from adults.

Assessment should therefore take account of the fact that childhood and adolescence are stages of development that form the basis for adult life. We must not assume that it is appropriate for children and young people to take on the same caring responsibilities as adults. However, it is crucial that young people are not excluded from asking for an assessment under the Bill. We have had to grapple with the complexity of relating the needs of the child-carer both to community care objectives and, perhaps more important, to objectives of enhancing children's welfare.

Having shown the different groups of carers that the Bill will cover and, I hope, explained that I shall ask the Committee to reject clause 1 and introduce new clause 1, because we want to be inclusive rather than reject groups of carers, I now move on to assessment. At the heart of the Bill is a recognition that carers with a major burden should have their needs assessed by the local authority social services department. The basic philosophy behind the measure is that it is crucial to ensure that local authorities take proper account of carers' circumstances when carrying out an assessment of the need for community care services of the person being cared for.

Clearly, the carer and the person being cared for may have different needs, but it would be wrong to conclude that there should be different or separate assessment procedures for each. We are dealing with delicate and difficult issues concerning human relationships, which are often very close. As they are so close, they are sometimes extremely fraught. The circumstances of each party must be seen together. At the same time, however, the new clause acknowledges the fact that services provided for the person being cared for also greatly affect carers.

I stress two important points. First, the new clause makes it clear that we are concerned about carers who provide or intend to provide regular and substantial care. That means that both those who already care and those who may be about to assume a caring role, perhaps because of an accident or severe illness, will fall within the scope of the Bill. It is particularly important that we assure those about to assume a caring role, for example, when someone is being discharged from hospital, that they are covered by those provisions.

That is vital, because we all know cases, either within our families or communities, or among our constituents, where a person's life is transformed when, for example, an elderly mother or father slips on ice in winter and breaks a hip or suddenly has a stroke. One day the person is leading a perfectly normal life and, within days, he must face up to a burden. We should not be too romantic because being a carer can be a burden.

The Bill's purpose is to ensure that those suddenly facing that situation are covered by the provision and can say to the social services department, "My relative may have to leave the hospital within days. May I now have my needs and potential needs as a carer assessed?" That is another way in which the new clause will considerably improve and strengthen the Bill. We do not want carers' needs to be considered only as a last resort. Local authorities must be able to respond to the needs of carers and of people receiving community care services before any difficulties arise, if necessary.

The second argument is that, through the new clause, the carer will be assessed on his or her ability to provide and to continue to provide care. That emphasises what already exists in Department of Health policy guidance and in other statutes. Assessments should not assume a carer's willingness to continue to provide care, which is important, because we would make mistakes if we felt that the only thing that we wanted to do for carers was to lock them into a caring position.

*[Mr. Wicks]*

Although most people are in that position out of love and family ties and are only too willing to take on those great burdens in our community, we must give carers choices. If some people say in all honesty, "I have a job and a career; I am looking after my young children; I simply cannot take on that role," we must respect that, and the assessment must respect that. The same applies if a person says, "I have been doing this for three years almost round the clock; I want to be the main carer in future, but I want to do slightly less"—not least because many of our carers are also workers.

That needs to be part of our policy agenda for the future. It is wrong that at the moment many carers—usually women, but sometimes men—must give up careers to become full-time carers. I hope that, as a result of the legislation before us and community care legislation in general, but also through a greater recognition of the issue by employers, trade unions and Government, we shall come to recognise the needs of the worker carer. Sometimes it is not wrong for a carer to say, "I want to do rather less in future." We must recognise that in legislation, and—more important—in terms of good practice.

The important change that has been made to the Bill, with regard to carers of disabled children, most of whom are their parents, is that the mechanism by which a carer can request an assessment has now been created by reference to legislation—the Children Act 1989, which provides services for children rather than legislation appropriate for adults.

Before I conclude, I should like to say something about the assessment procedure and services. The Bill as published, which we seek to amend today, separates the needs of the carer and those of the person being cared for. Of course, an assessment must take into account the circumstances of the whole family or the situation in which a person will be cared for. The services provided must reflect that holistic approach. We should avoid encouraging the possibility of two totally different assessments. The Bill will not seek to create two parallel rafts of services, one aimed only at the carer and one at the person being cared for.

The person being cared for will remain the central concern of community care policy under my Bill. Community care services will continue to be provided to those people, but the Bill will give the first recognition in statute of the fact that carers must be fully taken into account when decisions are taken on what services to provide.

One can go only so far in legislation in spelling out one's policy intentions, so much will depend on guidance issued by the Department of Health and, through that guidance, much will depend on the practice—one hopes, the good practice—of local authority social services departments.

In arguing the case for a legal right to an assessment of needs, I do not envisage a social worker visiting a home with a clipboard and ticking or crossing boxes in a bureaucratic manner. That would be almost worse than useless, and insulting to the carer. I envisage that the social worker will visit and have a discussion with the carer, in which the carer can explain the difficulties and the life she leads, often doing so not in the presence of the person being cared for.

I repeat that, although a caring relationship is based on affection and love, one cannot be too romantic about it. Just as, in the horrible jargon, the "user"—the person being cared for—should have a right to an assessment with the social worker at which the carer is not present, so there should be a right for the carer to be able to sit down with the social worker and explain the position.

**Mr. Alan Duncan** (Rutland and Melton): We have heard a great deal from the hon. Gentleman about assessments and needs. I believe that hon. Members on both sides of the House would be happy to agree with all that. However, before he finishes speaking about new clause 1, will he clarify exactly what it is likely to mean in practical terms as regards the arrangement between the carer and the person cared for?

10.15 am

**Mr. Wicks:** I shall mention that in my concluding remarks, but obviously it is vital. It would not impress the carers of Britain—or, indeed, the hon. Gentleman—to have an assessment that did not lead to practical support.

Good practice is vital. I shall give a practical illustration of the way in which the assessment of carers' needs becomes important. When a social services department assesses the needs of the person being cared for—let us say, an elderly relative—the elderly relative, perhaps with senile dementia or with other major handicaps, may well not say to social services, "I want respite care. I think that it would be good for my daughter to give her a break," so that someone else can look after her for two weeks in a nursing home. However, when the carer has the discussion with the social worker, she or he may well say, "I am going crazy here. I am pulling my hair out. I am about to have a breakdown. I must have a break."

If the Bill works in practice as I intend it to, it would enable the social services department to say, "Although the elderly person did not mention respite care, the carer is crying out for it, and among the services that we provide, albeit to the cared-for person, respite care will be there regularly." That is an illustration of the way in which I hope that the legislation will work.

**Dr. Norman A. Godman** (Greenock and Port Glasgow): May I draw to the attention of my hon. Friend the fact that the present practice in the Strathclyde region of Scotland is that the carer must agree to the assessment made by the appropriate social worker?

My hon. Friend's admirable Bill comes at an awkward moment for social work departments in Scotland because of the reorganisation of local government. Those new social work departments, under the new authorities, will need the type of guidelines that he spoke about a minute ago.

**Mr. Wicks:** Indeed. I am grateful to my hon. Friend, because he reminds us that although, in making out the case for new legislation and for policy development, we must talk about bad practice and about neglect, in many parts of our countries there is much good practice. We need to draw on that good practice if the guidance issued by the Department of Health is to be the guidance that is required. I recognise the good practice in my hon. Friend's region and in many parts of the country. I repeat that, throughout Great Britain, only a minority of carers—fewer than one in five—receive a separate assessment of their needs. However, we need to draw on that good practice.

I recognise that the reorganisation in Scotland poses difficulties, but, more positively, new departments and new councils may well be able to look afresh at their priorities and take that one into account. Although it might be awkward for councils, it would be even more awkward for carers if the implementation of the Bill were delayed, as my hon. Friend would be the first to recognise.

I shall say more about the services that might flow from the measure, because it would be frustrating indeed if we simply introduced an assessment that did not lead to positive change and more service support for carers, and indeed the person being cared for. One needs an assessment of needs, because people's needs vary enormously. I do not want social services to visit a home offering a pre-ordained package of care. I want those people to listen and learn from the person who best knows what care is required—the carer.

The services and support required vary—home help might be required or it might be help with bathing or putting an often large and heavy person to bed in the evening or getting him or her up in the morning. My talks with carers in different parts of the country suggest that often it is the need for respite care that people stress. We all need a break from time to time. We have just returned from an Easter recess. While I spent most of mine preparing my notes for this morning, other hon. Gentlemen no doubt had a break.

**Ms Rachel Squire** (Dunfermline, West): Hon. Ladies did not.

**Mr. Wicks:** Hon. Ladies did not, because a woman's work is never done, which is one of the Bill's themes. We are trying to correct that, and I am grateful to my hon. Friend for reminding me of that.

We all need a break. When we talk to carers, as many hon. Members have done recently, we are struck by the fact that some carers never get a break. Such people wish that, if only for one evening a week, they could be free of their caring tasks. They wish that someone could come in to look after their elderly relatives or their children with disabilities, so that they could go out with their husband, wife or partner, get away from it all and have a break. That is a modest demand, but some carers never have an evening off and never have a holiday. If only there were respite care so that the person could be cared for—perhaps still in his or her own home or a nursing home—and so that the carer and his or her partner could take that break. That would make a difference. I hope that such practical support will flow from the recognition of carers' needs. At present, that tends not to happen.

One carer in Croydon told me that she almost cracked up—to use her phrase—at one stage. She told me that no one ever mentioned respite care. She said that the social worker once said to her, "You have done a great job—keep up the good work." As the carer said to me, that sort of statement denies someone the right to ask.

I shall now outline the Bill's implications in Scotland. Colleagues will have recognised that the amendments also apply to Scotland. Given the legislative background and the fact that there are different laws in Scotland, the Bill will apply there in different ways. There are 700,000 carers in Scotland. I had the opportunity of meeting a few of them in Edinburgh only recently. Obviously, we are determined that the policy intentions should apply to Scotland.

The amendments enable the legislation to cover most carers in Scotland; certainly the provisions are the same for those adults caring for elderly relatives and for young carers. I am advised, although I am not an expert on Scottish legislation—colleagues might be—

**Dr. Godman:** The Minister is.

**Mr. Wicks:** Yes, the Under-Secretary of State for Scotland, the hon. Member for Edinburgh, West (Lord James Douglas-Hamilton), is an expert. When I refer to colleagues, I include the Minister.

I am advised that we need to implement the policy intentions as they affect adult carers—normally parents looking after disabled children—in slightly different ways in Scotland. We have had positive discussions with the Scottish Office. I know that the Minister of State, Lord Fraser, would allow me to quote from his letter to me of 11 April in which he set out his policy intentions. On parent carers, he said that he agreed with the principles underlying the proposal of the Under-Secretary of State for Health,

"but if we are to secure corresponding provision in Scotland for assessment of the needs of adult carers for disabled children, this will have to be done in some other way. We will be prepared to instruct an appropriate amendment to the Children (Scotland) Bill in the course of its passage through Parliament. This would provide for the same intention as that reflected for England and Wales in subsection (2) of the new clause proposed for amendment to the Carers (Recognition and Services) Bill. I trust you will find this acceptable."

Colleagues may have a view on whether it might have been possible to have exactly the same legislative arrangements for our countries so that Scotland was entirely in line, in its legislation, with England and Wales. I have no judgment or expertise on that.

My concern was not with legislative niceties, but with the carers themselves. Carers in Scotland are, in many ways, the same as carers in England, Wales and Northern Ireland. I am confident that, with new clause 2, which looks after most of the carers of Scotland, and with a clear statement from the Minister, the policy intentions behind the Bill will also apply to Scotland.

**Dr. Godman:** I am pleased to hear that Lord Fraser is offering support, because clause 20 of the Children (Scotland) Bill places a specific duty on local authorities to minimise the difficulties faced by children with disabilities. That Bill contains a provision to provide that sort of service to disabled children.

**Mr. Wicks:** I am grateful to my hon. Friend for making that point. As the Bill proceeds, no doubt there will be an opportunity for Scottish colleagues to ensure—although I do not think that they need to do so—that the policy intention is included in the Bill, but to have some discussions on the subject of children in Scotland.

I apologise to the Committee for taking a long time to describe the provisions under this group of amendments. We are dealing with the heart of the Bill and I have been given the opportunity to outline the overall policy intentions. While it is up to the Committee and its Chairman, and not me, I suspect that we shall make faster progress later.

**Lady Olga Maitland** (Sutton and Cheam): I support the hon. Member for Croydon, North-West (Mr. Wicks) in his introduction of new clause 1. I agree with him that the Bill should deal with family care in the round. It struck

*[Lady Olga Maitland]*

me as unusual and strange that the Bill should have been initially constructed without reference to children. It is logical and plain common sense to include within the Bill's provisions, certainly in the new clause, the cares and concerns of children.

I have met many parents of children who have been severely disabled. I have sat with them in their homes and met them at various centres. I am deeply aware of the frantic work they do. They are almost Cinderellas in the sense that people take their love for their children for granted. It is also taken for granted that parents will care for their children unstintingly and with 24-hour energy—almost beyond the strength of any man—and still come up smiling, but parents are carers and need a tremendous amount of support.

Children who are severely disabled, who display aggressive and challenging behaviour, who are wakeful and who do not sleep or conform to any normal pattern of behaviour, can drive their parental carers to distraction. Some children never sleep, which means that parents have to get up throughout the night. The father then has to go to work the next day when he is weary and exhausted. It is important that those parents, as carers, should be included within the terms of the Bill, and should have their needs assessed.

If the carers break down, the whole system breaks down. Parents are naturally determined to hang on because they love their children so much, but many do not realise that they could seek help. We must provide parents with the assistance that they need. As the hon. Member for Croydon, North-West said, the provision of respite care is essential not just to relieve tension but to enable parents to forge their own personal relationships. They must keep their families together and they can do that successfully only if they have some privacy. We must provide parents with that kind of support.

10.30 am

Parents often have other able-bodied children who can suffer dreadfully when parental attention is concentrated on a disabled child. Those able-bodied children have needs and concerns and the resulting rivalry among siblings must also be taken into account. We must examine that issue in the broader context of this Bill; we should not simply say that it comes within the orbit of different legislation, such as the Children Act 1989 and so on. That is rather like sifting through the laundry and saying that one can have the socks but not the vest.

I wish to draw to the Committee's attention to the case of a mother who has had a very trying time looking after her 16-year-old son, Stephen, who is profoundly mentally handicapped. That mother has the additional burden of caring for an elderly mother-in-law who suffers from senile dementia. One can only imagine what it must be like in that household. That mother receives voluntary assistance, but no statutory help. Her child can perform basic tasks for himself, but, although though he is 16, he has the mental capacity of a four-year-old. He therefore needs constant supervision in performing daily tasks, such as getting up in the morning, getting dressed, going to the bathroom and cleaning his teeth. Those routine activities that able-bodied people take for granted place enormous stress and strain on that mother, who is also caring for another invalid relative.

That mother is also concerned about another issue that was not raised by the hon. Member for Croydon, North-West but that I believe should also be taken into account. Parents are deeply anxious about what will happen to their disabled children when they reach the age of 19 and are therefore no longer eligible to receive immediate care. What will become of those children, and where will they go to engage in daytime activities? Even more worrying is the question of what will happen to those children when their parents die.

The mother to whom I have referred says that she spends a lot of time worrying because she can see that her son Stephen faces a bleak future. At the moment, that young man is conditioned to life within an established routine and pattern within the home. When his mother dies, he will be uprooted from his home, and his mother is extremely anxious about what will happen to him after that.

We must try to reassure parents in that situation that their children will not be thrown on to the streets. We must establish a proper care plan, which may be discussed with parents while their children are young—it should not be left until the children concerned are in their 20s—because that is when parents begin to worry and fear for their children's future. We must take those factors into account.

I also draw attention to the plight of parents of teenagers who develop schizophrenia. The illness is a curse—I can think of no stronger word to describe it. I am filled with admiration for Marjorie Wallace, who is the founder and director of Schizophrenia—A National Emergency, the charity which helps the victims of schizophrenia. She has done some heroic work in highlighting the problems of schizophrenia, which had previously been the skeleton in the family closet.

One has only to talk to a parent whose child has developed schizophrenia to know what the phrase "hell on earth" means. The illness places a terrifying strain on parents, partly because it takes a long time to diagnose properly. The parents of a child who stays up all night playing loud music and then sleeps during the day may eventually take that child to receive professional help only to be told that their child is experiencing adolescent behavioural problems. Therefore, it may be some time before the child receives the appropriate drug treatment.

Another problem is that children with schizophrenia may suddenly refuse to take their medication and erupt into dangerous violence. Parents need a tremendous amount of support from their general practitioners and social services. In a time of crisis, they must be able to have their children sectioned if that proves necessary. Violent teenagers are very powerful and they can cause a great deal of harm. I have talked to parents who are terrified of their children but, because they love them so much, wish to care for them at home.

A unique feature of the illness is that children afflicted with it can become suicidal. Therefore, parents are fearful for their children's safety and cannot turn their backs on them for even a moment. Children with schizophrenia may also do themselves tremendous harm. They are able to ignore the feeling of pain and so may deliberately place their hands on a hot stove top and injure themselves. The illness places a terrifying strain on parents and we must be aware that they need special attention, vigilance and support. Therefore, the new clause is an essential part of the Bill.

The issue of children who are carers is equally important. It is a twilight world and, as the hon. Member for Croydon, North-West said, it is difficult to know how many child carers there are. There may be 10,000 or 40,000—I have a feeling that the figure is probably closer to the latter. I believe that we must train teachers to ask questions and seek information about children's life styles if they become aware that children are not performing normally at school.

If children do not do their homework, if they look tired and anxious and are fidgety, with poor concentration spans, teachers should not accept simple explanations. They should visit the family concerned or they should alert social services. Teachers must be alert to the fact that those children could be carers. As the hon. Gentleman said, a child who is a carer may be too embarrassed to tell his friends that, instead of running home to feed the dog, he is going home to look after mum.

In my surgery I recently dealt with the case of a young woman—she is now 19 or 20—who has looked after both her parents for much of her life. Her parents, who are now in their 40s, suffer from crippling arthritis. Throughout her childhood, the daughter rushed home from school to ensure that her parents took the right tablets. She always worried about them a great deal. Now she has left home because she has married and become a mother herself, with two tiny children adding to her burdens—but she still rushes to her parents, worrying about them. I am full of admiration for the lifelong commitment of this young girl. I regret to say that Sutton social services, although up to speed in many other areas, has not yet understood that enabling that girl to live close to her parents so that she can look after them will prevent them from becoming a heavy burden on resources.

It is essential to bear in mind the needs of young carers. I heard only yesterday of the case of a father who recently suffered a stroke. To his mortification, the only person at home to whom he can turn is his 15-year-old daughter. This young girl has to deal with all the most personal aspects of his life, including going to the toilet. Frankly, only an adult capable of more objectivity should be put in such a position. It becomes a deeply stressful relationship: the father is humiliated and embarrassed by what the girl has to do for him, and she is not getting the support that she clearly deserves.

Far too many such cases come to light by accident. People are suffering silently at home instead of being given the attention that they require. I very much doubt whether this girl's case would ever have come to light under the provisions of the Children Act. I feel sure, however, that this Bill would scoop her up and provide her with the support that she so desperately needs. That is another reason why I hope that the clause will stand part of the Bill.

Social services departments are the key to the whole Bill, so I shall discuss their role. I have held long conversations with the social services department in Sutton on this subject. To its credit, it already assesses carers on a voluntary basis; but those people are brought to the attention of social services by the circumstances of those for whom they are caring. At present, social services makes its assessments quite speedily. If someone needs immediate help, he or she can be given it in a matter of hours—although usually it would take up to a couple of weeks. That in itself is a vast improvement on what happens to children who are given education statements, a process that can take six months or more.

We all appreciate that those assessments must be carefully planned and carried out. I agree with the hon. Member for Croydon, North-West that a clipboard approach is wrong. Assessments should be done privately in carers' homes, preferably outside the hearing of the cared-for person. That is essential, because, owing to the nature of their problems, cared-for people can become very introspective and can take it for granted that the only person who can possibly look after them is their spouse, mother or daughter. They can become quite frantic if they hear conversations in which it is suggested that they might be given respite care or a temporary sitter. All that calls for a great deal of tact and flexibility.

Respite care should come high on any list. It is important to take into account the feelings of carers as well as the feelings of the people who are cared for. I know of a number of cases when the cared-for person has blackmailed his nearest and dearest, saying in effect, "You cannot possibly suggest that I be looked after by anyone else." For instance, I knew a wonderful elderly lady who used to look after her father, who was in his 90s. I am sorry to say that in the end she died before her father because she was so worn out. He would not accept any respite care or any alternative help. Firmness is called for in such cases.

10.45 am

Next there is the problem of the benchmark: at what point should help be given, and on what scale? On the answer to that question, many other things will depend. If an assessor examines only the condition of the cared-for person and prescribes services in that context, he is missing the point. Assessors should also scrutinise the condition and health of the carer, because if the carer is not fit and well the whole show will fall apart. The carer may be physically mobile and able to get out to the shops and perform basic tasks, but may also be rather fragile. Meanwhile, the cared-for person, although perhaps in a wheelchair, may be physically quite robust, while still needing help. We need to be careful not to be blinded by the physical condition of the disabled person, who may be fairly well, while forgetting that the carer may be getting ever frailer.

It would also be very cruel if a marvellous assessment plan for a carer were drawn up, but there were not enough resources to back it up. I therefore urge the Minister to tell us whether he will be putting more resources into this important sector, and whether they will be ring-fenced. I realise that that is rather a challenging request, but I am worried by the fact that some local authorities do not share my idea of correct priorities. I believe that any local authority's top priority should be its social services—I have no doubt about that. Sutton, a Liberal Democrat-controlled borough, has cut social services spending by 1.6 per cent., yet it has employed a play development officer and a dance development officer, and it is spending £40,000 keeping a public library open on Sunday afternoons. Those items of expenditure do not carry anything like as much importance as social services, in particular its task of caring for carers and people with disabilities alike. We therefore need to ensure that money cannot be devoted to other less important sectors—hence the need for ring fencing.

*[Lady Olga Maitland]*

Resourcing needs to be carefully thought through. The guestimate for my constituency is that about 19,000 carers are to be found there, of whom 1,300 have been identified, helped and funded. As a result of the Bill, many more carers will come to light, so we shall need the resources to give them the back-up they need. It is therefore essential to think that through carefully and not to repeat what happened with the Child Support Agency, which was an excellent idea originally but which stumbled on many rocks along the way. I conclude that that was due to a lack of forethought. In this sector, which affects so many people's lives, it would be a cruel trick if we merely identified the need but did not come up with the resources to meet it.

I give a warm welcome to the ideas expressed by the hon. Member for Croydon, North-West, and I hope to have an opportunity later to make further contributions.

**Ms Rachel Squire:** I, too, am delighted to have the opportunity to speak in support of the Bill, and in support also of new clauses 1 and 2 and the amendments. I congratulate the Minister, the hon. Member for Battersea (Mr. Bowis), and the Government generally for supporting the Bill and for ensuring its passage through the House of Commons. It is a refreshing and welcome change for right hon. and hon. Members on both sides of the Chamber to speak with one voice, and to make that voice heard to the benefit of 6.8 million carers.

I, too, praise the work of the voluntary sector, and most notably the Carers National Association, for all the work that it has done for and with carers and for providing invaluable advice and assistance to all hon. Members on both sides of the Chamber and those in another place who have taken an interest in carers and community care.

I am not in a position to name all the individuals who have been involved with the Bill. My hon. Friend the Member for Croydon, North-West (Mr. Wicks) has mentioned some of them. It would take too long to try to name all those who have been responsible for putting the Bill on the statutory road. It would be remiss of me, however, not to praise my hon. Friend the Member for Croydon, North-West. I trust that it will come as not too much of a shock to him for me to pay tribute to the tremendous work that he has done. I am aware that sometimes over the past few weeks I have tended to behave more at times like a nippy sweetie, to use a good Scottish expression.

**Mr. David Hinchliffe** (Wakefield): A what?

**Ms Squire:** I shall explain the meaning of the term later.

I was tending to behave in that way rather than as a supportive colleague. I was constantly demanding to know what was happening and what was going on. We would not be here today, however, if it had not been for my hon. Friend's commitment, expertise and hard work. That he chose to introduce the Bill among many hundreds of other legislative possibilities speaks clearly of his commitment to carers. No one could have spoken more eloquently of their need than my hon. Friend.

The Bill enables carers to make their voice heard. It recognises carers as individuals with their own identity and needs. It recognises also that carers' needs are not always identical to those of the people for whom they are caring. It recognises too that the United Kingdom's 6.8 million carers are individual men and women, including young people, and not an amorphous identical mass.

There may be some who ask why we need the Bill, why carers need their own assessment and why their voice is not already heard. Like other hon. Members, I shall give a few examples of why the Bill is so necessary.

Carers are too often the last to ask for help for themselves. All too often they see the responsibility of caring for someone as a pressure, trauma and stress that they should be able to deal with whatever the circumstances. I agree with the comments by the hon. Member for Sutton and Cheam (Lady Olga Maitland) about some of the pressures facing parent carers, especially as they remain carers when their children become adults.

I still remember vividly, when I was a social worker in Birmingham, meeting an elderly couple. The woman was in tears and her husband was shaking with emotion. They had come to ask whether the social services department could arrange a week's holiday for their son. Their son was in his 30s and had learning difficulties. It emerged that they had never had a day's break from caring for him since he had been born.

The elderly couple were physically exhausted. Their tears and upset were more than anything due to feeling guilty about coming to ask for one week's holiday. They somehow felt that they were failing in their responsibility as parent carers to ask for one week's break. Although it is now 17 years later, and five years after the enactment of the National Health Service and Community Care Bill, we would be wrong to think that there were not still hundreds of thousands of carers in our communities in similar positions, not asking for help themselves because they feel that they should cope. They seem to take the view that to ask for help would be a failure on their part.

The Bill will tell all carers that they have rights, too. I hope that it will ensure that the majority of carers will have an assessment of need. The report published by Scope earlier this year on the experience of long-term care by parents with disabled children and families has already been mentioned. The survey revealed that only 13 per cent. of carers had received an assessment of need. The Carers National Association survey 1994 survey revealed that 80 per cent. of carers felt that community care reforms had made no difference to their lives. It has already been stated how frequently carers miss out because they are seen as a lower priority when there is a conflict between demands and insufficient resources.

We would all like to think that we already support carers, and that if we have not been carers ourselves, we have friends, relatives or neighbours who have been or who are.

Yet another example which sticks in my mind of how the present system is failing carers—it has already been touched upon by my hon. Friends—is that of Sadie Taylor, a woman from Lanarkshire who spent seven months caring for her terminally ill husband. I asked Sadie what sort of support she received from the health board and the social work department. She told me that generally it had been very good. She added, "Rachel, what I most needed at times was for someone to ring to ask me how I felt." That point has been made by my hon. Friend the Member for Croydon, North-West.

Sadie's experience reflects another concern, which is that in the development of community care there can too often be a false division drawn between health and social care. If we needed care, we would all choose to receive that care in our own homes rather than in a residential or nursing home, or a hospital. The Bill recognises, however, that our needs can have tragic results on the health of the carer. That is nowhere more clearly demonstrated than by the demands made on a carer by someone who has reached the severe stages of dementia or Alzheimer's disease.

In my constituency, I shall never forget hearing of a woman who had been caring for her husband, who had Alzheimer's disease. He had become so frail and restless that when they went to bed at night she tied her pinkie—her little finger—to his to ensure that she was woken up when he started to try to wander round the house. The neighbours went to investigate one day when they had not seen either the husband or the wife. They found the husband still alive but his wife was dead. The general practitioner diagnosed that her death was due to exhaustion.

There are many carers who are close to exhaustion. It is to be hoped that they are receiving much support. The Bill recognises, however, that it is never easy for a carer to look after his or her own health. Time and again carers say, "I can't afford to be ill."

I said at the start that the purpose of the Bill is to recognise carers as individuals; indeed, to recognise that any six carers will have six different sets of needs. Again, as has already been said, we must develop not a set fixed agenda of services, but a pick-and-mix range of care and support. The amendments that I have tabled to new clauses 1 and 2, on communication difficulties, are one small example of that.

11 am

None of us could ever anticipate every possible need or requirement, for in community care we are dealing with millions of unique individuals. My amendments, though, ask the Government and my hon. Friend the Member for Croydon, North-West to recognise the need to address the communication requirements of deaf and disabled carers, who, when they are being assessed for services to enhance their ability to provide care, may require particular communication assistance. For example, it may be vital that an interpreter fluent in sign language is available during the assessment of care, or for there to be technical communication aids.

Although section 8(2) of the Disabled Persons (Services, Consultation and Representation) Act 1986, requires a local authority to provide communication services when assessing the abilities of a deaf carer, I understand that that part of the Act has never been fully implemented. I do hope that my hon. Friend and the Minister will address those concerns in the implementation of the proposed legislation.

Another area on which I would like to touch is the overall value of the care that is provided by carers. Although we have talked about the 6.8 million carers in the United Kingdom, the Bill is of immediate priority to the 1.5 million full-time carers who care for someone for more than 20 hours a week. We recognise that no accurate value can be placed on the community care that they provide, but it is estimated at more than £30 billion a year.

Caring for someone can create financial hardship as well as emotional, physical and psychological stress. For instance, many carers have to give up work. A survey by Caring Costs found that 53 per cent. of carers had given up work to care for a relative or someone at home. Such carers lose out on national insurance credits and pension entitlements. Caring at home costs a lot. It runs up fuel bills. It may involve special dietary requirements and medical supplies. Again, I came across one family in my constituency who for a period had to spend £49 a week just on bandages and other essential medical supplies. That is a lot of money for anybody's income.

Not only are carers unable to save money, but they often draw on their savings to subsidise the extra costs of disability. A Department of Social Security report four years ago found that two thirds of carers reported that caring had had an adverse effect on their standard of living. Yet only 0.5 per cent. of the social security budget goes on direct financial support to carers in their own right. I know that the Government have demonstrated their recognition of the financial penalties that carers may incur, most recently in the passage of the Jobseekers Bill, when they agreed to change the rules in favour of ex-carers by looking at their contribution record prior to caring when it came to an assessment for the benefit.

I ask the Government to give an assurance that they will give serious consideration to the confusing complexity of benefits to carers, and in particular to look at three areas. First, people who give up work to care may not be covered by mortgage insurance protection by voluntarily giving up employment, and could be hit drastically by the Government's plans to limit help with mortgage interest for people on income support. Secondly, I ask for assurances about the impact that incapacity benefit will have on carers, either on the person for whom they are caring or, indeed, the carers themselves, because the majority of carers are in the age range 45 to 65. Their own health may be becoming frail. I think that we are all aware of the increasing number of carers in their 60s or 70s who care for people in their 80s and 90s.

The third area about which I am particularly concerned, in terms of the financial pressures on carers, is the additional personal tax allowance. As hon. Members know, it is £1,720 per annum and is given to married men whose wives are permanently disabled and who also have a child or children to care for. The Treasury estimates that around 10,000 married men carers currently benefit from that allowance, yet it is not available to married women in a similar position. The Treasury admits that the allowance is both anachronistic and an anomaly. Even the Inland Revenue admits that it is unfair. Yet rather than extend that allowance to the 8,000 or 9,000 women who might be entitled to it if the rules were changed, it appears that the Treasury is threatening to abolish the entire provision for the men who currently receive it, as well as deny it to those women.

Although the Bill does not deal with financial support for carers, I ask the Government to tackle that discrimination in the additional personal allowance. The cost of doing so has been estimated at just over £2 million, a relatively small price to pay. It would help carers to remain in work and not have to draw on state benefit.

We have heard a lot—we will hear a lot—in today's debate about how carers are valued and should be praised for their tireless devotion, but sometimes praise is not enough. People are poor because they care. They are financially penalised because they care. Carers deserve a better deal. I hope that the Minister will use his influence to

*[Ms Squire]*

that end and that we can look forward to the Chancellor, in his November Budget, extending the additional personal allowance to married women who are carers.

I make particular mention of my concerns in Scotland, as an hon. Member who represents a Scottish constituency. As has already been said, there are approximately 700,000 carers in Scotland—one in seven of the population. I am delighted that the Bill applies to Scotland, but I share my hon. Friend's concerns that it will leave carers of disabled children in Scotland in a worse position than carers in England and Wales. New clause 1 applies to England and Wales and allows a carer to ask for an assessment of his or her needs, whether caring for a disabled adult or for a disabled child. In Scotland, the amendments relate only to the community care assessment procedure for disabled adults, so the carer of a disabled child would not have the right to request an assessment of his or her needs.

It has been suggested that amendments to the Children (Scotland) Bill will be tabled to bring the position in Scotland in line with what is proposed for England and Wales, and I appreciate that. I hope that today the Minister will make a further commitment to table amendments to that Bill, incorporating the Chronically Sick and Disabled Persons Act 1972 in the new disabled child's assessment.

**The Parliamentary Under-Secretary of State for Scotland (Lord James Douglas-Hamilton):** Amendments will be tabled, although I cannot guarantee that it will be done on Report; the proposal may be made in a Lords amendment, but the House of Commons will consider it. Our purpose is to achieve maximum consistency with the reforms south of the border.

**Ms Squire:** I thank my hon. Friend for that assurance, which will be welcomed by all hon. Members. The position of young carers is also relevant to the Children (Scotland) Bill, and we must ensure that the same provision is made for them in Scotland, as in England and Wales.

I must praise the current support for carers in many parts of the country, which is provided by voluntary associations, local authorities, health authorities and health boards. Like my hon. Friend the Member for Greenock and Port Glasgow (Dr. Godman), I am well aware of the efforts that many Scottish local authorities have made, particularly Strathclyde and Lothian regions and my local council, Fife region.

I share my hon. Friend's concern about the disruption to services and co-operation that local government reorganisation may cause. Only this week, however, I received a copy of a specific strategy for carers from Fife region. That strategy was drawn up after extensive consultation with carers, and with the voluntary sector and the health board. It states that carers' needs should be assessed, and that a care plan should be devised in conjunction with them. I hope that, by the end of today's debate, that commitment will look like becoming a reality for carers from Brixton to Belfast, from Cardiff to Croydon and from Thurso to Tredegar.

Let me finish by quoting the words of a carer from Fife who wrote to me about her experience. Her words clearly support the Bill. She wrote:

"During one crisis in my caring I turned to my church minister because I felt I had failed in my own expectations of myself and he asked me quietly, 'Who do you think you are—God'!

The majority of us want to do the job well. It is for people we are committed to and love, but we cannot begin to do that until we come to terms with ourselves and others' expectations of us, their understanding and recognition of our limitations. If there is one thing that has become clear to me it is the fact that 'No man is an island'.

We all need help, some of us more than others.

So all you people out there—meet us half way, don't just write about us—help us."

**Mr. Peter Thurnham** (Bolton, North-East): I congratulate the hon. Member for Croydon, North-West (Mr. Wicks) on his success in securing not only a Second Reading but a Committee stage for his Bill. I must admit that I was somewhat alarmed when I looked at the amendment paper and found that clauses 1, 2 and 3 were to be deleted; I wondered what would be left of the Bill. The hon. Gentleman, however, has been able to resubstantiate it by means of the new clauses. I also congratulate him on securing Government support: that is, of course, an important part of putting a private Member's Bill on the statute book.

The Bill itself is important. We are dealing with a huge army of carers, numbering some 7 million; I believe that 1.5 million are full time. The hon. Member for Dunfermline, West (Ms Squire) estimated the value of the unpaid services provided by those carers at some £30 billion—I hope that she will forgive me if I do not refer to her as my hon. Friend; Friday seems to be a very friendly day. Perhaps it is part of the spirit of the new Labour party for Labour Members to call Ministers their hon. Friends, but I do not think we need continue the practice throughout the debate.

11.15 am

Earlier, the value of care was estimated at £20 billion, but it may be impossible to put a value on the love that is part of the whole business of caring in the home. It is also difficult because so many different figures are used. The other day I met private care workers at Longsight Lodge, a sheltered home for old people in my constituency. They were paid £3.50 an hour. Voluntary services and private companies such as the Red Rose organisation in Lancashire charge £4.45 an hour for their care workers.

I was surprised to see an advertisement in the *Bolton Evening News* recently. Bolton council was advertising for care workers aged 18 or more, offering £4.21 an hour. That priced their services well above those provided by the voluntary sector. I wondered why a council that should consider itself to have an enabling role should take on the role of provider, at a cost substantially greater than that in the private sector. I feel that my hon. Friend the Minister should look into the question of costs and accounts. Indeed, I believe that my right hon. Friend the Chief Secretary to the Treasury has forwarded a letter from me to my hon. Friend about cost, asking whether local authorities are contracting out enough care work to the voluntary sector.

I believe that the position should be monitored, but I have found it difficult to obtain figures showing whether that is being done and whether—as is required by the

community care legislation—85 per cent. of care is being put out to the voluntary and independent sectors. My hon. Friend the Minister should ensure that we are given better value for money, given the substantial sums that the Government are spending on community care.

**The Parliamentary Under-Secretary of State for Health (Mr. John Bowis):** I am delighted to learn that my right hon. Friend the Chief Secretary to the Treasury is seeking my advice. The 85 per cent. requirement is indeed being monitored: that is one of the purposes of the audit that takes place before the figures come to the Department. Once they have been properly audited, we shall have the full picture.

**Mr. Thurnham:** I had hoped to be able to elicit the information by means of a parliamentary question, but sofar that has proved rather difficult. I wrote to my right hon. Friend the Chief Secretary the other day; he wrote back, saying:

"what you say about Bolton does look worrying. If local authorities are ignoring opportunities to reduce costs through sensible outsourcing, it certainly casts a fresh light on the allegation that they are unable to manage their responsibilities within existing financing constraints."

There is certainly a great need for carers. The first of the four categories listed by the hon. Member for Croydon, North-West was that of adult carers looking after adults in need of care, but he also raised the important question of looking after disabled children, of which I have had personal experience. The figures suggest that there are some 350,000 disabled children living at home, while an estimated 5,000 more are so severely disabled that their families have been unable to cope with them, so they are receiving residential care.

We should do all that we can to provide loving family homes for those children. The extent to which care services are available to help foster families and adoptive families are important, and show the value of the Bill. Respite care, which has been mentioned, is one of the important factors in determining whether a family is able to foster or adopt children.

I was delighted by the opening of Grosvenor house in my constituency. It was formerly a children's home but is now a respite care home for people suffering from mental and other disabilities. The Duke of Westminster was kind enough to lend his name to the new building, which was established as a result of the efforts of Bolton handicap action group, which I helped to form in 1987. I was appalled at the number of people whom I met who were struggling to look after mentally handicapped "children" who are now adults and plainly in need of considerable care. Those people said that they could not manage without more help. We brought them together and formed the action group, which has certainly had an impact on the local authority in pressing for much better services.

I think immediately of constituents with difficulties who have met me on a number of occasions. They include people such as Mary Cummings and her husband, the parents of David Cummings who needs a great deal of care, and Nora Hargreaves and her son Paul. Paul is severely disabled and his mother wanted to go away for a few days because her doctor said that she could not manage to look after her son any more. She thought that if she had a break she might be able to continue to look after him. The local authority said that it would take Paul for a short spell of respite care but then said, "We are sorry. He is too disabled and we cannot take him in." That 65-year-old lady was looking after her son yet the council said that he was too difficult to look after.

Another difficult case is that of Daniel Heaton, a youngster in my constituency who is reaching the end of his time at school as an autistic child. His parents are concerned about the extent of care that he will need when he leaves school and the amount of help that they will be able to have. Their love for that child is apparent. They do not want him to have to leave home but they know that they will need considerable help to look after him and find sufficient day services properly to occupy his time.

The work carried out by Contact a Family has already been mentioned. I endorse its good work and that of its director Harry Marsh. I have had contact with the organisation over many years both nationally and through the work that it does locally in Pendlebury children's hospital in Manchester.

I do not intend to speak for long because I want to leave time for us to reach my own Bill. Fridays can be difficult and I should not like my Bill to fall to the vagary of being talked out, nor do I want to be a spectacular own-goal scorer in that respect.

I was interested in the comment by my hon. Friend the Member for Stratford-on-Avon (Mr. Howarth) about children with special educational needs and his question about whether, during statementing, some account should be taken of their need for care. I am concerned about the statementing process in Bolton. The Audit Commission has highlighted the long delays. I understand that fewer than 9 per cent. of the statementing cases in Bolton have been completed within the statutory six-month period. That is an example of how the bureaucratic process can be impossibly slow and cumbersome in dealing with what are often the urgent needs of parents. My hon. Friend raised a wise point and perhaps the Minister will be able to consider it further.

I wish the hon. Member for Croydon, North-West all success in the passage of his Bill. I shall watch it proceed with great interest both for its own importance and as an example of how my Bill will follow his.

**Ms Liz Lynne** (Rochdale): I am pleased to support the hon. Member for Croydon, North-West (Mr. Wicks), and I congratulate him on getting his Bill this far. I also congratulate the Minister on his work in supporting the Bill. I am pleased that young carers—those under the age of 18—will be included, because they have a difficult time. Many children are under a great deal of stress and often have to suppress their own needs because of the needs of the parents for whom they are caring. They could have many problems in later years because of the build-up of that stress and the fact that they did not have a proper childhood because they did not get the back-up they needed.

It is estimated that there are 40,000 young carers, and they have many different problems. The Carers National Association has spoken about several young carers and I shall mention the problems of one of them. Jenny is aged 14 and her father has Alzheimer's disease. She helps her mother care for him. He is often confined to a wheelchair and has difficulty eating, sleeping, speaking, bathing and dressing himself. Jenny also looks after her younger brother. Her mother works at night, leaving Jenny in sole charge of her brother and father. Jenny's school friends

*[Ms Liz Lynne]*

are unsympathetic because they think she is making it up, as her father looks normal. She gets very tired, and her school work has started to suffer.

That is just one case, but I know of many more cases of, children similar to Jenny who suffer because their school friends do not understand. Quite often, the adults do not understand, either, and in some cases that applies to the teachers. We heard of a young child who was not able to do his homework. The teacher did not recognise that the reason for that was that he had to care for a relative.

Many young people fear being taken into care, and the parent for whom they are caring often feels that the child might be taken into care if that is reported to social services. I certainly hope that, when the Bill is passed, that fear will be addressed. I am sure that it will help parents and their young carers to come forward.

The Bill gives many new opportunities to local authorities but, as the hon. Member for Sutton and Cheam (Lady Olga Maitland) said, the money for community care has to be found and the Government must provide it to make sure that the Bill's provisions can be paid for.

Not only young carers but all carers will be helped by the Bill. For many years, carers have been largely ignored by everyone and had to get on with their daily lives while caring for relatives or friends. Their contribution is enormous but it is not properly recognised. They have helped the public purse because, without them, the cost to the Treasury would be immense. Those 6.8 million carers make a contribution to the country and that is why I plead for more money for community care.

Carers suffer many diverse problems and must be assessed individually. For example, those looking after elderly people suffer many problems. I shall quote another example given to me by the Carers National Association. A Mrs. Smith gave up her job to care for her 84-year-old aunt, who is in the early stages of dementia and is incontinent, and for her 86-year-old mother, who has arthritis and is underweight and very frail. The aunt lives in Enfield and the mother in South Woodford. She travels to and from her aunt and mother caring for them. The aunt was discharged following a lengthy spell in various hospitals. Mrs. Smith fully explained her caring responsibilities and the intolerable stress she was under, but no domiciliary services were arranged. She asked for respite care but it was flatly refused. Under the Bill, Mrs. Smith would have the right to an assessment of her ability to continue caring following assessments of both her relatives. Those are but two of many examples.

The Alzheimer's Disease Society has said that 66 per cent. of carers have been caring for more than three and a half years. Half of all carers spend approximately 80 hours a week on their caring responsibilities for a relative or friend suffering from dementia. A year-long study of 100 selected carers, by the Alzheimer's Disease Society, was issued in April 1994, and showed that 59 of those carers had not received an assessment. Only 13 had received a separate community care assessment, and 61 had not been offered a regular review of care. I was going to say that that is incredible, but it has been happening for some years. Let us hope that the Bill and the clauses that we are debating will address that matter once they have been passed into law.

Carers need respite care, day care facilities, sitting services and—above all—a holiday, as they have been caring for year after year with no help whatsoever. If their needs were better assessed—which they can be under the Bill by a local authority—services could be provided.

11.30 am

A few years ago, one of my constituents came to see me—this took place before I was elected as a Member. I was at the time working with the parents of children with learning disabilities in my constituency, and we set up a parents' group on statementing. A man whose son was suffering from learning disabilities—several friends of mine have children with such problems—came to see me. He and his wife had been caring for their child without complaint for many years. The man was thought of as very strong, and he had always said, "I can cope; I can manage." That is what most carers do.

My constituent saw me that day and asked whether I could do anything to help him, as he felt that he was on the verge of a nervous breakdown. He said that he could not handle it any more, and that he did not think his wife could, either—although she would not admit to that. Respite care for such people is so cost-effective. If they do not get that break, they will have a breakdown or something else will happen to them, and they will be unable to care for their child or relative. In the end, that child or relative will have to be taken into care.

No matter how welcome the Bill is, it is a modest measure, because it does not address the underfunding of care in the community. I am grateful to the Minister for going this far, but the Bill does not address several points with which carers have problems, such as the need to introduce a carer's benefit.

In considering the new clause, we must consider also the financial problems of carers. It is estimated that 26 per cent. of all carers, and 40 per cent. of older carers, are living in actual poverty. There are enormous financial costs for those carers, and unless money can be found for community care, I do not think that those carers will benefit from the Bill.

Carers must give up work to meet their commitment, and many middle-aged carers who then find that they need to return to work cannot get a job. We must address all those issues, and I hope that the Minister will look at them. We must address the problems with incapacity benefit, and I am sure that the Minister will put pressure on his Government colleagues on that matter, as there are knock-on effects from cuts in incapacity benefit.

I am grateful, as the hon. Member for Dunfermline, West (Ms Squire) was, that the Government have accepted some measures in the Jobseekers Bill, although I wish that they had gone further and allowed a national insurance holiday for employers who take on a carer who has been caring for a number of years. I hope that the Government will do that in future. I very much welcome the Bill, and I also welcome the fact that it has all-party support, but the Minister must take the other needs of carers on board. Finally, I must say again that I am grateful to the hon. Member for Croydon, North-West for introducing this excellent Bill.

**Mr. Piers Merchant** (Beckenham): I give my strong support to the cause. People might wonder why we are having this debate, as it appears that we all agree on the basic principles of the Bill, but there is a good reason why

the matter should be aired—even if it is only briefly. So many people are affected by the implications of caring, and of the legal framework in which it operates at present and will operate in the future, that it is only right that the concerns are aired and that the efforts made to address the problems are discussed.

I congratulate the hon. Member for Croydon, North-West (Mr. Wicks)—he is a neighbour of mine—on the zeal with which he has approached the subject, and on the efforts and energy which he has put in to bring the Bill before the House and to get it to this stage. I listened with interest to the brief Second Reading debate. I would have liked to speak in that debate, but I am at least getting an opportunity to make a brief speech now.

Like my hon. Friend the Member for Bolton, North-East (Mr. Thurnham), I was somewhat alarmed when I first looked at the amendment paper and saw that the amendments in the name of the Bill's promoter, the hon. Member for Croydon, North-West, appeared to hack the Bill into nothing by removing clause after clause. I moved on, however, to look at the new clauses and saw that the Bill was being recast in a way that made it technically more effective in terms of its practical operation. I congratulate the hon. Gentleman on his flexibility and wisdom in taking advice on that technical area to ensure that what is enshrined in the legislation works. That is what matters.

The new clauses will make the Bill effective and will bring support to the 6.8 million unsung heroes—an amazing figure, which includes 10,000 to 40,000 children—who act as carers. They give tremendous care and support with love and devotion. The value of that support is inestimable, and it is impossible to put a figure on it because there is no alternative way of providing the quality and nature of that care.

It is possible to cost the savings on a more practical level, but it is very difficult to reach an accurate figure. The amount saved has been estimated at £30 billion, and those resources would have to be found to provide even a minimal alternative system to give just the practical elements of care.

It is wrong to talk too much in terms of costs and alternatives, because, in reality, there is no alternative. Care must be provided by those who have a direct connection with or emotional attachment to the person who needs care. That is why carers play such a valuable and inestimable role, and why they deserve every support to enable them to carry out that function effectively.

We have all learnt about this problem from our experiences with our families. I dare say that there is hardly a family in this country that has not—for one reason or another—experienced the need to provide care and support for a relative. My experience is probably typical. I first came across the problem as a child when a great-uncle was taken ill and went blind. He had led an active life, but he suddenly changed from being the person who more or less ran the household into someone in need of permanent care and attention, and he took to his bed. Not only was the household robbed of his support, effort and work, but he needed round-the-clock care.

The care was provided by his wife, my great-aunt. They were a fairly elderly couple. My aunt had to provide care for some eight or nine years. It completely wore her out, and at the end of that period she died, principally as a result, I have no doubt, of the strain that she had been put under in the last years of her life. It is perhaps ironic that, as often happens in such circumstances, her husband lived on for many years. He was taken abroad by his daughter, who lived many thousands of miles away. She was able then to perform the role of carer. She was a qualified nurse and, of course, she was much younger than the mother, so it was perhaps a little easier for her. She was able to see him through many further years of life.

The example illustrates the pressure that carers are put under. They are people who are not trained, and perhaps did not anticipate playing such a role. They are suddenly landed with that responsibility, often during the latter years of their life, and the strain can be tremendous. Often, they are the sort of people who do not ask for help yet need help on a regular basis.

My grandmother required support in her declining years. Now my father, who is an elderly man not in the best of health—although I am glad to say that he is recovering—needs the support of my mother. In all those cases in my family, I have seen the need for family members to become carers. In all cases, there was no support from outside, but support would have been helpful—not so much for the people who needed the care as for the carers, when under stress or difficulty or when facing new challenges. They needed to be given advice and respite care or simply to be supported so that they could carry out the function that they wanted to fulfil more effectively.

Perhaps I should add—this is no great revelation—that in all the cases that I have described from my personal experience in my family, the people cared for most strongly want the support of their closest relative. They do not want support from outside. They do not want a stranger providing for them. That is not lack of gratitude. It is a perfectly normal human reaction, particularly if people are sick and require support. They do not want to start building up a relationship with someone from outside. They do not want the "authorities" to become involved unless it is absolutely necessary. They far prefer to receive support in the comfort of their own home from people they know. That is the real value of carers.

I have spoken from a rather narrow perspective, but there is also a huge national and social problem. It has been brought into sharp highlight recently by the Carers National Association, particularly Jill Pitkeathley. At the beginning of this Parliament, I attended a meeting held near this place addressed by my right hon. Friend the Secretary of State for Health, who has had experience of the problem in her previous existence in social work. It was the first time that I had ever heard carers' problems discussed at length at a political level rather than at a personal level or in individual cases.

Since then, I have been contacted by a number of campaigners in my constituency. As a result, I recently attended a meeting of the all-party disablement group, at which representatives of the Carers National Association went into further details. I subsequently attended a lobbying meeting. All that has helped me to grasp the extent of the problem—not only the depth of individuals' difficulties but the breadth of the problem throughout the country. I call it a problem not because there is anything wrong with the system of caring that carers provide but because there are clear gaps in the support that the people who provide the valuable service require.

*[Mr. Piers Merchant]*

11.45 am

I was particularly struck by the difficulties faced by young carers. I have not previously come across young carers in any personal capacity. I learned of the difficulties that they experience. Some harrowing experiences have been described today. Young children suddenly have to grow up because they have an additional burden of responsibility. That makes one realise how important it is to deal with the problems that have become associated with caring.

Of course, not all examples are the worst. Nevertheless, it is important to tailor legislation and support from outside to provide means of help for those worst cases. Only in that way can we hope to pass legislation that is in any sense adequate. The most important thing that is required is simple recognition. In so far as the Bill provides that, it performs a vital service. It says in sharp headlines within this place and, I hope, in law that carers exist across the country in large numbers and need the recognition of the law and the system to carry out their functions properly.

The Bill introduces—the clauses in this group specifically do so—a requirement for carers to be assessed. That is important. We have heard today, and I have given examples, of carers ending up as the people most in need of care. To prevent that, a proper assessment needs to be made at an early stage so that it can be judged whether they can cope and to what extent they need support in doing so.

The new clauses enable local authorities to give support. The Bill does not go as far as I would like—I am sure that the hon. Member for Croydon, North-West agrees with me—but it is important to see it as a first stage. So long as authority and power are given to local authorities to provide support, that can be followed up later with greater pressure, both legally and in other ways, to ensure that support is forthcoming.

I make no apologies for mentioning again a most important element of the new clauses that we are discussing and of the Bill—the provision of respite care. If I were asked what single most important contribution could be made, I would say that it was the provision of respite care to enable carers to continue without becoming completely drained of all energy, and to have the opportunity to recharge their batteries.

We often talk of care as something provided for and by the elderly. That is indeed the case in the majority of examples; but we should not allow the debate to pass without remembering that young people both give and need support. I make special mention of the increasing number of people who, sadly, suffer as a result of the ravages of HIV. Often, the people who suffer from the advanced complications that HIV creates are those most in need of support because of the nature of the illness. They find it most difficult to adjust to receiving support because generally they are young people who have been active until recently and because, sadly, there is still stigma attached to the illness, so provision is not easily forthcoming. I hope that HIV sufferers will be specifically considered when the Bill is implemented.

The Bill plays an important part in building on the care in the community system—a system which I strongly support and which has already shown itself to be effective and helpful. I am surprised that such a major reform has been introduced without more difficulties than have been presented. I do not disguise the fact that there have been difficulties and that difficulties remain, but in general the system has come on stream surprisingly successfully. If it is to work properly, it is important to include carers' needs as a central part of the provision of care in the community. The new clauses will achieve that. They will do more than is done now and will establish a deep official link between caring and care in the community, which I am glad to see.

I am also glad that the Government, through the Under-Secretary of State for Health, my hon. Friend the Member for Battersea (Mr. Bowis), have constantly shown support for the thrust of the Bill and its practical implications. By creating a carer's right to be assessed and making it an essential first point, when it is requested, we will greatly strengthen the position of carers and greatly improve the quality of care in the community.

I must draw hon. Members' attention to two aspects of the problems facing carers. The Carers National Association carried out a survey that showed that 47 per cent. of members had experienced financial difficulty since becoming a carer, 65 per cent. said their own health had suffered, 20 per cent. had never had a break and 33 per cent. got no help or support. That is a powerful sign of the amount of support that is needed and it builds on the personal examples that we have heard.

The British Medical Association's report "Taking Care of the Carers" estimated the value of carers at between £33 billion and £39 billion. Both those factual investigations add further clarity to the need to support carers. The Bill will provide for that support, which is why I strongly support the new clauses and the Bill. Of course, it will not make everything perfect and more will need to be done, but the essential thing is that it will provide greater recognition for carers, which will bring them greater support. For that reason, the Bill is a most important stepping stone.

**Dr. Godman:** I shall be brief, and I must first compliment my hon. Friend the Member for Croydon, North-West (Mr. Wicks).

In my brief intervention, I want to fire a couple of questions across the bows of the Under-Secretary of State for Scotland, the hon. Member for Edinburgh, West (Lord James Douglas-Hamilton). I will not call him my hon. Friend, but he is a fair-minded adversary. He and I have campaigned—if he will forgive the immodesty—to reform child care law in Scotland, and some of my questions will be directed to that issue.

As we know, there are about 700,000 carers in Scotland, with about 16,000 in my area of Inverclyde. I promised members of the Inverclyde Elderly Forum and the local branch of the Alzheimer's Society of Scotland that I would be here today.

I must against stress that, in Strathclyde, present guidelines and practices focus on a needs-led assessment of the person requiring care. The carer has to be involved in the assessment at all stages. Indeed, before it is concluded, the carer is asked if he or she agrees with it.

Shortly before she resigned from the social work department, my wife carried out such an assessment in a hospital. Many are carried out in hospitals, although ideally they should be carried out in a person's home. My wife and the daughter of the person needing care agreed that the very elderly and frail lady concerned should be returned to the daughter's home. As a social worker, my

wife was able to ensure that the carer received certain assistance. As the Minister knows, my wife became a regional councillor, which forced her resignation.

Needs-led assessment is a long-established practice in Strathclyde and takes into account the needs of the carer, but the Bill will strengthen such assessments, which is why I welcome it. The Bill will also iron out some of the inconsistencies in Scotland.

My questions to the Under-Secretary of State for Scotland have largely been answered by his honourable assurance that clause 20 of the Children (Scotland) Bill will be amended, but new clause 2 mentions "disabled children". Is it likely that clause 20 will have to be amended in this or the other place to take that into account? Clause 20(1)(a) of that Bill says that the services provided by a local authority shall be designed

"to minimise the effect, on such disabled children as are within the authority's area, of those children's disabilities".

Clause 20(1)(b) continues:

"to give those children the opportunity to lead lives which are as normal as possible."

I should have thought that one of the objects of my hon. Friend's laudable Bill is to ensure that the carers of such children are given assistance by local authorities, so there is much compatibility between it and clauses 19 and 20 of the Children (Scotland) Bill.

If the Under-Secretary of State for Scotland cannot answer now, perhaps he will be good enough to write to me and place a copy of his letter in the Library. How has the Scottish Office publicised the rights of carers to a needs-led assessment of their needs? That is an important and serious question. Many elderly people are unaware of their rights, for example, to certain social security payments. There is a genuine ignorance of their rights. It is essential that elderly carers in particular are alerted to the rights that they will be given under the Bill—I am convinced that my hon. Friend's Bill will become an Act of Parliament.

Will the Under-Secretary of State for Scotland also say whether section 12A(4) of the Social Work (Scotland) Act 1968 needs to be amended where the provision of services required by a disabled person is concerned?

Following the comments by the hon. Member for Bolton, North-East (Mr. Thurnham), I believe that the working party that is examining the ownership and management of private residential homes for the elderly is to publish its report in the autumn. Can the Minister confirm that, because eventually many people who care for elderly relatives cannot do so adequately and, often on the recommendation of a social worker, they are encouraged to allow the person to take up residence in a private residential home for the elderly?

As the Minister knows, there is serious disquiet about the ownership and management of some such homes. At the fatal accident inquiry into the Glencova home in Glasgow, the sheriff described the elderly people in the home as being treated like livestock, for money. So there is real concern when carers cannot look after elderly people, who then must go into a home. Many homes are excellently run and well managed by professionally qualified individuals, but there remain many questions concerning some homes.

This wholly admirable measure will be introduced in Scotland at a time when the social work departments are to disappear, along with regional councils. That does not mean that the essential and important services provided by the social work departments are to disappear also; the new councils will take on that important role and significant functions. At the last moment, Lord Fraser introduced an amendment to the Local Government (Scotland) Bill, which stipulates that the new councils must appoint a senior social work officer with prescribed social work qualifications. So I hope that social workers will be re-employed in the new councils and take their skills, experience and knowledge to their new employment.

12 noon

The Minister knows of my concern that many of those who will shape the policies, procedures and practices of social work departments have no experience as administrators in the regional councils. In the recent election in Scotland, the overwhelming majority of successful candidates elected to the new authorities are district councillors.

In Inverclyde, four of the 20 new councillors are regional councillors and of the 82 in the new Glasgow authority, fewer than 20 of the successful candidates are regional councillors. So the majority of councillors have no experience of the implementation of social work policies, procedures and practices. That holds true for education and other functions as well. If the Minister is to issue guidelines, they must be issued to councillors as well as to chief social work officers and their staff.

The measure is wholly admirable, and will bring relief to many of my constituents. I meet many carers as I go about my work, as does any hon. Member, and I know the remarkable, selfless, devoted attention they give their loved ones who are infirm or suffer from disabilities. It behoves us to protect the carers, as well as seeking to protect those who need care. I welcome this measure and hope that, at some point, the Minister will answer the few concerns that I have voiced today.

**Mr. Duncan:** Thank you, Mr. Morris, for allowing me a few moments to make some observations on the new clause, which I am happy to support and which goes to the nub of the Bill introduced by the hon. Member for Croydon, North-West (Mr. Wicks).

As the hon. Member for Greenock and Port Glasgow (Dr. Godman) said, carers' self-sacrifice is inestimable. Amidst the many criticisms which some hon. Members on this side of the House receive from constituents in the current climate, the "thank you" that sticks most in my mind was when a couple came up to me and said, "Thank you, you have changed our lives." I was taken aback but then recalled that, a year earlier, the couple had come to see me at my constituency surgery. They were very unhappy and about to divorce. The man could not get a job and they looked bedraggled because they had been caring for their Down's syndrome child and desperately needed respite care. A year later, having received that care and been able to put the child into a home for long periods, their whole lives had been transformed. That is the sort of case that the Bill will deal with.

At present, we appear to have too sharp a segregation between private care in the family home and the care provided by the social services. The Bill will better link the two, so that the resources of social services are used more productively to assist those trying to keep a family together and provide care within the household setting.

*[Mr. Duncan]*

May I inject a note of caution? As I suggested in my intervention to the speech by the hon. Member for Croydon, North-West (Mr. Wicks) early this morning, the Bill is essentially a statement of intent rather than a legal document of practice. It is more difficult to legislate for intent and what one wishes to happen than to lay down a set of rules that must be met. At times, it will be difficult to assess whether the law has been adhered to or been broken because, by and large, it is a gesture, albeit a worthy gesture, rather than a detailed set of requirements.

So my note of caution is simply that we must be careful about exactly how the Bill will translate in practice, if it is enacted, as I hope it will be. I would not like it to become a first step towards the universal provision of, for example, a minimum allowance for all carers in all circumstances. Rather, it should become exactly what hon. Members on both sides of the House have said: a means to ensure that discretionary decisions can sensibly be taken to alleviate some of the real burdens carried by those who care almost full time, day and night, for a loved one in their own households.

I support the Bill, with the proviso that it should not be the first step to a massive extension of universal care in all circumstances. It should be an important empowering measure to enable social services to alleviate the burden on those who, in a private setting, currently take on all the responsibility and face too heavy a burden in doing so. In that spirit, I hope that the hon. Member for Croydon, North-West accepts the support that I give the Bill. I hope that, once enacted, it will not be abused by calls that are too loud for too massive a subsequent provision.

**Mr. Alan Howarth:** I am extremely pleased to be a sponsor of the Bill introduced by the hon. Member for Croydon, North-West (Mr. Wicks). I congratulate him not only on introducing the Bill but on how he has negotiated the developing substance of the Bill and on how he spoke today. He paid tribute to the Carers National Association and other organisations, and I readily join him in those tributes. However, he was a little too modest, because his work, from the time before he was in the House and throughout the period during which he has been a Member, means that he has a depth of knowledge and commitment in this area. The Bill is an admirable expression of that.

I also congratulate and thank the Under-Secretary of State for Health, my hon. Friend the Member for Battersea (Mr. Bowis). His speech on Second Reading was both characteristic of him and heartening. He spoke on behalf of the Government and, evidently, on his own behalf, with humanity and warmth.

The Bill articulates and fills out the legislative provisions of the National Health Service and Community Care Act 1990 and the Children Act 1989. Although the guidance issued by the Government in amplification of those measures has made it clear that Ministers expect assessments to be made of the needs of carers, none the less the requirement is not adequately specified in the legislation currently on the statute book. This measure is a timely and necessary amplification of existing legislation.

I am pleased that the hon. Member for Croydon, North-West chose to incorporate the word "recognition" in the title of the Bill. The colossal contribution that carers make to the well-being of our society and the lives of those for whom they care deserves to be recognised. Carers give what they give willingly and lovingly and undertake immensely demanding responsibilities, which are all too often also immensely exhausting.

I have been reminded of that truth with special vividness in several meetings and conversations that I have had in my constituency recently, in which I have again been made aware of the sheer goodness of carers. I have also noted again what are all too often the inadequacies of the support that we give them.

I have not sought the permission of the people concerned to name them, so I will not. I shall only say that Mrs. K, my constituent, who is 81, cares for her husband, who has diabetes, who has lost both legs and who has Parkinson's disease. Fortunately, they receive significant respite, because he spends one week in three at a community hospital, but the burden that his wife carries in the other two weeks is enormous. Mrs. K contacted me because she was, understandably, deeply worried about the increase in the charges that they were expected to pay for the support that they receive from the social services department. They have been receiving 13 hours of help a week. Previously, they were being charged £7 a week. Suddenly, early this year, they were given to understand that they would be charged £7 an hour and that the cost to them would increase to £91 a week.

Let me also mention Mr. and Mrs. D, who have two adopted sons, one of whom is autistic and the other of whom has Down's syndrome. They are struggling to keep their heads above water. The building society is struggling not to repossess their home, but they are in deep financial difficulty and just at this moment they have been told that they are to lose the six hours a week of respite help that they have been receiving. That is wrong in itself and it is enormously short-sighted. We should not only honour our carers, but give them a sensible and decent amount of support.

I shall name another person, by whom I was deeply impressed, as were other hon. Members. That person is Patricia Mighty, who came to give evidence to the informal Select Committee on the family, chaired by the hon. Member for Hammersmith (Mr. Soley), last year. The hon. Member for Croydon, North-West and my hon. Friend the Member for Bolton, North-East (Mr. Thurnham) also served on that committee. I am sure that they would endorse what I say.

When Patricia Mighty came, accompanied by Francine Bates of the Carers National Association, she moved us all to admiration for the work that she was doing in looking after a father with multiple disabilities, a mother developing cancer and a 12-year-old son, while holding down a job as a part-time helper in an old people's home. It is an heroic performance. However, although we were moved to immense admiration for her, we were also moved to an intensified disquiet and shame about the inadequacy of public support for a person in the position in which Patricia Mighty finds herself.

I am glad that we have heard no suggestions in today's proceedings of the type that one sometimes hears, to the effect that there is too great a tendency for people in this day and age to dump their responsibilities on the state. That is precisely what the 6.8 million carers in this country are not doing. They willingly shoulder responsibilities that they believe to be natural and appropriate, but they also need help.

The measure confers a new right on carers: a right to request an assessment. Sometimes we hear that there is an excessive emphasis on rights as opposed to responsibilities. Those carers take responsibility and we, their fellow members of society, have a responsibility towards them, and in many respects we express that responsibility by public provision.

The Bill provides, therefore, that carers may be assessed for their needs, to be part of the formal assessment of the services that it may be appropriate to provide. However, it is worth emphasising, as I understand new clause 1, that the disabled person remains very much at the heart of provision and that the assessment that may be made of the carer's needs is an assessment made in the context of the assessment of the needs of the disabled person. It may be worth emphasising that, to offer reassurance to disabled people who fear that, in the emphasis that we wish to give to recognition and support for carers, they themselves may somehow be marginalised or their interests made subordinate.

I do not believe that many people have that fear. Nevertheless, we all know that, although the caring relationship is time and again a caring relationship of love, it can also be fraught with mutual stress and strain, and it may be worth offering that consideration by way of balance and reassurance.

12.15 pm

I am especially pleased that, in the development of the content of the Bill, due focus has been put on the needs of young carers. The reality of their predicament is too little recognised; their needs are too little understood. They experience a type of premature adulthood, and it is a bitter irony that they and their families should, not infrequently, live in fear of the young carer being taken into care. As a result of the Bill, their needs will be better focused and, I hope, will be met in future with better understanding.

It is good that subsection (2) of new clause 1 is targeted at the needs of carers of disabled children. The psychological shock for parents and other members of the family on identification of the disability of a child can be very great. Sadly, the experience thereafter is almost always that of an immense struggle, everything being uphill work, with families—especially parents—struggling to secure the provision that is appropriate and having to deal with agencies that are all too often defensive and fragmented.

I hope that the measure will help us to achieve greater coherence and co-ordination of provision in support of parents who are carers of disabled children. Whether it is in educational statements, which we mentioned earlier, or in providing transport or aids and equipment, we need to take a more coherent total approach to what is needed to support such families.

I do not suppose that those people's lives will be instantly transformed as a consequence of the Bill reaching the statute book, but if it now becomes part of our official policy to recognise and support their needs, and to provide a formal assessment of their needs, that is an important civilising advance of principle.

It is right that we take those steps. We are, after all, a society that is affluent, and if we are to be a decent society, that is what we should do.

To take a carer's needs into account will enable a more cost-effective use of resources to be achieved because expenditure on carers, assuming that it is on sensibly designed and well-monitored policies, is investment. On any rational cost-benefit analysis, we should provide adequate levels of support for our carers.

I congratulate my right hon. and hon. Friends who are Ministers at the Department of Health, as I suspect that they will have undertaken a dialogue with the Treasury, which may not always have been straightforward or easy. I do not find occasion to praise the Treasury as often as I would wish, so let me congratulate Treasury Ministers on their recognition, at least in this sector, that it is necessary to spend money in order to save money, and that support for carers is an investment.

The best research of which we are aware suggests that the work of unpaid carers saves the Exchequer about £34 billion a year. It would be improvident not to provide by way of public expenditure enough funding to keep the carers on the road. It has been well calculated that, if 10 per cent. of the 6.8 million carers were to buckle under the strain and drop out, the result would be an additional £2 billion charge on public expenditure. Carers are willing donkeys, but we should not drive them until they drop. The cost of failing to support them adequately will be huge.

Let us consider the typical costs of local authority residential care. The cost of care for a younger physically disabled person is £498 a week, for a mentally handicapped person, £296 a week, for an elderly person, £178 a week and for a mentally ill person, £167 a week. It will certainly be cheaper to fund adequately support for carers. It has been convincingly computed that the average value of unpaid care for a week for people with severe disabilities is £205. It would be short-sighted fiscally not to provide sufficient support to enable carers to continue performing their role.

It is also short-sighted if the terms and extent of our support are insufficient to enable carers, where they can reasonably do so, to be in work. The hon. Member for Dunfermline, West (Ms Squire), in the course of her sensitive and thoughtful speech, observed that 53 per cent. of carers had given up work in order to care. I have noted that only 20 per cent. of all carers work part-time. As a result, we are losing the benefit not only of the tax payments and national insurance contributions that those people would contribute to the Exchequer, but of the broader contribution that they might make through their employment to the overall performance of the economy.

Of course, I recognise that we could quickly find ourselves spending a lot on additional support for carers. I recognise the problem that any responsible Government face in finding sufficient resources in the short term, but we are not talking about lavishing resources on anyone. We are not talking about lavishing resources on all the 6.8 million carers, who include large numbers of carers who might more appropriately be termed informal helpers. We are talking of between 1.5 million and 2 million carers who are at the heavy end of caring—those who care more than 20 hours a week and provide physical as well as personal care.

What such people typically ask for by way of additional support is characteristically modest—often not more than four hours' relief a week, so that they can get away and have a break. I should like them to receive more help than that; I should like them to receive more additional help in

*[Mr. Alan Howarth]*

terms of respite care, sitting help, day care and holidays. But it is critical that we support those 1.5 million to 2 million people—who make only modest requests—to enable them to maintain their care, not just because it is the decent thing to do, but because hard-headed calculation shows that that is what we need to do.

We need to take care to ensure that the various Government policies work consistently towards the end of supporting carers.

Among the implications of the Bill and new clause 1, which now forms the Bill's heart, is the implication that we should review invalid care allowance. The conditions of eligibility for invalid care allowance remain very restrictive. I find that people are often surprised when I remind them that someone qualifies for that benefit only if he or she cares for a person for more than 35 hours. If he or she happens to care for two people for 20 hours each, he or she does not qualify. Someone qualifies for the allowance only if the person being cared for is in receipt of attendance allowance or disability living allowance and only if the carer is earning less than £50 a week and is under retirement age. Other benefits such as income support are deducted, pound for pound, in relation to invalid care allowance.

It is a benefit that few people obtain. Only 20 per cent. of full-time carers receive invalid care allowance and that allowance is modest. It is less than £35 a week, which represents only 11 per cent. of national average earnings and is only little more than three quarters of the adult rate of income support. It is not enough, and the Social Security Advisory Committee has urged the Government to make the benefit more generous.

I understand how difficult it is for my right hon. Friend the Secretary of State for Social Security to respond as positively as he would wish to everyone pleading for an increase in a specific benefit, but invalid care allowance represents only half of 1 per cent. of the social security budget, so it would not put us on the road to fiscal ruin if my right hon. Friend could find the margin to do a little more. That is an illustration of where we need to ensure coherence in our policy. If invalid care allowance is insufficient to provide an adequate level of help and to support sufficient numbers of people, fewer carers will be able to carry on providing the cost-effective support that they do provide.

Other hon. Members who have spoken in the debate have mentioned the importance of at least monitoring carefully the impact of incapacity benefit. The tougher eligibility rules for incapacity benefit as compared to invalidity benefit may mean that not only those who are cared for, but some carers, may lose benefit. That could have perverse results for the public purse.

I echo the plea made for careful consideration of the policy that the Government may introduce to withdraw income support for mortgage interest payments. Carers are likely to be rather poor candidates for private mortgage protection insurance. Typically, those households are poor. Carers suffer as a result of loss of earnings and damage to their careers, pension provision is often less substantial and they have fewer opportunities to save. They also face higher domestic costs. It would be wrong to compound their poverty and insecurity with the threat of repossessing their homes.

It is likely that private insurers would not offer cover to carers, whom they would term "voluntarily unemployed". I do not think that my right hon. and hon. Friends would contemplate leaving carers without a safety net, whether it is provided by the state or by private insurance. If carers feel that they cannot shoulder the risk in the face of that insecurity, the added costs involved in care provision will fall on the state. The Government have recognised that private insurance mortgage protection may be unsuitable for the elderly and for some other groups. I hope that they will accept that carers should be included in that latter category.

I echo the plea that has been made to the Government to consider extending the employers' national insurance contribution holiday to people who have received invalid care allowance. As recipients of ICA, they are not required to sign on and it would be very unfair to penalise them subsequently as a result of a proposal that is intended to help them. Some 64 per cent. of former carers, and 76 per cent. of those aged over 50, are not in work one year after ceasing their caring responsibilities. I am sure that, in the spirit of the legislation, we shall look for better ways of helping them to rebuild their lives and return to society when they have completed their caring responsibilities.

I was glad also that the hon. Member for Dunfermline, West referred to the additional personal tax allowance.

I recognise that we can only gradually build up support for carers, whether it is through local authority service provision or through the benefit system. The Bill, and new clause 1, which is at the heart of it, establish the principle that we should provide that support with new clarity and force. In this area, as in others, generosity will reap rewards in terms of humanity, social cohesion and our self-respect as a society, as well as economically and politically. I congratulate the hon. Member for Croydon, North-West, as well as my right hon. and hon. Friends on their support for the policies embodied in the Bill.

12.30 pm

**Mr. David Hinchliffe** (Wakefield): The Carers (Recognition and Services) Bill represents the culmination of a lot of effort by many people and many important organisations that have worked for many years to reach this point. As I did not have the opportunity to speak on Second Reading, although I was present in the Chamber for that brief debate, it is important to pay tribute to a number of important individuals and organisations connected with the measure.

Obviously, I must start by paying tribute to my hon. Friend the Member for Croydon, North-West (Mr. Wicks) for his immense efforts on behalf of carers and for piloting the legislation to this stage of the parliamentary process. During my time in Parliament, I have seen a number of hon. Members make their names on issues with which they have had no personal affinity simply through the luck of the private Members' Bills ballot.

In this instance, it is important to emphasise that for many years my hon. Friend has had a deep personal commitment to the issues that are addressed in the legislation. It is highly appropriate that he should receive the plaudits for piloting this important measure through the House and into law. He has been a passionate campaigner on the issues addressed in the legislation and I pay a sincere tribute to him for his efforts in that regard.

It is also appropriate for me to refer to—according to her own description—the "nippy sweetie", my hon. Friend the Member for Dunfermline, West (Ms Squire), who has prodded me on many occasions, almost physically at times, about Labour's policy in respect of carers. She has been very dynamic in her support of the legislation.

Together with other hon. Members, I must single out the Carers National Association for special tribute. I have been aware of that organisation since the 1970s, when it operated under a different title and was concerned with single women and their elderly dependants. It is marvellous to see the efforts of so many people who have been directly connected with caring culminate in today's legislation.

I do not wish to embarrass anyone any further, but I think that it is important to place on record my personal appreciation of the contributions of Jill Pitkeathley and Francine Bates. I should also mention a former colleague, Sylvia Heal, who has been particularly active in the Carers National Association campaign on behalf of young carers, which has resulted in a major shift in opinion on how we can assist that group. Sylvia is a classic example of how former Members of Parliament can lead more useful lives than they can by just sitting on the boards of privatised former public companies. She has done a marvellous job, as have her colleagues in the Carers National Association.

There are a number of local carers groups in my constituency who never stop reminding me of their needs and concerns. In some cases, they have travelled down 200 miles, while campaigning, to the House of Commons in support of this and other measures that affect them.

I should also mention a number of other organisations that have offered me assistance with policy issues relating to carers. There are too many to mention, but I must refer to the Alzheimer's Disease Society, the Caring Costs campaign, Scope, Contact a Family and many others, including Age Concern. They have all been helpful and have worked to bring to public attention issues relating to carers and their needs.

Last, but not least, I pay tribute to the Minister. Earlier this week, he nearly had to render first aid to me at the Dispatch Box; possibly he was in a caring mode himself at the time—

**Mr. Bowis:** Unpaid.

**Mr. Hinchliffe:** Anyway, I pay tribute to the constructive role that he has played. It is not often that I pay tribute to the Minister, but today is one such occasion. I appreciate the fact that he and his officials have gone out of their way to ensure that this measure is likely to become law before too long.

The Opposition support the central principle of this measure: the separate assessment of the ability of carers to provide care. I should like to set out why the Labour party concluded that a measure like this one was needed, and why we fully support it. As the Minister and my hon. Friend the Member for Croydon, North-West will know, we supported the community care reforms of 1990 but expressed our concern that they might give insufficient consideration to certain issues. One or two of us who were involved at the time should perhaps plead guilty to not having campaigned enough for a measure to meet the needs of carers.

In April 1993, when the changes in community care were taking place, the Labour party issued a discussion document called "New Directions in Community Care". The document set out in some detail our concerns about the need for support for carers, which we felt had not been sufficiently dealt with in the 1990 legislation. We referred in the document to the key objectives set out in "Caring for People" and mentioned by my hon. Friend the Member for Croydon, North-West. Those objectives included ensuring that service providers made practical support for carers a high priority; the assessment of care needs, as my hon. Friend said, should always take account of the needs of the caring family, friends and neighbours.

We made clear our view that many carers were sceptical about whether that would really happen. We know of excellent examples in various parts of the country of local authorities and organisations giving carers genuine support, but we wanted to ensure that such practice became far more widespread so as to enable the changes of 1993 to have a real impact. Indeed, we made the following point:

"Too often carers are treated not as partners in care but as alternatives to service support."

The same point has been made by a number of hon. Members today. We referred to information that had been published at about the time of the care changes by the Office of Population Censuses and Surveys. The latest evidence was that carers were receiving even less help then than they had been some five years before. That was an obvious source of worry.

We also identified a number of areas for which we felt that carers needed assistance. By that stage, thanks to the efforts of the Carers National Association, we had recognised the central point of this Bill—that

"carers must be the focus of support just as much as the people they are caring for."

I am delighted to see that that point has become the central element in the Bill.

The document to which I referred, "New Directions in Community Care", which was issued at the same time as the care changes, predicted that in many respects the changes would prove to be a false dawn for many users and carers. I take no pleasure in saying that, to some extent—I think that the Minister will concede that this is the position—there have been problems. Reports have proved, especially those relating to carers, that the changes amounted to a false dawn.

In April 1994, the Alzheimer's Disease Society published a study of 100 selected carers. It was clear that 59 had received no assessment of their needs. Indeed, only 13 had a separate assessment. The National Federation of Women's Institutes undertook a study of rural carers. Over the same period, it found that one in three carers in rural areas received no regular support or help. My hon. Friend the Member for Dunfermline, West referred to Scope. The research of the Carers National Association has also been mentioned. It showed that in 1994 the care changes had made no difference to nearly 80 per cent. of the carers who were surveyed.

We took account of these findings in publishing, in consultation with a range of organisations, including those that I mentioned, the Labour party's consultation paper, entitled "Making Carers Count", in September 1994. I think that the Minister will be familiar with that document's central features. We began by saying that our main concern was to ensure that carers should have separate rights in law. We took the view that there was a need for a measure along the lines of the Bill that was drafted by the Carers National Association. We said also

*[Mr. Hinchliffe]*

that there should be the opportunity to have separate community care assessment. I sincerely welcome the fact that those specific points are addressed today.

The Opposition especially welcome the fact that the Bill covers both parent carers and young carers. In "Making Carers Count", we stated that the particular needs of thousands of young carers should be recognised and that young carers should have access to the same services as other carers.

The needs of young carers have been unrecognised by hon. Members on both sides of the Chamber. Indeed, it has been said by hon. Members on both sides of the Chamber that perhaps none of us has been fully aware of the extent to which their needs have not been focused upon. The experience of many carers has been that of isolation: they have felt entirely alone in tackling a difficult situation that others could not fully appreciate. If that is a factor with adult carers, it is even more of one when it comes to young carers. I hope that the implementation of the Bill will lead to recognition of the isolation factor. Young carers have even less mobility and less ability to communicate their needs than adult carers. In many respects, they are not appreciated. Often, their difficulties and the problems with which they are struggling are unrecognised.

Given my social work background, I was aware, as were some other hon. Members, that there were young carers. However, even I was surprised by the numbers of young carers as revealed by the estimated figures produced by some respectable research. The figures focused our attention on the numbers of children and young persons involved in caring. We became aware of the 10,000 informal carers under the age of 16 years as a result of the Sandwell and Tameside work in 1989. That came as a shock to me. As my hon. Friend the Member for Croydon, North-West has said, numbers up to 40,000 have been mentioned. I do not know the basis of that research. We know, however, that many children and young people are tackling the task of caring, often without recognition.

I know from my own direct social work experience—it is somewhat dated, because it goes back to the 1970s, but I believe it still to be relevant—that often the young carer was seen as the problem. I can recall cases of non-school attendance that brought the circumstances of a child or young person to the attention of local authorities. Those young people were then seen as the problem, and not part of a much wider issue. I hope that the Bill will ensure that they are focused upon and that their needs are specifically taken into account.

I am ashamed to admit that I can recall several children being taken before juvenile courts who were found to be young carers. They were not at school because they were carrying out difficult caring tasks. It is not right that they should be seen as the problem. The wider issues should be addressed, and I hope that we shall start to do that with the elements in the Bill.

I pay tribute to the work of the young carers research group at Loughborough. A little while ago, I had the privilege at a conference of meeting Saul Barker, its director. I commend to hon. Members his speech at that conference and some of the publications that the research group has produced, which tell, in their own words, the story of young carers' experiences. They are very moving experiences and have been recorded by the carers' colleagues at Loughborough. The Bill offers some possibility of the problems being addressed.

12.45 pm

I want to be brief, as we want to make progress today, but I shall make just one or two cautionary points on resourcing, which I hope the Minister will address. That point has been mentioned by a number of hon. Members on both sides of the Chamber. My main concern about the Bill in its revised form is whether, in the present context and given the difficulties that they face, local authorities will be able to do justice to what we are asking of them in this measure.

The Minister will recall that, a few weeks ago, we debated the special transitional grant for the current financial year. I do not want to go into detail, but I think that he will accept that there are and have been, for whatever reasons—we are not here to debate them today—severe problems in the implementation of the care changes during the current financial year. We may well see even greater problems in that. I would welcome the Minister's thoughts, when he replies, on how the Government will address those points.

I feel strongly that it would be wrong to build up hopes, as has happened so often in this place, in social legislation and then not deliver the goods at a local level, particularly in a matter as sensitive as this. It would be helpful if the Minister would tie in some of these policies with other governmental or departmental policies. As the hon. Members for Stratford-on-Avon (Mr. Howarth) and for Sutton and Cheam (Lady Olga Maitland) mentioned, housing policies, DSS policies—a whole range of areas—have a bearing on the position of carers.

I know that my hon. Friend and others have given examples of carers and their circumstances. I recall many examples from my time in social work. The most harrowing, perhaps, from my point of view, was being a carer with my wife a number of years ago. As a number of hon. Members have said, when it happens, one suddenly realises the extent to which this issue must be addressed politically.

There are very real needs and problems that the House should tackle. I hope that the measure will prove to be a major step forward for the vast number of people who are directly affected by these issues.

**Mr. Bowis:** I echo the many tributes that have been paid to the hon. Member for Croydon, North-West (Mr. Wicks) for the imagination that he has shown not only in bringing the measure to the House but then going through its consideration to see how best it could be proceeded with. I am grateful to him for the enormous amount of work that he has put in. He was kind enough to pay tribute to my officials and to the officials in other Government Departments—indeed, my right hon. Friend the leader of the House was described as the emeritus Minister with responsibility for social services—and those tributes are gratefully received, but it is a two-way exercise. I am grateful to the hon. Gentleman for what he has achieved, and through him to Jill Pitkeathley and her colleagues at the Carers National Association. I echo the tributes that have been paid to the many organisations in the caring world that represent people with needs and those who look after them.

The two new clauses really contain the main thrust of the Bill. The debate has summed up the whole Bill, in a way. The Bill has received its Second Reading and passed its Committee stage. We are looking, as the hon. Gentleman said, to make changes to the Bill, so that the whole of the United Kingdom is covered.

My hon. and Scottish Friend the Under-Secretary of State for Scotland has been with me throughout to listen, intervene and confirm the pledge on the Children (Scotland) Bill. He will be following up any specifically Scottish matters that have been raised by hon. Members. I know that the hon. Member for Croydon, North-West has received reassurances on Northern Ireland, in terms of how Northern Ireland carers will be brought into the measure. The hon. Gentleman also rightly pointed out that part of the reason for the changes was the need to cover different categories, and happily we are able to achieve that.

Hon. Members on both sides of the House have referred to the importance of helping the family "in the round". We have the family as a whole in mind. The hon. Gentleman described a "carers' army", pointing out that caring involved more people than the national health service and social services put together. The NHS used to be described as the third largest employer in the world—after the Indian railways and the Red army. I am glad to say that we are looking after the carers' army today: I would rather look after that army than look after the Red army any day.

My hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland), the hon. Members for Wakefield (Mr. Hinchliffe) and for Rochdale (Ms Lynne) and others mentioned resources. They are indeed important, and a number of messages have been delivered to me on this subject—to be passed on to avid followers of our debates in the Treasury and the Department of Social Security.

The question of ring fencing also arose. We have been able to ring-fence the transitional grant covering the new responsibilities involved in community care, but we have not been able to ring-fence all social services resources; it is for local authorities to make the necessary decisions. We have, however, been able to increase resources for respite care, and day care in particular. We managed to provide a further £20 million last year, and a further £30 million in the current year. That is proof of our commitment.

Another message that we have received is that the Bill on its own is not enough: social services departments must implement it. We have probably all been struck by cases of which we have heard today, in which the arrival of a carer has been seen as an excuse for the withdrawal of service. Our own message to social services departments is that that is not good enough. They should not assume anything; they should check that carers can cope, and that support for the user ensures their ability to do so. If they do not do that, they may find that they must take on the whole responsibility. I also agree that there should be discussions rather than clipboards.

My hon. Friend the Member for Stratford-on-Avon (Mr. Howarth), among others, called for support for special educational needs. Although we are not amending the Education Act 1981, which deals with such needs, other services—including the health service—have a duty to play their part in assessments for the purpose of statementing. If parents need support in that regard, it is initially the responsibility of local education authorities, but it may become clear during that process that some needs are best met by social services departments. Measures in the Bill may play their part, but I shall bear in mind what my hon. Friend has said when we draft the guidance that is so crucial to making the legislation work effectively.

**Mr. Matthew Carrington** (Fulham): I am concerned about the drafting of the guidance. Some social services departments, and possibly education departments, may well be tempted to use the voluntary assessment to impose a method of caring; in other words, they may intervene and say that the caring is not being done in the right way. Will my hon. Friend reassure me that that is not the intention, and that it will be up to the carer to decide what method is appropriate for the family and the disabled person involved?

**Mr. Bowis:** My hon. Friend is right to say that we want carers to be genuinely listened to, and want their wishes to be met. I shall bear my hon. Friend's thoughts in mind when we prepare the guidance.

As the hon. Member for Croydon, North-West said, we are changing the Bill radically, but that does not mean that certain categories of carer will be excluded. We are widening the scope. We have been able to avoid problems of definition by not having a specific definition of a disabled person or private carer but by relating it to those being assessed under the National Health Service and Community Care Act 1990.

We must ensure that local authorities take proper account of carers' circumstances when carrying out an assessment of those using community care services. Carers and users have different needs but those needs are linked. We do not want to create parallel rafts of services or parallel assessment procedures. There should be a strong bond between the assessment of carers and those being cared for.

Some carers who look after those they love will not want anything as formal as an assessment. The Bill makes that an option and local authorities should continue to follow our guidance and take due account of the informal care that is provided to a person who is receiving community care services, irrespective of whether the carer asks for a formal assessment. Whether assessments are formal or informal I hope that they will be seen as a chance for carers to have their say, in private if necessary, on what responsibilities they can take up and on those that they cannot be expected to cover.

Our guidance states that assessment should not assume a carer's willingness to continue to provide care. The starting point should not be, "You are coping fine aren't you?", but, "How are you coping with your current caring responsibilities, and how do you think you will cope in future?"

Hon. Members have spoken about parent carers and disabled children who, of course, are not assessed for services under the National Health Service and Community Care Act. Therefore, it is right to propose that parents or other carers are assessed in the light of Acts that are relevant to them. Like the hon. Member for Croydon, North-West, I want to ensure that parent carers have the same rights of assessment of their needs as carers of adults.

The hon. Members for Croydon, North-West and for Wakefield (Mr. Hinchliffe) and many other hon. Members spoke about young carers. They are of particular interest

*[Mr. Bowis]*

to me and I have a special commitment to ensuring that the issue remains on our agenda. We must recognise the role of young carers. As the hon. Member for Croydon, North-West said, yesterday we had the pleasure of meeting a group of young carers that he had brought to the Palace of Westminster to see how this place works. That was an invaluable and memorable meeting for both of us. I certainly found it so.

As we listened to those young carers, our response was not one of pity but of admiration for their gutsy determination. We heard the concern that has been expressed in the debate that some young people are worried about asking for help in case their responsibilities are taken away from them and they will be taken into care and the family broken up. That must not be what it is all about.

We learned yet again that children must be allowed to be children first. They must be allowed the freedom to make mistakes and not forced to grow up too fast. They should be able to play with their friends without having to worry about whether mum is okay. They should be enabled to achieve their full potential at school and to feel comfortable with their peers and not to be too different from their friends.

I shall not quote in detail the messages that we have received. The Sefton carers newsletter came with notes from two carers, one of whom is a 13-year-old whose mother has multiple sclerosis. The two of them live alone and that child simply said:

"People who look after their mum need someone to talk to."

That is often what it is all about. It is about having someone to contact. It is important for them to know other young carers but they should also know an adult who can make sure that they are okay. They should also have the support of the young carers groups that we met and who give such excellent support to young carers in various parts of the country.

Young carers appear to have suffered from a lack of recognition in the past. That has changed and I am determined that their needs should become more visible. Our social services inspectorate is planning further work to spread good practice in that field and I intend to ensure that the topic remains on the agenda. At the end of next week, our chief inspector will send out a letter reminding authorities of the importance of making links between community care legislation and legislation for children to ensure that the needs of young carers and the people for whom they care are met.

The hon. Member for Dunfermline, West (Ms Squire) tabled amendments and, while I welcome the principles behind them, I feel that the matters would be tackled better by accompanying guidance. If a carer or a person being cared for has communication difficulties, arrangements must be made to establish their views and capabilities, to ensure that an assessment is carried out in a meaningful way.

The principles in the hon. Lady's amendments would be best covered by departmental guidance, and I am pleased to assure her that guidance will be issued by the Department if the Bill is passed. That guidance will go into considerable detail about the way in which assessments of carers should be carried out, and it will cover carers with communications difficulties.

We will also consider the problem of more general language difficulties. The provision of sign language, an interpreter, large print or braille may need to be made if communication is to be effective, and people for whom English is not the first language must also be taken into account. I hope that the hon. Lady accepts the assurance that her concerns will be addressed comprehensively in departmental guidance. I hope that she will feel able to withdraw the amendments.

I commend new clause 1 to the House, as I commend the Bill as a whole.

1 pm

**Mr. Wicks:** We have had a full and positive debate about the Bill but, because it has been positive and conducted in such a good sprit, it will no doubt fail to be fully reported in the newspapers. If one of us had thrown a blancmange at another Member, you would have ruled it out of order, Dame Janet. It would, however, have made the front pages of the papers. It is a problem of our times that newspapers do not discuss serious public policy matters as they are debated by the House.

There is not enough time to respond to all the valuable points made by colleagues from both sides of the House, and I recognise the need to make progress. The hon. Member for Sutton and Cheam (Lady Olga Maitland) raised important issues about parent carers. I was particularly struck by her point that parents who care for a disabled child who has grown up and become an adult worry very much—understandably—about what will happen to their child when they die or can provide care no longer.

I am sure that she was right to say that that is one of the things which must be taken into account in any sensitive assessment of need. It is surely right that discussions with such parents take place sooner, rather than later. If discussions only start when the parents can care no more, or when one of them has died, it is too late. That is an insensitive time.

The hon. Lady also raised important issues about the needs of those caring for schizophrenics. That is one of the most difficult and heart-rending situations in the whole debate, and I am pleased that it was raised in that way.

My hon. Friend the Member for Dunfermline, West (Ms Squire) used some Scottish language—which we did not fully understood—to describe her role in the Bill. I am bound to say that she has been a great source of strength to me personally, not only during the framing and pursuit of this Bill, but in discussions on the whole issue of community care. She said to me—rather humbly, I thought—that she had acted as my parliamentary private secretary during the framing of the Bill. She did, in fact, act as a tough-minded and rather brutal Chief Whip. I am standing behind the Opposition Deputy Chief Whip, so I know what a brutal Whip looks like.

My hon. Friend the Member for Dunfermline, West tabled two important amendments regarding those carers who have communication difficulties. She will have heard the Minister's statement that that matter may be best tackled in guidance, not least because—as the Minister said—other groups, including those for whom English is not the first language, may want their needs to be looked at in the guidance. Again, it comes down to good practice.

I, too, hope that, having had a discussion and raised the important issue, she will accept the need for guidance on the matter and withdraw her amendments.

I was pleased by the discussion about the position in Scotland. I am pleased that the Under-Secretary of State for Scotland, the hon. Member for Edinburgh, West (Lord James Douglas-Hamilton), said in an intervention that he would ensure maximum consistency between England and Wales and Scotland. We welcome that assurance.

I know that the hon. Member for Bolton, North-East (Mr. Thurnham) wished to be brief because his Bill will come up for discussion later. He made the point that he did not want to speak for too long, lest he talked his Bill out—and, more important, mine. He referred to the danger that he might score an own goal. I am sure that, in order to prevent that, those of us who are present will seek to play the role of David Seaman, the Arsenal goalkeeper and prevent the hon. Gentleman from scoring an own goal.

**Mr. Hinchliffe:** My hon. Friend will have to explain that one.

**Mr. Wicks:** My hon. Friend the Member for Wakefield does not understand jokes about football and the way it should be played.

The hon. Member for Rochdale (Ms Lynne) raised several issues, but particularly focused on young carers. I was grateful both for her contribution to the debate on that issue and for her support and the support of her party for the Bill.

The hon. Member for Beckenham (Mr. Merchant) made an important speech. We last joined in debate in this Chamber on the issue of the Croydon tramlink. He did not want it to go to Beckenham, for some strange reason. We thought that the people of Beckenham deserved it. Today we are running along the same lines in supporting the Bill. The hon. Gentleman spoke movingly about his own experience and the experience of his extended family of the issues at stake. He was right to remind us that the matter is no academic issue. Within any extended family, with few exceptions, people either need care or are carers. In many families, there are both.

My hon. Friend the Member for Greenock and Port Glasgow (Dr. Godman) raised the important implications for Scotland. I take the point that, with new councils and social work departments in Scotland, any requirements on those departments will be particularly challenging. I am sure that the Under-Secretary of State for Scotland heard my hon. Friend's view that guidance should be aimed not only at the officials and directors of social work but at new councillors; that we should find ways of informing new councillors about the implications of the Bill, albeit within the context of general community care.

The hon. Member for Rutland and Melton (Mr. Duncan) supported the Bill but sounded a note of caution about its implementation. We do not want to introduce a new universal provision for carers, whether they want it or not. We are about a greater sensitivity than that, even though we are establishing rights in law. Again, it will come down to good practice. In framing guidance, I expect the Department of Health to consult wisely not only with organisations but with groups of carers. I have certainly found that the experts and the best teachers are the carers.

The hon. Member for Stratford-on-Avon (Mr. Howarth) has been a great supporter of the Bill from its inception and he is one of its supporters. I am grateful for his kind words. I thank him not only for his important speech today but for his support throughout this endeavour to put the Bill on the statute book.

I have already paid tribute to my hon. Friend the Member for Wakefield, even though he does not get the soccer jokes. I repeat those tributes. He has been a strong supporter of carers and a committed one. I am grateful for his words today. I am also grateful for the words of the Minister. I have already paid tribute to his role. I was grateful for his response to a colleague in which he said that the Bill was not in the business of imposing anything on carers. The assessment is not an examination. It is the opportunity for the carers to take control and discuss with the appropriate authorities what would make their lives better. It is obviously a voluntary assessment—it would never be compulsory, but it was important to clarify that.

I also welcome the Minister's strong words about young carers and his important statement today that, next week, the chief inspector for social work and his department will issue a letter to social service authorities about how the needs of young carers are best met.

In addition to the fact that young carers are on the face of the Bill and have the same rights as any other carer, the extra guidance from the chief social worker will be very welcome indeed. It is a clear sign that we are moving in the right direction.

When we met young carers yesterday, the Minister and I were impressed by them and by the fact that, through the Carers National Association, with support from appropriate public authorities, they are in young carers groups and have the opportunity to meet people in similar situations. That is clearly a major source of support for young carers and I hope that the House will find ways to encourage more such groups—although I notice that occasionally they are known as the YCs, but we will ignore that—because we need more of them in more parts of the country. Perhaps the Minister's Department can help to encourage that.

Those of us who do not get 100 per cent. in procedural exams are faced with some complexities when we look at the papers before us. May I remind colleagues that we are largely rewriting the Bill for good and positive reasons—to include more carers—so, when the question is put that clause 1 and 2 should stand part, I invite hon. Members to vote no because we are taking out the old clauses and will later have an opportunity to vote in favour, I hope, of new ones. I will say no when the question is put and supporters of the Bill should do the same.

*Question put and negatived.*

*Clause 1 disagreed to.*

*Clause 2 disagreed to.*

## Clause 3

PROVISION FOR NORTHERN IRELAND

*Question proposed,* That the clause stand part of the Bill.

**The Second Deputy Chairman of Ways and Means (Dame Janet Fookes):** With this it will be convenient to consider the following: Amendment No. 5, in clause 5, page 3, line 10, at end insert—

'(3) Sections *(Assessment of ability of carers to provide care: England and Wales)* and *(Isles of Scilly)* do not extend to Scotland.

(4) Section *(Assessment of ability of carers to provide care: Scotland)* does not extend to England and Wales.

*[Dame Janet Fookes]*

(5) This Act does not extend to Northern Ireland.'.

New clause 3—*Isles of Scilly*—

'—(1) The Secretary of State may by order provide that section *(Assessment of ability of carers to provide care: England and Wales)* shall apply, with such modifications (if any) as may be specified in the order, as if the Council of the Isles of Scilly were a local authority within the meaning of that section.

(2) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument; and a statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.'.

**Mr. Wicks:** The procedure was easier than I thought, Dame Janet. Perhaps I will apply to be a Clerk of the House one day, if I can guide us through the rest of the Bill with your help.

The purpose of the amendments is to ensure that the policy objectives relate to Northern Ireland and to the Scilly Isles. I was surprised to hear that we needed a special clause and procedures to relate the objectives of the Bill to the islands, but I now understand the need. The islands do not have a separate council but have their own social services authority and, if our objective is that the carers of Great Britain should benefit from the Bill, it must include carers on the Scilly Isles.

The other point of the amendments is to consider the case of Northern Ireland. When we first set out on this legislative journey, we hoped that carers there would be covered by the Bill. We discussed the matter with colleagues in the Northern Ireland Office and corresponded with the Minister. The Northern Ireland Office view is that, because of the legislative history and situation of Northern Ireland and the fact that there are no conventional social services authorities there, but health and social services boards, we need to approach the matter differently.

I shall therefore ask hon. Members to remove Northern Ireland from the face of the Bill. I am confident that the Government and the Northern Ireland Office think that the Bill's objectives can be fully related to Northern Ireland in other ways. The Under-Secretary with responsibility for health and social services in the Northern Ireland Office, the hon. Member for Cambridgeshire, North-East (Mr. Moss), wrote to me on 17 April. Following a meeting that he had with officials from the Carers National Association, he said:

"I promised them that I would write to you confirming the Government's commitment to ensuring that Northern Ireland will keep in step with the rest of the United Kingdom on the assessment of the needs of carers. This I can do unreservedly."

Later in the letter he said:

"I can assure you that without resort to further legislation should, hopefully, your Bill complete its Parliamentary stages, the Boards can be directed, and will be, to carry out assessments of carers' needs, as local authorities in England and Wales will be required to do by your Bill. I can also assure you that in this context carers will include parents of disabled children."

1.15 pm

My reading of that letter is that the Government and Northern Ireland Ministers are committed to ensuring that the benefits of the Bill apply, albeit in a different way, to carers in Northern Ireland, and I accept that assurance. I shall therefore ask colleagues to approve the amendment, which removes Northern Ireland from the Bill. Having met at a meeting in Bryson house in Belfast carers from all over that part of the United Kingdom, I came away with a strong feeling that, in Northern Ireland too, carers were at the heart of community care and we had to find ways—I believe that we have—to include them within the scope of this social policy development.

**Ms Rachel Squire:** I welcome the assurances given by my hon. Friend the Member for Croydon, North-West (Mr. Wicks), but I must place on record my concerns about community care provision generally in Northern Ireland and its exclusion from the Bill.

I am aware that the legislative framework and the structure responsible for delivering community care in Northern Ireland are different, with the combined health and social services boards and trusts. However, if the Government are genuinely committed to carers and community care, they must ensure that the necessary steps are taken to introduce rights for both carers and those who are cared for, which do not yet exist in Northern Ireland. Why should the community care needs of the people of Northern Ireland be treated differently from those of people in the rest of the United Kingdom?

I understand that the Under-Secretary of State for Northern Ireland, the hon. Member for Cambridgeshire, North-East (Mr. Moss), has given assurances that the Secretary of State will issue directions with statutory force to the boards, but I have not been impressed by the community care record so far of Northern Ireland's boards and trusts. Only yesterday, we saw the closure of Cairns house, which ignored the rights and needs of the frail and elderly, their relatives, families and staff; I hope that the Under-Secretary will ensure that strong action is taken so that the policy intentions of the Bill are applied in Northern Ireland.

**Mr. Bowis:** I confirm that that is the case. It is as recorded in the letter from the Under-Secretary of State for Northern Ireland—my hon. Friend the Member for Cambridgeshire, North-East (Mr. Moss)—which the hon. Member for Croydon, North-West (Mr. Wicks) read out. The intention is that this provision will apply to Northern Ireland in the same way.

**Mr. Wicks:** We have had a brief but useful debate. It has confirmed that the intentions behind the Bill will apply to Northern Ireland. I again ask hon. Members to vote no, to remove clause 3 from the Bill, so that later we can vote, I hope, in favour of a new clause.

*Question put and negatived.*

*Clause 3 disagreed to.*

**Clause 4**

EXPENSES

*Amendment made:* No. 4, in page 3, line 5, leave out from 'of' to end of line 7 and insert

'money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other enactment.'.—*[Mr. Wicks.]*

*Clause 4, as amended, ordered to stand part of the Bill.*

**Clause 5**

SHORT TITLE AND COMMENCEMENT

*Amendment made:* No. 5, in page 3, line 10, at end insert—

'(3) Sections *(Assessment of ability of carers to provide care: England and Wales)* and *(Isles of Scilly)* do not extend to Scotland.

(4) Section *(Assessment of ability of carers to provide care: Scotland)* does not extend to England and Wales.

(5) This Act does not extend to Northern Ireland.'.—*[Mr. Wicks.]*

*Clause 5, as amended, ordered to stand part of the Bill.*

## New clause 1

ASSESSMENT OF ABILITY OF CARERS TO PROVIDE CARE: ENGLAND AND WALES

'—(1) Subject to subsection (3) below, in any case where—

(a) a local authority carry out an assessment under section 47(1)(a) of the National Health Service and Community Care Act 1990 of the needs of a person ("the relevant person") for community care services; and

(b) an individual ("the carer") provides or intends to provide a substantial amount of care on a regular basis for the relevant person,

the carer may request the local authority, before they make their decision as to whether the needs of the relevant person call for the provision of any services, to carry out an assessment of his ability to provide and to continue to provide care for the relevant person; and if he makes such a request, the local authority shall carry out such an assessment and shall take into account the results of that assessment in making that decision.

(2) Subject to subsection (3) below, in any case where—

(a) a local authority assess the needs of a disabled child for the purposes of Part III of the Children Act 1989 or section 2 of the Chronically Sick and Disabled Persons Act 1970; and

(b) an individual ("the carer") provides or intends to provide a substantial amount of care on a regular basis for the disabled child,

the carer may request the local authority, before they make their decision as to whether the needs of the disabled child call for the provision of any services, to carry out an assessment of his ability to provide and to continue to provide care for the disabled child; and if he makes such a request, the local authority shall carry out such an assessment and shall take into account the results of that assessment in making that decision.

(3) No request may be made under subsection (1) or (2) above by an individual who provides or will provide the care in question—

(a) by virtue of a contract of employment or other contract with any person; or

(b) as a volunteer for a voluntary organisation.

(4) The Secretary of State may give directions as to the manner in which an assessment under subsection (1) or (2) above is to be carried out or the form it is to take but, subject to any such directions, it shall be carried out in such manner and take such form as the local authority consider appropriate.

(5) Section 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (duty of local authority to take into account ability of carers) shall not apply in any case where—

(a) an assessment is made under subsection (1) above in respect of an individual who provides the care in question for a disabled person; or

(b) an assessment is made under subsection (2) above.

(6) In this section—

"community care services" has the meaning given by section 46(3) of the National Health Service and Community Care Act 1990;

"child" means a person under the age of eighteen;

"disabled child" means a child who is disabled within the meaning of Part III of the Children Act 1989;

"disabled person" means a person to whom section 29 of the National Assistance Act 1948 applies;

"local authority" has the meaning given by section 46(3) of the National Health Service and Community Care Act 1990; and

"voluntary organisation" has the same meaning as in the National Assistance Act 1948.

(7) In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committees) at the end there shall be inserted—

| | |
|---|---|
| "Carers (Recognition and Services) Act 1995 (c.00) | |
| Section *(Assessment of ability of carers to provide care: England and Wales)* | Assessment of ability of carers to provide care.".'.—*[Mr. Wicks.]* |

*Brought up, read the First and Second time, and added to the Bill.*

**Ms Rachel Squire** *rose—*

**The Second Deputy Chairman:** We are having a slight private confab. I am not quite sure whether the hon. Lady is seeking to move her amendment.

**Ms Squire:** By leave of the House, I beg to ask leave to withdraw my amendment.

**The Second Deputy Chairman:** The hon. Lady does not need to withdraw the amendment if she has not moved it, but this is the point at which she would need to move it if that was going to be done. I just wanted to clarify the matter so that we did not move on swiftly and leave undone something that we ought to have done.

## New clause 2

ASSESSMENT OF ABILITY OF CARERS TO PROVIDE CARE: SCOTLAND

' .—(1) Section 12A of the Social Work (Scotland) Act 1968 (duty of local authority to assess needs for certain services) shall be amended as follows.

(2) After subsection (3) there shall be inserted—

"(3A) Subject to subsection (3B) below, in any case where—

(a) a local authority make an assessment of the needs of any person ('the relevant person') under subsection (1)(a) above, and

(b) a person ('the carer') provides or intends to provide a substantial amount of care on a regular basis for the relevant person,

the carer may request the local authority, before they make their decision under subsection (1)(b) above, to make an assessment of his ability to provide and to continue to provide care for the relevant person; and if he makes such a request, the local authority shall make such an assessment and shall have regard to the results of that assessment in making that decision.

(3B) No request may be made under subsection (3A) above by a person who provides or will provide the care in question—

(a) by virtue of a contract of employment or other contract; or

(b) as a volunteer for a voluntary organisation.

(3C) Section 8 of the Disabled Persons (Services, Consultation and Representation) Act 1986 (duty of local authority to take into account ability of carers) shall not apply in any case where an assessment is made under subsection (3A) above in respect of a person who provides the care in question for a disabled person."

(3) In subsection (8), after the definition of "medical practitioner" there shall be inserted—

" 'person' means a natural person.".'.—*[Mr. Wicks.]*

*Brought up, read the First and Second time, and added to the Bill.*

*[Ms Squire]*

**New clause 3**

ISLES OF SCILLY

'—(1) The Secretary of State may by order provide that section *(Assessment of ability of carers to provide care: England and Wales)* shall apply, with such modifications (if any) as may be specified in the order, as if the Council of the Isles of Scilly were a local authority within the meaning of that section.

(2) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument; and a statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.'.—*[Mr. Wicks.]*

*Brought up, read the First and Second time, and added to the Bill.*

**Title**

*Amendment made:* No. 8, leave out from 'assessment' in line 1 to end of line 4 and insert

'of the ability of carers to provide care; and for connected purposes.'.—*[Mr. Wicks.]*

*Bill reported, with amendments; as amended, considered.*

*Order for Third Reading read.*

1.23 pm

**Mr. Wicks:** I beg to move, That the Bill be now read the Third time.

Much has already been said, and I should simply like to state that if the issues of community care and the needs of carers are important today, they will become far more important in years to come. That is partly because of simple demography and the aging of our population which, among many other things, will lead to more people suffering from dementia, Alzheimer's disease and other conditions for which carers will be required. It is also important to note that we live in a time when the population is aging but family sizes are becoming smaller—there is a declining fertility rate. It is a demographic trick in our society that the number needing care is increasing precisely when the number of younger citizens is declining. The care ratio is moving in the wrong direction.

Other issues challenge us. Many of the natural carers of the past were assumed to be women. Now, rightly, women as well as men are active in the labour market. Unless proper support is given, not least through employment policies, we cannot assume that there will be people able and willing to take on the care that we need in future.

The debates have shown that carers vary tremendously. Many are older people caring for very old people—people in their 60s caring for those in their 80s and 90s. There are also younger parents caring for children with disabilities. In Committee, much attention was focused on the many children who are themselves carers. I welcome the fact that the Committee agreed to provide for children in the Bill so that they are fully included alongside other carers.

I also welcome the fact that the Under-Secretary announced in Committee that next week the chief inspector of social work will issue a special letter to social services authorities about the needs of young carers. I regard that as an important social policy development.

When I think of carers, I think of, among others, the Croydon wife looking after her husband who has multiple sclerosis, which he contracted just one year after their marriage 22 years ago. I think of the woman I met in Northern Ireland who looked after no fewer than three people in her family. I think of the 16-year-old girl whom I met at a sixth form conference who has been caring for her mother, who has serious liver failure.

I think of the elderly woman in New Addington, Croydon, who became a carer in 1945, at the birth of our modern welfare state. She is, herself, a courageous, energetic, gutsy, one-woman welfare state, who has been modestly and humbly caring for different members of her family for 50 years. I think of the carer I met in Edinburgh who said that, because of her mother's condition, she had had to sleep on the floor of her mother's bedroom for two and a half years. The week before I met her, she had provided care for 165 hours in one week alone.

I think, too, of the modesty of carers. They are people with enormous burdens of care who ask for so little and should be asking for rather more. I hope that if the Bill becomes an Act of Parliament, it will at least be a modest but significant step away from what is often community neglect and towards true community care.

It has been said that, if we had to value carers, they would be worth £30 billion a year. I regret that the calculation has to be made, but when parts of our society know the price of everything and the value of nothing, perhaps we, too, need to give a price to care. It has already been said that, if only one in 10 carers gave up the task, the cost to the state would be £2 billion a year. Such people form Britain's major army of carers—a larger army than the entire national health service and all the social services departments. It makes sense for social and moral reasons to provide services and support, and to find what resources are necessary to support the carers, but it also makes economic sense.

Some 11 years ago, when I was the director of the Family Policy Studies Centre, we quickly learned that, as well as considering the needs of children in families, we had to recognise the extended family and the role of the carer within it. In 1984, my colleague at the Family Policy Studies Centre, Melanie Henwood, and I wrote a report called, "The Forgotten Army", which was how we referred to such carers then.

I believe that in the years since—not least thanks to the Carers National Association, whose work I applaud again—carers have come in from the cold in many respects. They are now an applauded army. Politicians, pundits and priests have applauded the carer, patted him or her on the back and said, "You are doing a wonderful job." But that is no longer good enough. As hon. Members on both sides of the House have said in a great show of unanimity on the issue, we must recognise carers and provide them with services and support, including respite care.

We must strike the correct balance between rights and responsibilities. We can never talk about rights or duties alone; it is the balance that counts. Politicians sometimes attack irresponsibility within society and in the family. In so doing, if we are not to be guilty of hypocrisy, we must recognise and support responsibility. I have said it before and I will say it again: the carers whom I have met in England, Wales, Scotland and Northern Ireland are among the most responsible citizens in this country.

Sensible social policy sometimes plays to strengths and those people provide the strength. They are the people who put the "care" into community care in Great Britain. They are truly heroes and heroines; they are responsible people who have conducted, through the Carers National Association, a responsible campaign. I feel confident that an equally responsible Parliament, speaking with one voice, will soon turn the Carers (Recognition and Services) Bill into an Act.

1.30 pm

**Mr. Harry Greenway** (Ealing, North): I beg the indulgence of the House so that I may speak briefly on the Bill. I congratulate the hon. Member for Croydon, North-West (Mr. Wicks) and all those associated with him on his undoubted achievement in introducing the Bill.

If the national value of the work by carers is £30 billion per year, the value in Ealing is certainly several million pounds a year. I have been associated with carers in Ealing for a long time. I greatly value the work of the local committee and its chairman, Richard Smith, as well as that of the trusted and hardy carers who meet regularly and who perform notable duties for those whom they cherish.

I particularly emphasise respite care. The hon. Gentleman mentioned that issue; but I still do not believe that it has been developed enough. Elderly carers in particular are often taken to the limits of their strength and beyond in performing caring duties. I hope that the Bill will lead to the provision of respite care of a more immediate nature. That would be a superb achievement and one that is much desired.

As the hon. Gentleman said, the aging of the population will necessitate an increase in the number of carers. I do not wish to hoist difficult or trying work on to anyone's shoulders, but it is important that people who are unwell or who suffer from an illness, such as senile dementia, should remain in their own homes if that is humanly possible. Carers make it possible for them to do that and, as a result, I am sure that the number of carers will increase in the future.

I welcome the fact that children are included in the terms of the Bill. In 25 years in teaching, I often came across children who, at a very young age, had responsibility for caring for very sick or dying relatives. I remember particularly the case of a small girl, Anne, who lived not far from here. At the age of 11, she nursed her mother for three years and, when her mother died of cancer, she assumed responsibility for caring for her father and about eight children. She somehow managed to perform that task as well as attending school regularly and working hard. That is a severe burden to place on any child, and I know of children as young as five, six or seven who are performing a caring role. I hope that their extreme youth will not exclude them from the terms of the Bill. I hope and believe that it will apply to children of all ages, including the very young.

I was once a carer myself. Many years ago, when I was a teenager, my mother was taken ill. My father was already dead, and I became her carer, right through to the time when she became terminally ill. So I know what being a carer means, and I know what the Bill will mean, which is why I especially commend it to the House.

1.34 pm

**Mr. Hinchliffe:** I do not want to detain the House or to go over what I said earlier. I commend my hon. Friend the Member for Croydon, North-West (Mr. Wicks) for the—unusual—way in which he has steered this measure through, procedurally speaking. He has shown such great talent that it may be recognised when the current vacancy in the Labour Whips Office comes to be filled.

On behalf of carers and of the Opposition, we warmly commend this measure. I congratulate my hon. Friend and all concerned on bringing it thus far.

1.35 pm

**Mr. Bowis:** I echo that tribute, and I wish the Bill well. The hon. Member for Dunfermline, West (Ms Squire) summed up the debate well when she said that no man is an island:

> "No man stands alone. Each man's joy is joy to me, each man's grief is my own".

Read "carer" for "man"; read "all of us" for "me". We all need to understand the realities of caring: its joys, the fact that it is willingly given, certainly, but also the griefs, pain and struggle—not to mention the occasional frustration and anger that can be felt by carers. If, as a result of the Bill, loving care will be given and supported, not demanded and taken for granted, the House will have done well by carers and by those for whom they care. We shall all owe a debt of gratitude, too, to the hon. Member for Croydon, North-West who has brought the Bill before us today. We wish it well.

1.36 pm

**Mr. Wicks:** I thank hon. Friends on both sides of the House for voicing their support for the Bill, and I urge colleagues to give it a Third Reading.

*Question put and agreed to.*

*Bill accordingly read the Third time, and passed.*

# National Health Service (Amendment) Bill

*Considered in Committee.*

[DAME JANET FOOKES *in the Chair*]

## Clause 1

DISQUALIFIED PRACTITIONERS: ENGAGEMENT IN PROVISION OF SERVICES BY OTHERS

*Question proposed,* That the clause stand part of the Bill.

1.37 pm

**Mr. John Austin-Walker** (Woolwich): Clause 1 makes an addition to section 46(2) of the National Health Service Act 1977, so that if a tribunal decides that a practitioner should be disqualified from appearing on a family health services authority list or lists of people providing FHS services, it may also make a declaration that the practitioner is unfit to be engaged in any capacity in connection with the provision of those services. The current provisions allow a tribunal to disqualify a person from appearing on a medical, dental, ophthalmic or pharmaceutical list, but do not prevent him from practising as a locum, assistant or deputy for some other person or body providing such services.

In essence, current legislation provides only for principals. Under this clause, the tribunal would not be obliged to make such a declaration when disqualifying a practitioner, for two reasons. Obviously, if a tribunal disqualified someone from one list but not from all lists, it would be nonsensical if he were then suspended from practising as a locum elsewhere when he may be able to practise as a principal.

Similarly, the tribunal might conclude that the offence is such that the practitioner should be prevented from being a principal, in one family health services authority or a group of FHSAs, but might not want to prevent him from working as a locum, assistant or deputy. Indeed, if the tribunal felt that the practitioner was capable of redemption, it could choose not to prevent such work and so provide an opportunity for the practitioner's rehabilitation within the NHS. It is a discretion that the tribunal could exercise.

*Question put and agreed to.*

*Clause 1 ordered to stand part of the Bill.*

## Clause 2

INTERIM SUSPENSION OF PRACTITIONERS

*Question proposed,* That the clause stand part of the Bill.

**The Second Deputy Chairman of Ways and Means (Dame Janet Fookes):** If the Committee is agreeable, we can take clauses 2 to 6 together.

**Mr. Austin-Walker:** Clause 2 did not have an airing on Second Reading. It is important that it has one now, because the clause is the essence of the Bill. The clause enables an authority to apply to the tribunal for a practitioner to be suspended prior to a substantive hearing of the tribunal. It enables the tribunal to make a direction that a person shall be suspended if it is satisfied that it should do so to protect patients. The essence of the Bill is the need for the NHS to protect patients.

Under the National Health Service Act 1977, any person or body may make representations to a tribunal that a practitioner shall be disqualified. The tribunal itself decides whether such representations need to be heard. That is to avoid the tribunal having to hear frivolous or vexatious representations. However, the tribunal is obliged to hear representations if they are made by a health authority.

For the same reason, under the clause the power to make application for suspension will be restricted to health authorities. If other bodies or individuals have information which suggests that a practitioner should be suspended, they have a duty to lay that information before the health authority, as it is the family health service authority which is the regulator of local family health services.

If the tribunal considers that a practitioner should be suspended to protect patients, it may make an order that the practitioner is to be regarded temporarily as being removed from any relevant list. For this purpose, the practitioner will be deemed to be unfit to provide relevant services in any capacity. That will be mandatory on the tribunal under the clause. The question at issue will be patient safety.

The initial period of suspension would lapse when the tribunal, following a hearing, disposes of the case by issuing a decision whether or not the practitioner should be disqualified, unless that decision includes a further direction that the suspension should continue. That further period of suspension would prevent a practitioner returning to practice until his appeal rights had been exhausted or, in the case of no appeal being made, until the disqualification direction is enforced by the health authority at the end of the period for appealing.

To preserve due process the practitioner is given the right to be heard by the tribunal, to call witnesses and to produce evidence in his defence before the tribunal decides whether or not to make a ruling. So that a suspension application should be heard as quickly as possible, the chairman or deputy chairman will be able to consider a suspension application sitting as a judge in chambers. Regulations will provide the procedures for that.

Clause 2 also includes an enabling power to make regulations that will provide payments to be made to practitioners who are suspended. In my view it is necessary to make such provision for suspended practitioners to continue to receive income from the NHS. If a practitioner is self-employed, the effect of suspension is to remove that practitioner's livelihood. Suspension must, therefore, be paid. At that point nothing will have been established against the practitioner.

Clause 3 would remove the current unrestricted right of appeal to the Secretary of State for Health. It provides that, where the tribunal has determined that a practitioner is disqualified, the health authority or authorities concerned shall remove his or her name from the list at the end of the period for bringing in an appeal, or at the end of the appeal process if an appeal is made.

The Franks committee recommended that appeals from decisions at all tribunals should be made to a court. There is an anomaly in current legislation, and the clause would bring the NHS tribunal into line with good tribunal practice.

Clause 4, which deals with the removal of disqualification, follows on from that. The provisions of the National Health Service Act 1977 give a practitioner two routes by which he or she may apply for reinstatement following disqualification. At present, a practitioner may apply either to the NHS tribunal or the Secretary of State for Health.

The effect of the clause is that applications for reinstatement shall be made only to the tribunal. The provision under which the Secretary of State could reinstate the practitioner is linked to the appeal provisions within the 1977 Act. Since the provisions for making appeals to the Secretary of State are being removed, it follows that the tribunal alone should decide applications for reinstatement. As is the case for other tribunal decisions; decisions on reinstatement may be appealed on points of law to the High Court.

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

*Clauses 3 to 14 ordered to stand part of the Bill.*

*Schedule agreed to.*

*Bill reported, without amendment; considered.*

*Order for Third Reading read.*

1.46 pm

**Mr. Austin-Walker:** I beg to move, That the Bill be now read the Third time.

The Bill is concerned with the work of the national health service tribunal. It contains provisions designed to enable the tribunal to work more efficiently and to offer greater protection for NHS services and, therefore, NHS patients.

My interest in the Bill arose from a situation in my own constituency a couple of years ago. I draw the attention of the House to the parliamentary questions that I asked on 28 October 1993 and 18 January 1994. I engaged in subsequent correspondence with the hon. Member for Bolton, West (Mr. Sackville) and the then Minister of State, the right hon. Member for Peterborough (Dr. Mawhinney). Both Ministers accepted that there was a need for changes in the legislation, in the interests of patient safety. I am extremely grateful to the hon. Member for Winchester (Mr. Malone) for his support and co-operation, which has enabled me to support the Bill today.

It is invidious to name individual civil servants, and I shall refrain from so doing, but I would like the Minister to convey to the officers of the NHS executive in Leeds, who have been of enormous assistance, my thanks. I also thank the officers of the House. In particular, I thank Jo Rodin, the former chair of the Greenwich and Bexley family health service authority, for her advice, wise counsel and, indeed, support when I was dealing with the case in my constituency, to which I now refer, as I think that it will highlight to the House the problems that exist at the present time, which the Bill seeks to amend.

The incident concerned a general practitioner against whom a number of complaints had been made. Indeed, I now understand that he had been the subject of 11 FHSA service committee investigations since 1988. There was a hearing of the FHSA's medical services committee in July 1989. Under regulation 10 of the NHS service committees and tribunals regulations, those decisions were reported to the Secretary of State. The Secretary of State upheld the FHSA's decisions, but the doctor in question sought a judicial review of the Secretary of State's decision. Consequently, despite the serious allegations against him, he continued to practise and to provide my constituents with an inadequate standard of care.

The case dragged on even further. The doctor subsequently withdrew his application for a judicial review, and the Secretary of State referred the matter to the General Medical Council. The council followed its normal procedures, finally recommending the doctor's removal from the register of practitioners, thus ending his ability to practise as a doctor.

The doctor then took an appeal to the Judicial Committee of the Privy Council. A series of what I can only describe as delaying tactics followed, leading to adjournments. Not until January 1994 was the doctor eventually removed from practice; the original complaint and the findings against him took place in 1989.

I should emphasise the seriousness of those findings. They included a pattern of outright refusal to visit patients who needed urgent attention, frequently accompanied by callous disregard of the patients' needs; persistent failure to liaise with other support services, and a degree of inability to work with others in a caring fashion; incompetence in clinical management, illustrated in the cases of four patients who subsequently died; and a failure to recognise responsibilities to the public in relation to controlled drugs.

I do not criticise the General Medical Council or its procedures. It is concerned with professional standards, and I do not criticise those, either. The problem was that, while the investigation was proceeding, the doctor was allowed to continue to practise in the NHS and to provide my constituents with a wholly inadequate and unsafe service.

The family health services authority did all that it could to resolve the problem. It had made representations to the GMC; eventually, in frustration, it went directly to the national health service tribunal, which was able to hear the case. There was an initial delay, because the tribunal chairman had resigned and there was only one chairman. It was some time before a new chairman was appointed. The Bill, however, will improve matters in that regard.

There followed a further series of delays and appeals. Essentially, the NHS tribunal had no power to suspend the doctor pending the final investigations. If this had been a hospital doctor, the health authority or the health service trust would have been able to suspend him on full pay during the investigations, because he would have been the employee of that body. I believe that, when serious allegations are made, NHS tribunals should have the power to make an immediate order for a GP's suspension pending a full hearing and disqualification proceedings.

I hope that the House will give the Bill its whole-hearted support. I know that the Government support the principle, and I am grateful for their backing and that of other Opposition parties. The Bill makes a necessary reform, but its application extends beyond principles. It makes provision to enable the NHS to ensure that a practitioner disqualified by a tribunal is taken out

*[Mr. Austin-Walker]*

of general practice when it considers that necessary, and cannot work as a locum, assistant or deputy to another practitioner or health authority.

My constituents would not have wished to see that doctor, who had been disqualified by the tribunal, coming back to a neighbouring practice as a locum or assistant. The Bill provides that that cannot happen. The Bill is not concerned solely with doctors. It seeks to protect NHS patients and its provisions will apply to all NHS medical and ophthalmic practitioners as well as to dentists and pharmacists.

I hope that hon. Members will support the Bill, which will secure protection for NHS patients where they are considered to be a risk.

1.55 pm

**The Parliamentary Under-Secretary of State for Health (Mr. John Bowis):** For the second time today, it gives me great pleasure to support the Third Reading of a private Member's Bill. I congratulate the hon. Member for Woolwich (Mr. Austin-Walker) on the way in which he has brought the Bill to the House and seen it through. I am grateful to him for his expressions of gratitude, which I shall pass to my colleagues. My hon. Friend the Member for Leeds, North-East (Mr. Kirkhope) is in his place and will be able to speed the hon. Gentleman's good wishes to NHS workers in Leeds.

As the hon. Member for Woolwich said, the Bill is designed to amend the constitution and powers of the national health service tribunal, which already has far-reaching powers. However, we need the Bill because the working of the tribunal could be streamlined in several ways and there is a serious gap in the powers that are available to it. The hon. Gentleman gave graphic examples of how the Bill could assist the tribunal.

Although the tribunal operates efficiently and decides representations speedily, it is sometimes hampered by the unavailability of a chairman or members. I am pleased that the Bill seeks to solve that problem by allowing for the appointment of a permanent deputy chairman, lay members and a wider pool of professional members. It will also enable the tribunal to declare that disqualified practitioners should not be allowed to work in the family health service as locums, assistants or deputies to principal practitioners.

Most important, the Bill will provide the tribunal with a power to suspend practitioners from providing family health services in wholly exceptional circumstances so as to protect patients. I assure the House that that power would not be used lightly or for trivial reasons. Health authorities would be able to seek a suspension order only in extreme cases and even then only after it had made representations to the tribunal. There is no question of a suspension order being granted because of a minor contractual dispute. If a further hurdle to that were needed, the cost of bringing a case to a tribunal hearing at which both parties were represented by counsel is a sufficient deterrent.

We must consider what would happen to a suspended practitioner's patients. Of course the needs of patients would be catered for, and if the Bill succeeds in its passage through the House and in another place, as I hope it will, we shall introduce regulations to enable family health services authorities to make alternative arrangements for services to be provided to patients who, because of a suspension, are without a doctor, dentist, community pharmacist or optician.

As I am sure the House appreciates, the need for the tribunal to have a power to suspend practitioners in extreme circumstances is recognised by the bodies representing the professions. It is not in the interests of the overwhelming majority of members of those professions that the excellent service that they provide to their patients should be devalued by the actions of a very few who are unrepresentative of their peers.

I again congratulate the hon. Member for Woolwich on bringing the measure to the House. I wish it well and commend it to the House.

*Question put and agreed to.*

*Bill accordingly read the Third time, and passed.*

## Landlord and Tenant (Covenants) Bill

*Read a Second time.*

Bill committed to a Committee of the whole House.—[*Mr. Thurnham.*]

*Bill immediately considered in Committee; reported, without amendment.*

*Order for Third Reading read.—[Queen's and Prince of Wales's consent signified].*

2.1 pm

**Mr. Peter Thurnham** (Bolton, North-East): I beg to move, That the Bill be now read the Third time.

There is time for us to have a short debate on Third Reading, and I start by thanking my right hon. Friend the Foreign Secretary for attending the House to give assent as a Privy Councillor, which is a vital part of the proceedings. I also thank my hon. Friend the Parliamentary Secretary, Lord Chancellor's Department for all the work that he and the Department have done, without which we would not be here. I also thank my hon. Friend for his evident sincerity in his belief that we need to rid this country of the iniquity of privity contract traps.

I am delighted that the Bill has got this far. I should like to thank my hon. Friend the Parliamentary Secretary for the work that he did during the consultation process following the agreement reached between the British Retail Consortium and the British Property Federation in November last year. My hon. Friend arranged for a consultation paper to be issued to assess opinion among both larger and smaller tenants and to ensure that their interests were kept in mind. That paper has shown that there is a wide measure of agreement, and the British Chambers of Commerce, the Forum of Private Business, the Royal Institute of Chartered Surveyors, the Property Managers Association and the British Council of Shopping Centres have given their support to the Bill in its amended form.

I should like to touch briefly on the amendments which have been proposed for the Bill, four of which we must pay attention to. First, we must introduce a new clause that would amend section 19 of the Landlord and Tenant Act 1927, thereby providing the opportunity for landlords and tenants to agree at the negotiation stage of a lease the terms under which future assignments can be made. In the absence of that amendment, it is likely that the majority of landlords would exercise their right to ban tenants from assigning their leases.

Under the current law, if landlords refuse to allow assignments, tenants can go to court if they believe that the landlord is acting unreasonably and is delaying or refusing consent to assign, but if assignments are subsequently granted, the tenants are required to underwrite the financial risk of assigning—in other words, privity in another form. By agreeing the terms for assignment at the outset, both landlords and tenants will be fully aware of their rights and duties.

Both the British Retail Consortium—which I thank for all the work it has done to make everything possible—and the British Property Federation are convinced that a sensible and measured approach will provide the property industry with the necessary control over future and current investment, which will boost confidence in the property market as well as ensuring a real future for the high street.

The first suggested amendment was modification of section 19 of the Landlord and Tenant Act 1927 by inserting the words:

"save where contained in an agreement to which the proviso to this subsection applies"

after the words "to the contrary" in section 19(1) and to add the following proviso at the end of section 19(1):

"Provided that this sub-section shall not preclude the parties to a lease from entering into an agreement (whether contained in the instrument creating the tenancy or not and whether made at or after the creation of the tenancy) governing the circumstances in which consent to an assignment may be granted or withheld or stipulating the conditions which the landlord may require be fulfilled before consent to an assignment is applied for and sub-clauses (a) and (b) of this sub-section shall not apply to any such agreement."

Three other amendments are proposed which would provide additional protection for tenants. The second is an amendment to reduce from nine to six months the notice period within which landlords have to notify former tenants and guarantors from whom they will require recompense for the default of rent or service charges to a period of six months.

**Mr. Harry Greenway** (Ealing, North): I should like to ask my hon. Friend the Parliamentary Secretary, as this is a Third Reading debate, whether the amendments will be dealt with in the Lords. They are important and most welcome.

**Mr. Thurnham:** I am grateful to my hon. Friend for his support for the Bill and the support of my hon. Friends the Members for Reading, East (Sir G. Vaughan) and for Beckenham (Mr. Merchant) and many others who have shown their support.

The amendment would reduce the nine-month notice period within which landlords have to notify former tenants and guarantors to whom they will require recompense for the default of rent or service charges to a period of six months. That will mean that former tenants who have already signed leases and will continue to be caught under privity of contract obligations for the full term of that lease will now have regular notice of their financial liabilities for any subsequent default and will therefore be able to budget accordingly rather than face unexpected demands for debts which have accumulated over several years.

The third amendment aims to secure greater protection for tenants and ensure—

**Madam Deputy Speaker (Dame Janet Fookes):** Order. I am sorry to interrupt the hon. Gentleman, but on Third Reading it is necessary to deal only with what is in the Bill. The hon. Member is straying outside that remit. I am sure that with a little ingenuity he can bring himself into order, but he will have to exercise that ingenuity.

**Mr. Thurnham:** Thank you for pointing out that need, Madam Deputy Speaker.

The Bill is in a form which was prepared last year before the conclusion of the consultation process which my hon. Friend the Parliamentary Secretary conducted. That process has now been completed. Part of the process of obtaining agreement in the House was an agreement that the amendments to which I refer would be included in the Bill when it reached another place. I hope that that will be an opportunity for Members of the other House to demonstrate what they can do.

*[Mr. Thurnham]*

I should like to touch on the points in the amendments. Without the agreement which has been obtained, it would be impossible to obtain the consensus needed for the Bill to proceed today. I hope that it will be in order for me to touch briefly on the other points to which reference was made in the consultation paper which my right hon. Friend the Minister issued in connection with the Bill in its present form.

Any increase in rents solely attributable to a variation in the original terms of a lease would not fall within the original tenant's privity of contract liability.

The fourth amendment which is needed will allow former tenants to call for an overriding lease once the tenant is called on to pay rent arrears or to perform covenants under his privity of contract obligation.

I am grateful to you, Madam Deputy Speaker, for allowing me to touch on the amendments. They are a fundamental part of the Bill, as it should be amended, to secure the full agreement of all the parties which have been consulted.

I pay tribute to the support of Opposition Members. I am delighted to see the hon. Member for Brent, South (Mr. Boateng) in his place. I thank those of his colleagues who have also offered me their support, in particular the hon. Members for Norwood (Mr. Fraser) and for Dumbarton (Mr. McFall), who have sponsored early-day motions and are sponsors of this Bill and a previous Bill which I attempted to introduce last year.

I thank members of the Liberal Democrat party and of Plaid Cymru for their support. I have also received the support of vast numbers of Conservative Members. The early-day motion tabled last year had more than 100 signatures and we were not far short of that number for our early-day motion this year.

I thoroughly commend the Bill to the House, with the amendments on which I touched. I hope that the other place will provide an opportunity to incorporate them in the wording of the Bill.

2.9 pm

**Mr. Paul Boateng** (Brent, South): The Bill corrects a long-standing and manifest injustice and the hon. Member for Bolton, North-East (Mr. Thurnham) is to be congratulated on bringing it before the House.

The Bill is welcome on both sides of the House and will ensure that the existing injustice is rectified for all time. Generations of people who will benefit from this modest measure will have good cause to thank the hon. Gentleman for his perseverance. Those of us who have had the privilege of being associated with the measure for some years know just how much that perseverance has stood it in good stead. On behalf of the Opposition, I give the measure a fair wind and look forward to it proceeding to the other place and, shortly, on to our statute books.

2.10 pm

**The Parliamentary Secretary, Lord Chancellor's Department (Mr. John M. Taylor):** I join all those hon. Members who have congratulated my hon. Friend the Member for Bolton, North-East (Mr. Thurnham) and the many sources of support that he has enjoyed, not least the hon. Member for Brent, South (Mr. Boateng), who is one of the signatories whose names appears on the back of the Bill.

When I was a law student, longer ago than I care to reflect, I studied the law on privity of contract and estate and I remember thinking how profoundly unfair it was. I little knew then that I should have the privilege of playing a small part in altering the law, but, as all the other contributors said, the main congratulation must emphatically go to our hon. Friend the Member for Bolton, North-East for promoting the Bill and for giving the House the opportunity to debate a very important issue.

Privity of contract is of great social importance and it goes to the heart of the relationship of landlord and tenant. That relationship is one of the key building blocks of the system of property ownership in this country, and the Bill, if enacted, will radically alter some of its most fundamental aspects. By doing so, the Bill might set in train a process of change, not only in the interpretation by lawyers of particular technical provisions in leases but in the very basis on which agreements for the occupation of property are entered into.

The Government are satisfied that the present system is seriously defective in respect of the rules governing privity of contract and estate. The Government's established policy is that the law in that area should be reformed. It seems to me to be quite wrong that a former tenant can be sued for arrears of rent and service charges, or for the cost of carrying out repairs to premises, perhaps many years after he has ceased to occupy them, as a consequence of a breach of covenant by the present tenant, who may not be the person to whom the lease was originally assigned and of whom the former tenant has no knowledge or connection.

In such circumstances, it seems absurd that the landlord should have a right of redress against the former tenant, especially when it is borne in mind that it is common practice, certainly in leases of commercial premises, for landlords to insist on approving the identity of each assignee of a lease. Consequently, the landlord is likely to have more control over, and connection with, the defaulting tenant than the former tenant, who is expected to pay compensation for breach of covenant.

I am pleased to announce to the House today that the Government accept that implementation of their established policy to abolish privity of contract for future leases should be subject to the addition of measures which have been proposed by the British Property Federation and the British Retail Consortium. I hasten to add, however, that I was keen to ensure that my Department canvassed more widely than those two important organisations and endeavoured to find the view of smaller retailers as well.

The big battalions have always been well protected in the world of property. Whether their interests are as landlord or tenant, the law is handled for them by professional practitioners of great expertise and their interests are protected at all times. But the smaller person in our society—a typical retailer operating from a lock-up shop—all too often signs a lease almost in circumstances of Hobson's choice, and with little professional advice available or affordable.

**Mr. Boateng** *indicated assent.*

**Mr. Taylor:** I am glad that the hon. Member for Brent, South indicates his assent and agrees with the general approach that smaller, more vulnerable people should also

have had their round of consultation. In the event, it has caused this measure to come before the House a week or two later than would otherwise have been the case.

As a qualification to my general remarks, the Government have decided, in response to opinion received in response to the consultation paper, to exclude purely residential tenancies and farm business tenancies from the proposals concerning assignment. Implementation of those policy changes will also be subject to any detailed adjustments that may be necessary in the process of preparing amendments. The package of changes is primarily directed at lettings of commercial business premises and it is right that its application should be limited accordingly.

My hon. Friend the Member for Ealing, North (Mr. Greenway), who had the courtesy to explain that he had to leave his place and be on his way to his constituency, asked me to reassure his constituents that the effect, in layman's terms, is to do away with the privity trap under which original tenants of leases could be held liable for default of subsequent assignees. That is the case and, in his absence, I wish to put that on the record. He also asked me to clarify whether changes would be made to the text before the House today. Some changes will be made and my right hon. and noble Friend the Lord Chancellor will ensure in another place that amendments, which have been reviewed and are fairly widely known, will be made. It is the Government's intention to make those amendments.

I am pleased to confirm to hon. Members that the Government support the Third Reading of the Bill.

**Sir Gerard Vaughan** (Reading, East): My hon. Friend referred to the proposed amendments. Does he agree that reducing the period from nine months to six months would strengthen the Bill?

**Mr. Taylor:** Yes, it would strengthen the Bill and be fairer to the tenant on whom the burden falls.

Perhaps it is also fair to say—I share the opinion of my hon. Friend the Member for Reading, West (Sir G. Vaughan)—that we were finally persuaded that it would have tipped the balance too far in another wrong direction to remove the privity trap without giving any further consideration to the position of the landlord.

There must be a balance between the rights of tenants and the rights of landlords. Although we are attempting to improve a historic weakness of the position of the tenant, it is not an occasion to go overboard in strengthening the position of the tenant so that landlords' positions are perhaps imperilled or borne down on adversely and unnecessarily.

Very much of the property market which has to do with investments and people's pension funds and the like largely depends on what is perceived to be the strength of the covenant on the lease. We must, as a Government and a House, be mindful of the fact that the property market is important to us all—and to our savings, pensions and investments—and the Government would not wish to strike it a gratuitous blow. That is why, having accepted the obvious argument—which I think commends itself to everyone—that the privity trap should be removed, there has been and there will be a slight adjustment in the position of the landlord of commercial premises with regard to the mechanism for assignment.

Historically, in very many leases, the position between the landlord and tenant has been so set out that, on a request by a tenant for an assignment, the landlord has been unable unreasonably to withhold his consent to an assignment. Those are time-honoured words. The amendments that are anticipated to the Bill will allow the landlord some degree of care and some element of control and supervision of an assignment from one tenant to another. Inasmuch as the landlord has lost the unfair historic advantage of privity, the landlord will be compensated by a greater supervisory role in respect of assignment mechanisms.

Until now, and until my hon. Friend the Member for Bolton, North-East brought redress and reform, the position always appeared especially difficult to justify in cases involving a professional landlord and an individual or small business. Such a landlord may be a large company, experienced in property lettings, which also has the benefit of legal and financial advice before consenting to an assignment of the lease to the tenant now in default. The former tenant, against whom the landlord seeks to make a claim, may be an individual or small business with no specialist property knowledge, who certainly did not appreciate, at the time of entering into the lease—or, for that matter, on assigning it—that a primary obligation to pay the rent would endure for the whole of the term, irrespective of the identity of the current tenant.

In a two-year period since 1993, my mailbag has included 304 separate instances of right hon. and hon. Members writing to me on behalf of their constituents, and no fewer than 19 parliamentary questions have been asked on the subject. Anyone who might have attempted to say that that issue was not a cause of severe worry, requiring urgent action, would not have been taking the issue and the sector seriously enough.

Our proposals have altered slightly in the Government's hands, impelled along as we were by my hon. Friend the Member for Bolton, North-East, who has allowed no let-up or relaxation on the part of your humble servant, but it is important to make it clear that the origin of our proposals was the Law Commission. Parliament is now seriously intending to transfer the Law Commission's proposals, Bill by Bill, on to the statute book—in appropriate cases, using the so-called fast track of the Jellicoe procedure in the House of Lords and the Second Reading procedure in this place.

I do not believe that this measure was ever a candidate for fast tracking. Its very record and handling over a period in this Chamber show that there has been serious controversy and interests have been affected by it. I do not think that my hon. Friend the Member for Bolton, North-East will mind if I say that this is the second time that he has come to the Chamber with his measure. On the first occasion, it was opposed and he was unable to proceed.

It says much for his tenacity and determination that he kept the broad principle of his measure, while monitoring and, to a degree, supervising the reconciliation of conflicting interests that opposed him on the previous occasion. There has been some reconciliation and a degree of compromise, and some concessions have been made here and there, in return for the gaining of ground. I suppose that that is the way in which we work in this place—if one addresses a difficult issue in a complicated

*[Mr. Taylor]*

sphere where many people have vested interests, one ultimately has to settle for what can do the job as well as possible.

The origins of the reforming text "Landlord and Tenant Law: Privity of Contract and Estate" go back to Law Commission report No. 174. I think that nobody will mind if I say, in a spirit of candour, that the Law Commission is not getting exactly what it wanted, either; but there is some fidelity between the text that we hope will emerge from the parliamentary process and the Law Commission's original proposals.

As I recall, the Law Commission wanted to introduce an element of retrospection. The House has always shied away from any mention of retrospective legislation, which it has embarked upon only rarely. The House has stayed faithful to its long-held principles on retrospection. In this case, one has to say that with a note of sadness. We all know from constituency experience that, particularly during the period of recession and financial hardship, people were hit hard by the privity rule. Some of them even lost their own homes when they should have been expecting to enjoy a quiet retirement. I say with sadness that my hon. Friend's measure will not come to the relief and assistance of those who have already encountered that hazard with adverse effects.

The British Property Federation and the British Retail Consortium addressed the subject seriously and, on their own initiative, came to terms with a set of proposals that were different from my hon. Friend's original proposals and from the Government's original position. The Government have moved their position to accommodate the arguments that they have heard. I shall risk saying it twice because I think that it bears repetition: it was also considered extremely important to consult the numerous small tenants up and down our high streets that form part of the fabric and commerce of our lives.

This has been a valuable debate and I am happy to support the measure.

*Question put and agreed to.*

*Bill accordingly read the Third time, and passed.*

## Remaining Private Members' Bills

### TELEVISION SPORT (PUBLIC ACCESS) BILL

*Order for Second Reading read.*

**Madam Deputy Speaker (Dame Janet Fookes):** I cannot propose the Question because the Bill has been referred to the Examiners.

*Second Reading deferred till Friday 28 April.*

### CIVIL RIGHTS (DISABLED PERSONS) (NORTHERN IRELAND) BILL

*Order read for resuming adjourned debate on Second Reading [17 March].*

**Hon. Members:** Object.

*Debate to be resumed on Friday 28 April.*

### PROTECTION OF ANIMALS BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

### NATIONAL HEALTH PATIENT ACCOMMODATION BILL [*LORDS*]

**Madam Deputy Speaker:** Not moved.

### PENSIONS (DIVORCE) BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 28 April.*

### TRANSPORT OF ANIMALS FOR SLAUGHTER BILL

*Order read for resuming adjourned debate on Second Reading [24 March].*

**Hon. Members:** Object.

*Debate to be resumed on Friday 28 April.*

### ENERGY-SAVING MATERIALS (RATE OF VALUE ADDED TAX) BILL

*Order read for resuming adjourned debate on Second Reading [20 January].*

**Hon. Members:** Object.

*Debate to be resumed on Friday 28 April.*

### PRISONERS (RETURN TO CUSTODY) BILL

*Read a Second time.*

Bill committed to a Committee of the whole House.—[*Mr. Merchant.*]

*Bill immediately considered in Committee; reported, without amendment.*

*Motion made, and Question,* That the Bill be now read the Third time, *put forthwith and agreed to.*

*Bill accordingly read the Third time, and passed.*

## LAND REGISTERS (SCOTLAND) BILL

*Read a Second time.*

Bill committed to a Committee of the whole House.—[*Mr. Bill Walker.*]

*Bill immediately considered in Committee; reported, without amendment.*

*Motion made, and Question*, That the Bill be now read the Third time, *put forthwith and agreed to.*

*Bill accordingly read the Third time, and passed.*

## NATURAL DISASTERS (SCOTLAND) BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 28 April.*

## CIVIL RIGHTS (DISABLED PERSONS) (SCOTLAND) BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 28 April.*

## REQUIREMENTS OF WRITING (SCOTLAND) BILL [*LORDS*]

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 28 April.*

# Prosecution Disclosure

*Motion made, and Question proposed*, That this House do now adjourn.—*[Mr. MacKay.]*

2.34 pm

**Mr. Julian Brazier** (Canterbury): One of the most welcome features of my right hon. and learned Friend's tenure as Home Secretary and of the tenure of my hon. Friend the Minister of State, whom I am pleased to see on the Front Bench, has been the refreshing way in which they have both stressed again and again that the purpose of our criminal justice system is not just to run through legal technicalities and provide income for lawyers. We shall restore confidence in the courts only when the public believe that a fair balance has been struck between the rights of the accused and the rights of the victim and society at large. Ministers are right to say that most people believe that the pendulum has swung too far in favour of the accused—although the most recent Criminal Justice Bill did a little to bring it back in the other direction.

The issue under discussion today—prosecution disclosure—goes to the very heart of the criminal trial process. I have limited my comments to the prosecution side of disclosure simply because we would cover too much territory in a short debate of this sort if we looked at the other side in full. In passing, however, I might add that the hints dropped by Ministers that they are looking at much broader disclosure by both sides are extremely welcome. I am sure that that represents the way forward for trials.

My particular concern is with the so-called cracked trial, in which we usually find that a strong case against a professional criminal is abandoned at the outset because the defence insists on disclosure of an informant's name. I offer four examples. In 1992, in the case of Regina *v.* Appleton, there had been a burglary of an antique shop in the course of which £50,000 worth of goods were stolen. As a result of a tip-off, a police officer was able to make a purchase from Mr. Appleton, the defendant. At the trial, the defence argued "agent provocateur" and the judge insisted that the name of the original informant be disclosed. The trial had to be abandoned.

Again in 1992, in the case of Regina *v.* Arnold, an undercover police officer offered to buy 5,000 ecstasy tablets from Mr. Arnold. At the subsequent rendezvous, the defendant was caught with the tablets on him, but again the defence claimed "agent provocateur". Again, the judge accepted leave for disclosure of the original informant's name and the case had to be abandoned.

In the third case, in 1993—Regina *v.* Wiggan—the police received a tip-off that a house was about to be burgled, and they caught the defendants "on the job". One of them assaulted a police officer. The defence came up with an ingenious line of argument—that the defendants had been put up to do the job by the owner of the house to help him to justify past insurance claims. That line of defence could be pursued in court by cross-examining the owner, but the defence also insisted, allegedly in the interests of a fair trial, that they needed the name of the original source who led the police to stake out the house. This case, too, had to be abandoned.

Finally, last month in Kent Crown court, two defendants, Messrs. Bowles and Wood, after a very long, expensive and at times dangerous operation by undercover

*[Mr. Julian Brazier]*

agents, were captured with 20,000 ecstasy tablets on them. Their activities had originally been reported by an informer. The defence insisted on knowing the name of the informer, and the judge, with that lack of courage that seems characteristic of so many of our modern judges, and with no reason for the disclosure having been given by the defence, again insisted on disclosure of the name. Once again, the trial had to be abandoned.

At a time when a range of authorities, from some of our most innovative police constables right through to the Audit Commission, are saying that the future of policing lies in better intelligence, police officers are finding that there is no point in better intelligence if the courts take no cognisance of the need to protect intelligence sources when trials come to court.

The issue is not limited to the agent provocateur argument. There is a wider issue that is heavily dealt with in the report of the Royal Commission on criminal justice, including fishing expeditions and paper blitzes that bog down the prosecution. I understand that my right hon. and learned Friend the Home Secretary and his Ministers are working on a solution based on the lines which were originally set out by the royal commission and highlighted by it, which I hope will be somewhat toughened up.

Sensible criteria of relevance should be applied. I do not believe, however, that they would prevent further examples of the sort that I have given. If a test of relevance is to be applied by the same judges who have shown no regard for the public interest in the cases to which I have referred, and who have been willing to allow unreasonable demands of disclosure, I do not believe that criteria of relevance would be helpful.

Let us go back into history to look for another solution. Parliament had some say in these matters in the Police and Criminal Evidence Act 1984. Section 78 made it possible, or rather, much easier, for courts to refuse to admit evidence where it had been improperly obtained. Michael Zander, in his book on the 1984 Act—he is hardly an arch Conservative authority—concedes that before PACE became law, it was rare for courts to exclude evidence, other than confessional evidence, that had been improperly obtained.

Section 78 did not in itself cause the problem. For five or six years the system worked perfectly well. The problem has arisen because of the willingness of the courts during the past four or five years to allow the defence to claim almost anything in the way of disclosure.

In particular, the courts have allowed the defence to use section 78 to reintroduce the agent provocateur defence through the back door. There was a clear ruling as recently as 1988 in the House of Lords in Regina *v.* Sang that there could be no agent provocateur defence in English law. In the past four or five years, however, the courts have allowed the defence to argue not that agent provocateur is a defence against the charge but that it is a ground under section 78 for having evidence excluded. Parliament never intended that, I am sure, and the courts did not interpret the section in that way for the first four or five years. The result is the litany of cases that I have quoted.

What shall we do about it? My right hon. and learned Friend the Home Secretary and his ministerial team are right to say that we must swing the balance back in favour of the public interest and of the victim and away from the accused. I do not think that there is any area in which the public have greater grounds for their loss of confidence in the courts than the one to which I am drawing attention. We see good evidence against hardened criminals thrown away. As a result, it is never presented to the jury.

When my hon. Friend the Minister alluded to these matters recently in a courageous speech, he was attacked by the association that represents London solicitors who are involved with criminal cases. Hell has no fury like a vested interest masquerading as a principle. We spent yesterday discussing sleaze in Parliament, and it is rather appropriate that today we are discussing it among lawyers. More important than the sleaze among lawyers is the craven attitude of some of our judges. They could not do it—

**Madam Deputy Speaker (Dame Janet Fookes):** Order. I must caution the hon. Member in his criticism of judges. It is usual only to criticise judges, especially if it is by name, by means of a substantive motion. I know that the hon. Member is speaking in fairly general terms but I felt that a little warning might be appropriate.

**Mr. Brazier:** I understand entirely, Madam Deputy Speaker.

I suggest to my hon. Friend the Minister that we shall not solve the problem if discretion is left in the hands of judges, however many new criteria we try to introduce from Parliament. It is a constitutional issue of the balance between how much Parliament should lay down and how much should be left to the judge on the spot. Sadly, the examples that I have given, which were drawn out of a much larger pool, show that we have to leave less to the judge on the spot.

I have two specific proposals beyond those that emanate from the royal commission, which are fairly uncontentious. The first is that we should revisit section 78 of the Police and Criminal Evidence Act 1984 and make it abundantly clear, by a small amendment to it, that the agent provocateur argument, a defence that has never been known in English law, is never to be used as a criterion for withholding evidence.

My second proposal is that we go beyond insisting on a criterion of relevance being applied to evidence, and say that, in one narrow category of cases, the burden of proof in criminal trials should be reversed. Where the prosecution is arguing that the name of an informant, or equivalent party—perhaps people who allowed their house to be used for a surveillance operation—should be protected, and has been protected by a public immunity certificate from the Attorney-General, in that one narrow case, the burden should be reversed and the defence should be required to show not merely relevance but a concrete case, which the judge is fully satisfied requires the name of that informant, to make it hold water. I would go further and suggest that both the prosecution and the defence should have an appeal under certain circumstances on the judge's ruling, preferably to a lay body, such as that which examines miscarriages of justice.

I do not believe that either of those proposals would lead to miscarriages of justice. I know of no case that has ever been argued in our criminal courts in which the inability of the defence to argue agent provocateur was critical. What is needed is to swing the balance back towards the public interest and the interests of the victims.

An opinion poll as far back as 1991, in *Reader's Digest*, showed that, even then, public confidence in our courts had dropped below 50 per cent. Public confidence in the

police, incidentally, was shown to be almost 75 per cent. I know from my constituents how concerned they are, not about so-called miscarriages of justice—the very rare cases where allegedly innocent people have been convicted—but about the inability of the courts to deliver convictions.

Only one person in 30 today committing a criminal offence is committed. Although there is a nominally high conviction rate, the proportion of crimes committed in which the case is sufficiently strong to match the ever-increasing standards of proof that the courts are demanding has fallen steadily over the past few years.

I end with two comments from two newspapers that represent very different parts of the political spectrum. *The Daily Telegraph* commented on this subject, and said:

"today the law too often appears to give the accused whose lawyers know the ropes excessive advantage. But this may have more to do with the way the judge interprets the law than with the law itself."

Sadly, *The Daily Telegraph* is right, but if the judges are interpreting the law in this case, it is we, not they, who are answerable to the public and who have to change the law to reduce their discretion.

The other quote is from *The Guardian*. In some ways, it strikes even more widely. It says:

"at least the police have been open about their earlier misconduct. If only the lawyers would be so honest."

It is not a perfect world, and we have to legislate for an imperfect world. This is too important to leave to judges alone. Parliament must act to prevent our criminal courts from sliding into allowing a self-inflicted collapse in public confidence. That is not the route to the protection of the rights of the accused or of the victim. It is the route to rule by the lynch mob, as people lose confidence in the courts and start to take the law into their own hands. Parliament must act.

2.49 pm

**Mr. Bill Walker** (Tayside, North) *rose*—

**Madam Deputy Speaker:** Order. Has the hon. Gentleman the consent of both the Minister and the hon. Member for Canterbury (Mr. Brazier)?

**Mr. Brazier:** Yes, indeed. I apologise for not making that clear.

**Mr. Walker:** I congratulate my hon. Friend the Member for Canterbury (Mr. Brazier) on securing the opportunity to raise an important matter. I am concerned about the way in which evidence is obtained. The important thing is for criminals, whoever or whatever they are, to be convicted when brought before our courts.

Yesterday, interestingly, the House in its wisdom accepted the evidence. Notwithstanding the fact that that evidence had been obtained by an agent provocateur and definitely constituted entrapment, the House considered that it should be noted and heard. I do not object to that. My position is clear: I believe that the House heard and judged the evidence, and that that was the right procedure. That is what should happen in our courts.

2.50 pm

**The Minister of State, Home Office (Mr. David Maclean):** The issue of disclosure in criminal proceedings is important and sensitive, and I congratulate my hon. Friend the Member for Canterbury (Mr. Brazier) on securing the debate. With his usual clarity, he has exposed some of the current problems; I assure him that the Government share his concern.

Let the House be in no doubt that the Government believe that significant reforms to the current disclosure requirements are needed. At present, the system places too heavy a burden on the police and the prosecution, without necessarily serving the best interests of justice. The result can be that the prosecution must disclose large quantities of material that is not relevant to the issues in the trial.

The problem is not only the volume of the material. The current system can also make it difficult to protect sensitive material, and sometimes requires the prosecution to make a hard choice between disclosing such material and abandoning the case. That cannot be right, and it certainly is not just. It is abundantly clear that what is needed is a new system that meets those concerns, while at the same time meeting the interests of justice. However, it is one thing to state that general proposition and to agree whole-heartedly with every word uttered by my hon. Friend, and quite another to produce an alternative, acceptable scheme that my hon. Friend might find "judicial-proof".

I propose to say a little about what an alternative scheme might be like, but first I shall consider in rather more detail some of the factors associated with the current system that give rise to difficulties. Although pressing, the problems of disclosure are relatively recent. In the 1980s, prosecution disclosure was based on the 1981 guidelines issued by the Attorney-General, which operated quite well. The guidelines, which do not have the force of law, went beyond the minimum requirements laid down in case law at that time.

The prosecution had to disclose to the defence all unused material that had some bearing on the offence and the circumstances of the case. The guidelines provided a discretion not to disclose unused material in a range of circumstances: in particular, they allowed unused material that was sensitive to be withheld. Such material might deal with matters of national security, for instance, or might reveal the identity of an informant, putting that informant and his or her family in danger. In the past few years, however, a series of court rulings has effectively overtaken the 1981 guidelines by progressively extending the prosecution's duty of disclosure.

My hon. Friend alluded to the courage of some members of the judiciary in deciding such cases. I could not possibly comment, but I think that my hon. Friend's remarks are well taken by those of us who understand exactly what he meant.

As the law now stands, the prosecution must disclose to the defence any material that might be relevant to an issue in the trial, or that might provide a lead to any relevant evidence. Some sensitive material may be protected by public interest immunity, but if the material is considered relevant to an issue in the trial, or as possibly providing a lead to any relevant evidence, and is shown to the court, the interests of justice in favour of disclosure will tend to outweigh the public interest in non-disclosure.

The practical effect of the current requirements has been to place heavy burdens on the investigating and prosecuting authorities. As the Royal Commission on Criminal Justice pointed out, the defence can require the

*[Mr. David Maclean]*

police and prosecution to comb through masses of material, tons of it, in the hope either of causing delay or of chancing upon something, often irrelevant, that will induce the prosecution to drop the case rather than have to disclose the material concerned. The defence may do so far beyond the stage at which it could reasonably be claimed that the information was likely to cast doubt upon the prosecution case.

Police officers from one regional crime squad provided an example of how burdensome the current requirements can be. Defence counsel in the case asked to see 175 surveillance logs and a large quantity of contemporaneous trigger notes of covert audio tapes. This took two police officers many hours to complete. Defence counsel did not agree with the order in which the trigger notes were arranged and asked for them to be paginated and recopied. When the paginated copies had been prepared, defence counsel did not even bother to examine them.

Later on, at a pre-trial review, the judge granted a defence request for copies of 209 audio tapes. Although four of the six defendants in the case had instructed the same solicitor, the defence demanded, and was granted, one complete set of tapes for each defendant. That left the police with the burden of producing and labelling 1,254 audio tapes within a deadline of 21 days. That stinks.

It is a feature of the current disclosure requirements that it is very difficult to protect sensitive material. Because the defence is entitled to know about all the unused material in the possession of the prosecution, it may request the disclosure of the identity of an informant or police undercover officer, or the location of surveillance equipment. The prosecution may apply to the court for a ruling that the material should not be disclosed, but an adverse ruling requires it to make a hard choice between complying with the ruling, which may place the informant's life in danger, or abandoning the prosecution to protect the informant, however strong the other evidence against the defendant may be.

I shall not trouble the House by citing numerous examples of how the defence has used such behaviour, but it is not a mere intellectual argument. The police can quote case after case in which some honest, upright, law-abiding citizen has given the police permission to mount a video camera in the sitting room to watch drug dealing taking place across the street. The defence will apply to find out the name of the person who allowed her sitting room to be used. If it cannot get that, it will apply for a copy of the tape, and it can back-track to locate where the camera was positioned. It is a sad fact that in some cases, within hours or days of the defence being supplied with such material, groups of thugs have visited the honest, upright citizen who provided her sitting room for observation. That is the core of the problem that the Government want to address.

**Mr. Brazier:** For the benefit of us all, during his splendid speech could my hon. Friend remind us and put on record that there could have been no such occurrences without the explicit and detailed consent in each case of the trial judge concerned?

**Mr. Maclean:** Of course the present system allows the defence to seek such permission from the judge. In those cases, judges have decided that the information was relevant. That is their judgment, but it would certainly not be the judgment of many others. That is the problem that we must address. We must try to draw up new rules that will more tightly circumscribe the areas of relevance.

I suspect that, where the identity of the informant is relevant to the prosecution or defence case, it might be possible to provide safeguards for his anonymity. When an informant's identity is not relevant—where, for instance, a person has been caught red-handed in the commission of a crime—the Government believe that it is quite wrong that that innocent informant should have his identity revealed. By informants, we do not necessarily mean members of the criminal classes who have turned. We mean the ordinary citizen who has looked out of his window, seen something suspicious and dialled 999. The police have come and grabbed someone red-handed, but the person who has tipped off the police may now be liable to have his name given to the defence when it is not relevant at all to the evidence. Unfortunately, in too many cases those people are visited by undesirable elements.

Such behaviour—where the defence check through all of the prosecution material—is called a "fishing expedition". If it is fishing, it seems to me that there are too many sleazy lawyers fishing in the gutter. It is that which we wish to stop.

The prosecution duty of disclosure is now very wide. In contrast, the defence is not required, except in a few specified circumstances—alibi, expert opinion evidence, and in cases of serious or complex fraud—to disclose anything about its case in advance of the trial.

The limited requirements on the defence to disclose its case in advance of the trial conspire to place heavy burdens on the investigating and prosecuting authorities. For example, if a person is charged with assault, and there is no information about the defence case, the investigator must proceed on the basis that any one of a number of defences might be raised, including mistaken identification, lack of intent, self-defence or duress. Everything which might be relevant to one of those defences is passed to the defence. The defence trawls through the material to identify which of the defences stands the best chance, in the light of the evidence, of getting their client off.

Under the current arrangements for defence disclosure, it is clearly not possible to narrow the issues in dispute before the trial starts and thereby to set limits to what the prosecution must disclose. The Government endorse the principle that it is the duty of the prosecution to prove the guilt of the defendant beyond reasonable doubt, but that should not mean providing the basis for speculative requests by the defendant to construct the most plausible defence.

There is currently little or no incentive for the defendant to contribute to the process of narrowing the issues in dispute, or to disclose a genuine defence in advance of the trial. The system makes it all too easy for the defence to obstruct the identification of the truth and ambush the prosecution by running a plausible but fictitious defence at a late stage.

A number of senior police officers have expressed deep concern about the lack of requirement on the defence to disclose its case. I have great sympathy with their view that presentation of a defence at the last minute is not conducive to the efficient conduct of the trial. It is not in the interests of justice, and courts are supposed to get at the truth.

The Royal Commission on criminal justice recommended a system of mandatory defence disclosure before the trial to address the problem, although its scheme envisaged little more than the defence ticking a box to indicate in very general terms where it disputed the prosecution case. This might not, in fact, go far enough to be of any real assistance to the prosecution.

I want to say a few words about the way forward in our view. The royal commission recommended that the general framework for disclosure should be laid down in primary legislation, with detailed provisions governed by appropriate subordinate legislation or codes of practice. Its scheme provides a basis on which we can build. I agree that a statutory scheme is needed. I also agree with the suggestion for a staged approach to disclosure, whereby the prosecution would disclose certain material at the first stage, the defence would then disclose something of its own case, and additional prosecution disclosure would be related to what the defence had disclosed.

However, the royal commission's formula for first-stage prosecution disclosure lacks precision, and is very wide-ranging. The prosecution would be required to supply to the defence copies of all material relevant to the offence or to the offender or to the surrounding circumstances of the case, whether or not the prosecution intended to rely on that material. At the second stage, the defence would need to do no more than indicate the general nature of its case.

The Government believe that a more closely defined approach is needed, within the general framework suggested by the royal commission. Any solution to the problems surrounding disclosure will need to satisfy a number of conditions. First, it must reduce the burden of the current requirements on the investigating and prosecuting authorities in relation to the volume of material which must be disclosed.

Secondly, it should reduce the scope for opportunistic requests by the defence which are designed not to elicit material supporting the defendant's version of events but solely to discover what may be a profitable line of argument to try on an unsuspecting jury.

Thirdly, it should limit the scope for adverse rulings on sensitive material, at least where the material does not undermine the prosecution case which causes the abandonment of important prosecutions.

It should also—

*The motion having been made after half-past Two o'clock, and the debate having continued for half an hour,* MADAM DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

*Adjourned accordingly at four minutes past Three o'clock.*

# House of Commons

*Monday 24 April 1995*

*The House met at half-past Two o'clock*

PRAYERS

[MADAM SPEAKER *in the Chair*]

# Oral Answers to Questions

## WALES

### Hospitals (Emergency Admissions)

1. **Mr. Gareth Wardell:** To ask the Secretary of State for Wales how many patients have been refused emergency medical admission to a hospital in Wales in the last year because of beds being reserved for elective surgery. [18721]

**The Parliamentary Under-Secretary of State for Wales (Mr. Rod Richards):** Health authorities have confirmed to me that no one requiring emergency treatment has been refused admission to a hospital in Wales for the reason alleged by the hon. Gentleman.

**Mr. Wardell:** I am delighted that the Welsh Office has taken so much trouble to find out that information, and I am delighted with the result. What I would now like from the Minister is a confirmation that the Welsh Office will guarantee that no one will be refused emergency medical treatment and that all such treatment will be given within a patient's locality. Will the Minister tell us that the Welsh Office will, instead of reducing the number of forms that it sends out, collect the relevant information so that it is not guilty of the mockery of issuing statements on which it cannot deliver, with the result that people have to travel longer and longer distances for emergency medical treatment?

**Mr. Richards:** I can confirm that it is the Government's policy that patients requiring emergency treatment should always take priority over those awaiting elective care.

### Industrial Development

2. **Mr. Barry Jones:** To ask the Secretary of State for Wales what further measures he will take to encourage industrial development in Wales. [18722]

**The Secretary of State for Wales (Mr. John Redwood):** I shall pursue many policies to ensure a strong and vigorous manufacturing industry in Wales. They will include raising education standards; encouraging more engineers and apprentices and ensuring that the strengths of Wales for investment are understood at home and abroad.

**Mr. Jones:** I thank the right hon. Gentleman for his help, but may I urge him and his Cabinet colleagues to redouble their efforts to help my beleaguered constituents who work for Raytheon in north-east Wales? Will he confirm that, together with the Welsh Development Agency, he stands ready with cash and grants for the Raytheon board if it is prepared to alter its strategy to close down that great factory? Does he also agree that such a closure would be bad for Britain and for Deeside? At the very least, the service station should be on track until the end of the century. Surely he will help my constituency, because Britain, Deeside and Wales cannot afford to lose that company. I urge him to help quickly.

**Mr. Redwood:** I agree with the hon. Gentleman that that is an important industry and facility. As he knows, I shall do everything in my power to try to keep that company with us, but unfortunately the omens are not good. I agree that regional selective assistance and WDA money are available—as I explained to the company's executive management when they visited Wales recently—for suitable investment projects, should the company wish to develop that facility or to put it to a different use. I again urge the executive management to look at other ways in which they can use the talents of the people and the facilities available for other components, at sub-assemblies and for servicing. I shall continue to argue that case right up to day when the company finally implements its decision, in the hope that it will change its mind. Raytheon has a good work force, who deserve better.

**Sir Wyn Roberts:** I was glad to hear my right hon. Friend mention education in his original reply. Will he take all possible steps to ensure that there are plenty of young entrants to manufacturing industry, because he will know that some companies in south Wales in particular have complained about inadequacy in that respect?

**Mr. Redwood:** I agree with my right hon. Friend. He will be pleased to learn that, following meetings at the local training and enterprise college, Panasonic now reports more interest in its job opportunities. We are working closely with TECs and others to ensure that there are more apprentices in manufacturing, as we require them. That also means better results at school, which, as Opposition Members will know, I am keen to encourage. I am pleased to say that the Minister with responsibility for education in Wales will shortly be able to announce to the House that the budget prospects for education in Wales are nothing like as bleak as those portrayed by the Labour party during the settlement.

**Mr. Wigley:** What on earth does the Secretary of State for Wales think he is doing, siding with Shropshire and with the right hon. Member for Shropshire, North (Mr. Biffen) against the Development Board for Rural Wales when it is trying to attract work to Wales. Surely he realises that Shropshire has enough incentives, by virtue of its motorway link-ups, and that we are fighting against regions with objective 1 status, such as Merseyside, in trying to attract jobs to Wales. Does he not realise that his job is to stand up for Wales and to attract to Wales as many jobs as possible, from wherever they come, and not to side with authorities on the other side of Offa's dike?

**Mr. Redwood:** That was synthetic anger if ever I saw it.

As the hon. Gentleman well knows, that is exactly what I do, and I proudly stand up for Wales. It is a first-class place for investors to come to. However, we have a common policy in Merseyside and in north-east Wales,

because it does not make sense for the British taxpayer to pay grants to move a business from one side of Offa's dike to the other in either direction.

If a company wishes to change its premises or to expand, or seeks a new location, I hope that the Welsh agencies will be the first knocking on the door with an offer that it cannot refuse, but we shall not waste British taxpayers' money on moving a company that is happy where it is, and we certainly do not want the English authorities to do that to our businesses.

**Mr. Ron Davies:** I assure the Secretary of State that my hon. Friend the Member for Alyn and Deeside (Mr. Jones) enjoys the full support of Opposition Front-Bench Members in his campaign on behalf of Raytheon, and we wish the Secretary of State well in any intervention that he can make on its behalf.

Does the Secretary of State realise, however, that he would enjoy far greater credibility if he intervened where he had the power to intervene—for example, to save the hundreds of aircraft maintenance jobs that are threatened by the Government's policy at RAF Valley in Anglesey? Does he realise that, as a result of the Government's disqualification of the in-house bid there, market testing has degenerated into forced privatisation, and that there is every likelihood that jobs will be exported from Anglesey in exactly the same way as they will be exported from Raytheon? How on earth can the Secretary of State justify the double standards that he is applying there?

**Mr. Redwood:** Like the hon. Gentleman, I am worried about the position arising from the RAF Valley decision. My hon. Friend the Under-Secretary, the hon. Member for Cardiff, North (Mr. Jones), is in discussions with the Ministry of Defence, and we have asked the training and enterprise council to make absolutely sure that as many people as possible in that district either have the skills or can be trained to gain the skills, so that there is the opportunity of employment for them. Like the hon. Gentleman, I wish something to be salvaged by way of employment for local people, and my hon. Friend and I shall try to do that.

### Welsh Development Agency

3. **Mr. Llew Smith:** To ask the Secretary of State for Wales what developments there have been in respect of the sale of Welsh Development Agency land. [18724]

**Mr. Redwood:** The WDA will be selling land and property currently valued at £180 million over two years. That will include 1,000 acres of land, much of it with development potential.

**Mr. Smith:** Will the Secretary of State comment on some correspondence that I have received from a local employer in Blaenau Gwent? He states:

"Estates which were to form the bedrock of the modernisation of industrial Wales, are to be handed over to a single landlord, who will by that fact, be empowered to determine the economic development of the area . . . Had such been the case when we were seeking to relocate we would not have"

come to Wales. Does the Secretary of State believe that Wales should be run by landlords—

**Madam Speaker:** Order. I must correct the hon. Gentleman. I think that he is not aware that we do not use quotations during Question Time. However, I think that he has asked his question. Perhaps the Secretary of State will attempt an answer.

**Mr. Redwood:** How wise you are, Madam Speaker. I did understand the question.

Of course I wish a multitude of landlords and of people to develop property in Wales for industrial and commercial purposes in places where councils wish that to happen. The plan of selling some of those industrial parks does create more choice because at the moment there is only one landlord in many cases—the WDA.

I believe that the issue of whether a tenant can or cannot buy his own property underlies the hon. Gentleman's question. I am urging the WDA to offer the property to the tenant first whenever possible. In the case of the company in the hon. Gentleman's constituency, I believe that negotiations are under way to ascertain whether that tenant company can purchase, which may well be the best answer.

**Mr. Morgan:** Does the Secretary of State agree that the WDA's budgeted expenditure has never until this year been made conditional on land sales and European regional development fund receipts? Does he agree that he has perpetrated an outrageous act of book cooking on the people of Wales, which would shock his previous superiors at N.M. Rothschild and Sons, the merchant bank where he used to work—I am not sure whether it would have promoted him or sacked him—and that ERDF receipts can be harvested into the Welsh Development Agency's coffers only if they are stolen from the local authorities, at a cost of tens of millions of pounds every year to council tax payers in Wales?

**Mr. Redwood:** That is another muddled effort from the hon. Gentleman. As he should know, the ERDF moneys are additional; they have nothing to do with the main argument between us. The hon. Gentleman is right to say that I expect the sales proceeds from those property sales to be used to finance part of the WDA's programme. He is also right to say that I want to step up the sales. It seems common sense to want to recycle the money—a green policy—and to ensure that the money is reused to good effect. There is no need to warehouse all the successful tenanted properties in the public sector when the money can be freed for something else. There is no book cooking—the matter is transparent and I have announced that policy many times to the House.

### Hospital Beds

4. **Mr. Jon Owen Jones:** To ask the Secretary of State for Wales if he will list the number of hospital beds in Wales in each health authority; and if he will list the projected number for each of the next five years. [18725]

**Mr. Richards:** I refer the hon. Member to the latest information on hospital beds published in the 1994 edition of "Health and Personal Social Services Statistics for Wales", a copy of which is in the Library of the House.

As for future provision, health authorities must ensure that sufficient beds are available to meet the health needs of local people.

**Mr. Jones:** I hope that the Minister, when he addresses the health needs of local people, will pay attention to the King's Fund report, which recommended hospital closures

in London, but whose authors, in the light of evidence of an increasing need for emergency care, have reviewed the process. They now see that there is a need in London and elsewhere for more hospital beds. I hope that the Welsh Office will not allow the health authorities to continue to close hospitals and to reduce the number of hospital beds unless it is clear that those beds are not needed.

**Mr. Richards** *indicated assent.*

**Mr. Jones:** I am glad to see that the Minister agrees—perhaps there is some electoral advantage for the Conservative party in doing that.

**Mr. Richards:** My right hon. Friend the Secretary of State has already stated the Government's policy on that subject. I can reassure the hon. Gentleman further by saying that my Department has a working group currently looking at accident and emergency provision throughout Wales. I believe that that will help to steer the health authorities in Wales towards ensuring that sufficient numbers of beds are available to meet the demand.

**Mrs. Clwyd:** I support my hon. Friend the Member for Cardiff, Central (Mr. Jones)—even though he is a Whip—in his call for Cardiff royal infirmary to be kept open. As someone who has lived in Cardiff for a long time, may I say that when a hospital is threatened with closure, as Cardiff royal infirmary is, it develops a sort of planning blight? I was there at the weekend visiting a patient and I was shocked at the level of cleaning services resulting from management cuts. Will the Minister investigate levels of cleanliness? For example, the toilets in the ward that I visited had not be cleaned for three days. Such things should not happen in 1995 in our NHS. Will the Minister investigate that matter forthwith?

**Mr. Richards:** I can understand the hon. Lady's concern for hospitals in Cardiff as she is, of course, a resident of Cardiff. However, she makes a serious point about the hospital and I shall, of course, have my officials look into that problem as soon as I reasonably can. I am sure that the hon. Lady is aware that the University Hospital of Wales NHS trust is in discussion with the community health council in Cardiff.

### Nurses' Pay Award

5. **Mr. Ainger:** To ask the Secretary of State for Wales what representations he has received following the announcement of the nurses' pay award. [18726]

**Mr. Richards:** My right hon. Friend received 44 representations.

**Mr. Ainger:** Is the Minister aware that, of the 23 trusts in Wales, only six have made any offer to nurses for their annual pay award, and two of those—South Gwent community and Bridgend—offered less than the 3 per cent. that they were supposed to have offered under the pay review agreement? Is he aware that representatives of nurses and doctors feel that local pay and performance-related pay will only set trust against trust, nurse against nurse and doctor against doctor? If we are to have a national health service that takes account of the needs of recruitment, particularly in peripheral trusts in Wales, do we not need a national health service with a national pay policy?

**Mr. Richards:** I do not agree that local determination of pay will set trust against trust or nurse against nurse. It will give local trusts the opportunity to be flexible and to reward staff according to local needs and local pay provision. Six trusts have already declared what they intend to do about nurses' pay and I hope that the other trusts in Wales will soon come up with their own proposals for their staff.

**Mr. Ron Davies:** Will the Minister confirm that, under the local pay arrangements about which he is so keen, there will be yet another expensive tier of management, and that even more funds will be diverted from essential nursing services to inessential management activities? Does he realise that, in many cases, the bureaucrats are considering tying the nurses' 3 per cent. pay award to their acceptance of contracts with the trusts? For example, in one Welsh trust, nurses are being asked to forgo premium payments for night and weekend work, while in another trust sick pay and overtime have been targeted. Is it any surprise that the Government are neither believed nor trusted when they say that they believe in a truly national health service?

**Mr. Richards:** Local trusts will discuss the matter with local employees and decide what their remuneration will be. Unlike the Labour party, we do not believe in interfering at a local level. We believe in devolution of the right kind.

I remind the hon. Gentleman that, since 1979, nurses' pay has increased in real terms by 53 per cent., after allowing for inflation. When the Labour party was in government from 1974 to 1979, nurses' pay fell by 3 per cent. in real terms, after allowing for inflation.

### Patient Care

6. **Mr. Flynn:** To ask the Secretary of State for Wales what new proposals he has to improve patient care. [18727]

**Mr. Redwood:** I set out my proposals for improving patient care in my recent speech to the Welsh Grand Committee. Today, I have announced further measures to improve cancer care in the years ahead.

**Mr. Flynn:** Is the Secretary of State proud of the Tory do-it-yourself health service in Newport, where last week two infant victims of accidents were forced to wait two and three hours respectively for treatment? One infant had sliced off the top of a finger almost entirely and the other infant had severed her big toe almost entirely. At the end of that long wait, the families were informed that no treatment was on offer and that they would have to travel themselves 60 miles to Morriston hospital.

Is it sensible or safe to expect distraught parents to act as ambulance drivers and travel to strange towns? Is the Secretary of State concerned about the fact that one family were told that it was too late for their child to undergo microsurgery? They were then told that they could find their own way back to Newport or wait 16 hours for transportation by ambulance. Is that patient care or patient neglect?

**Mr. Redwood:** Those cases sound very worrying indeed. Of course I will look into them specifically, immediately following Question Time and I will provide the hon. Gentleman with a written answer. That is not the kind of thing that I wish to hear. Many hundreds of thousands of people receive very good treatment from the

NHS in Wales and we must make sure that that is true of everyone. Like the hon. Gentleman, I am rather worried by that story.

### Local Government Reform

7. **Mr. Ieuan Wyn Jones:** To ask the Secretary of State for Wales what representations he has received on the issue of constitutional change in Wales following local government reform. [18728]

**Mr. Redwood:** I have received a number of representations in the course of local government reform, quite a lot of which were of a party political nature.

**Mr. Jones:** Given that the Conservatives have all but given up fighting local elections in Wales, with only 20 per cent. of Tory candidates fighting Welsh seats, how can the Secretary of State continue to justify ruling Wales through the unelected, unaccountable and undemocratic quango system—which is the only way that he can outrule us? Must he not now recognise the moral, democratic imperative of establishing a parliament in Wales so that we can decide our own policy priorities, which, incidentally, would include protecting jobs in RAF Valley?

**Mr. Redwood:** We are fielding more candidates than ever before—I would like to field rather more. Also, a number of independent candidates vote Conservative at general elections and agree with much that this Conservative Government are doing. Local government in Wales is given a great deal of trust by this Parliament, spending almost half the total Welsh Office budget through revenue and capital allocations—most in the form of block grant. Local elections are important. I recommend that people vote Conservative on 4 May because that will result in better service at less cost.

**Mr. Sweeney:** I thank my right hon. Friend for visiting the Vale of Glamorgan on Friday and making an excellent speech on the occasion of the Primrose dinner at Dufferin gardens—[HON. MEMBERS: "Oh!"] Does my right hon. Friend agree that the local government reforms that he has just introduced will increase accountability and improve efficiency? Does he further agree that were we to accede to Opposition desires for a Welsh Assembly or Welsh Parliament, the likelihood is that new accountability would be destroyed, the influence of Wales would be reduced, taxes would increase for the Welsh people and Welsh influence at Westminster would be substantially lessened?

**Mr. Redwood:** Like you, Madam Speaker, my hon. Friend is extremely wise. I agree with everything that he said. Opposition Members are jealous because they were not at the Vale of Glamorgan dinner on Friday night. It was a most enjoyable event and I thank my hon. Friend for his hospitality. He is right to say that a Welsh Parliament would take power from local people and local government as well as from this Parliament. It would be a totally unnecessary layer of bureaucracy. It is a policy on which Labour is so keen that it still has not made up its mind what such a parliament would do, who would sit in it, how it would be elected or how much it would cost. We await progress, when the hon. Member for Caerphilly (Mr. Davies) has done more thinking.

### Rare Cattle Breeds (Export)

8. **Mr. Fabricant:** To ask the Secretary of State for Wales what plans his Department has to promote the export of rare Welsh cattle breeds; and if he will make a statement. [18729]

**The Parliamentary Under-Secretary of State for Wales (Mr. Gwilym Jones):** That matter is essentially for the industry, but the Welsh Office is able to help via the market development scheme.

**Mr. Fabricant:** Is my hon. Friend as concerned as I am that, whereas many Scottish breeds are well recognised in England and in other countries in Europe, the Welsh Black—which is more lean, tender, succulent and tasty than any Scottish breed of cattle—is not? Why is my hon. Friend's Department not doing more to promote the Welsh Black in Europe? Perhaps the first thing that he could do is to have it on the menu of the restaurants in the House.

**Mr. Jones:** I thank my hon. Friend for his most helpful suggestions, particularly the latter. I assure him that we are already very active. Welsh Beef Promotion was recently established to undertake such work. Apart from the menus of this place, a group of west Wales producers has combined to sell Welsh beef to London restaurants, and the beef is rightly commanding a premium price.

### Local Government Finance

9. **Mr. Alan W. Williams:** To ask the Secretary of State for Wales what is the total Welsh Office allocation for local government expenditure for 1995-96; and how much of that total county councils have allocated to education. [18730]

**Mr. Richards:** Local government expenditure, or total standard spending, for 1995-96 has been set at £2.78 billion. Not all local authorities have yet provided us with returns showing the education budgets that they have set. However, I am pleased to tell the hon. Gentleman that section 42 budget statements already received from four counties show healthy increases in budgets for schools.

**Mr. Williams:** Can the Minister explain to my constituents why the council tax bills that they are now receiving have increased by 16 per cent.?

**Mr. John Marshall:** They are from Labour-controlled councils.

**Mr. Williams:** No, they are from independent-controlled Carmarthen district council and Dyfed county council. Council tax bills are increasing by 16 per cent., yet Dyfed county council finds that it must cut £4.5 million from its education budget. Is it not the case that, under the Tories, we pay more taxes but receive fewer services?

**Mr. Richards:** I suggest that, when the hon. Gentleman returns to his constituency, he speaks to the chairman of his education authority. The general schools budget for Dyfed will rise 3.3 per cent. compared with last year. It will rise 4.2 per cent. in Gwent, 2.8 per cent. in Powys and 2.2 per cent. in South Glamorgan. Those are real increases when set against education inflation, which by definition is the increase in teachers' salary of 2.7 per cent. So I hope that that is evidence that the councils are

doing what we want them to—prioritising their front-line service budgets, and making savings on their central and administrative costs.

When the hon. Gentleman goes back to his constituency and talks to the chairman of the education authority, will he tell him that there is no need for any cuts in numbers of teachers in his constituency or anywhere else in Dyfed? There has been a real increase in the education budget, so the education authority in Dyfed should stop frightening parents, teachers and pupils.

### Dental Services

10. **Mr. Hanson:** To ask the Secretary of State for Wales what steps he intends to take to improve access to NHS dentists in Wales. [18731]

**Mr. Richards:** On 30 January, my right hon. Friend the Secretary of State announced that he is making £2.5 million available to improve dental services in the community. Proposals from health authorities and family health services authorities are currently under consideration by the Welsh Office.

On 5 April, my hon. Friend the Minister for Health announced the Government's plans for the reform of NHS dentistry, following the consultation on their Green Paper "Improving NHS Dentistry". We believe that the measures proposed will provide stability and security for NHS dentistry, deliver increased quality of treatment for patients and promote better use of resources by targeting care on areas of greatest need.

**Mr. Hanson:** It is about time too, because many of my constituents face journeys of more than 25 miles to find an NHS dentist—some even have to travel to England to get NHS dentistry care. Has that been the achievement in the NHS dental service in Wales of 15 years of this Government? Many of my constituents cannot get basic national health service dental care, so I hope that the money will be made available and will be taken up.

Will the Minister assure me today that, after 5 April, my constituents, having paid their national insurance contributions, will all have easy access to an NHS dentist, wherever they live?

**Mr. Richards:** Perhaps I should bring the hon. Gentleman up to date. Clwyd family health services authority has applied for one additional salaried dentist, an application that we are currently considering—

**Mr. Hanson:** One!

**Mr. Richards:** I must tell the hon. Gentleman that there are 110 dentists in Clwyd, representing an increase, since his party was last in government, of 57 per cent. So I must assume that his constituents were travelling a lot further in 1979.

### Farmers (Suicide)

11. **Mr. Martyn Jones:** To ask the Secretary of State for Wales how many working farmers have committed suicide in *(a)* Clwyd and *(b)* Wales in each of the last 10 years. [18732]

**Mr. Gwilym Jones:** With permission, Madam Speaker, as the information is a little lengthy, I am arranging for the figures to be published in the *Official Report*. The total numbers for the 10-year period are eight for Clwyd and 84 for Wales.

**Mr. Martyn Jones:** I am grateful for that answer. I am sure that the Minister will have looked at the figures before asking for them to be published in the *Official Report*, so he will have noticed that there is a worrying trend in the suicide statistics for the farming fraternity. Has he examined any possible connection between the use of organophosphorous sheep dips and the tendency to suicides in the farming community? There is evidence that there may well be a connection; if there is, it is very worrying.

**Mr. Gwilym Jones:** I appreciate the hon. Gentleman's concern. Whatever the figures are, they are too high. He will be pleased to know that appropriate research is being done under the Powys mental health strategy; a study in north Powys is seeking to identify predictive factors. At the same time, my right hon. Friend the Secretary of State for Health has commissioned research from the university of Oxford. I join the hon. Gentleman in hoping that this research will make progress.

*Following is the information:*

*Deaths of farmers recorded as suicide*

| *Year* | *Clwyd* | *Wales* |
|---|---|---|
| 1984 | 3 | 12 |
| 1985 | 1 | 6 |
| 1986 | 1 | 17 |
| 1987 | — | 2 |
| 1988 | — | 9 |
| 1989 | 2 | 7 |
| 1990 | — | 10 |
| 1991 | — | 8 |
| 1992 | 1 | 4 |
| 1993 | — | 9 |

*Source:* Office of Population Censuses and Surveys.

### Unemployment

12. **Mr. John Marshall:** To ask the Secretary of State for Wales what is the current level of unemployment; and what was the figure in December 1992. [18733]

**Mr. Gwilym Jones:** Last month, the figure was 107,300; in December 1992, it was 133,400. That represents a fall of 26,100, which I am sure will be warmly welcomed on both sides of the House.

**Mr. Marshall:** Does my hon. Friend find it surprising that no Opposition Member has pointed out the fact that there has been a 20 per cent. reduction in the number of unemployed people in Wales since December 1992? What does he think would have happened to that figure if Britain had signed up to the social chapter or had introduced a national minimum wage? Is not ours the party that is reducing unemployment? Is it not the Labour party that would increase unemployment?

**Mr. Jones:** My hon. Friend is absolutely right—except in one respect: expressing surprise about what we hear from the Opposition. We know that the Opposition are comprised solely of merchants of doom and gloom, who would adopt every possible policy to ensure that such doom and gloom came to pass.

**Mr. Hain:** Is the Minister aware that 50 miners at Pentreclwydau pit, which is in my constituency, were made temporarily redundant this morning, because Ryan

Mining claimed that it was not able to conclude an agreement with subcontractors because of the failure of the Coal Authority to progress the licensing arrangements speedily? Is he further aware that a whole series of other private mines in Wales, including some in Neath, have been forced to close because of the unsatisfactory licensing arrangements, which are being discussed with the Coal Authority? Will he investigate that matter as a matter of urgency and protect those jobs?

**Mr. Jones:** I am aware of the particular incident to which the hon. Gentleman refers. I am certainly generally aware of the matter, having met a delegation of small mine owners, including those from his constituency. I hope that progress can be made, particularly on the matter to which he refers.

### Bridle-paths

13. **Mr. Harry Greenway:** To ask the Secretary of State for Wales how many bridle-paths in the Principality are available also to drivers of horse-drawn vehicles; in which main locations; and if he will make a statement. [18734]

**Mr. Gwilym Jones:** Bridle-ways are for use by those on foot, those on horses and those who are leading horses. I must tell my hon. Friend that bridle-ways are not for use by vehicles, even horse-drawn vehicles.

**Mr. Greenway:** I thank my hon. Friend and ask him whether he is doing anything to produce more bridle-paths in Wales. One cannot have too much of a good thing. Will he consider the position of one or two disabled ex-riders whom I know, who are now able to drive but not ride any more? Is it possible for them to be allowed to drive small horse-drawn vehicles on good, firm bridle-paths, which would not be cut up by their doing so?

**Mr. Jones:** I am afraid that the problem is that many bridle-ways are just not suitable for any form of vehicle, including horse-drawn vehicles. I cannot hold out a prospect to my hon. Friend of a change in the legislation that regulates that subject, but I understand that the British Horse Society has produced a leaflet to help carriage drivers and others to consider whether particular rights of way would be suitable as byways and be able to accommodate carriages. I am sure that that is a suitable step in the right direction, and I would encourage consideration of that possibility.

### Nursery Education

14. **Mr. Rowlands:** To ask the Secretary of State for Wales if he will make a statement on the development of nursery education. [18735]

**Mr. Richards:** As my right hon. Friend the Prime Minister made clear last October, the Government are committed to ensuring that there is a place in nursery education for every four-year-old whose parents want to take it up. We are considering carefully how to deliver that commitment in Wales.

**Mr. Rowlands:** We do not want another half-baked education experiment with vouchers. We want nursery education that will reach many wards and communities in my area, and others, which have no provision of nursery education at all.

**Mr. Richards:** The only half-baked ideas that I have heard on education in the House have came from the Opposition. As for vouchers, we are considering an awful lot of options at the moment. Nothing is ruled in and nothing is ruled out.

**Mr. Knapman:** Could the benefits of nursery education be made available to Mr. Howard Davies, the new deputy governor of the Bank of England, as surely that is the most bizarre appointment since Caligula made his horse a consul?

**Madam Speaker:** Order. I had a hunch that the hon. Member for Stroud (Mr. Knapman) was going to be miles away from the question, and he had a twinkle in his eye. That matter is certainly not relevant to the question. Let us have a sensible question.

### Feral Mink

15. **Mr. Robathan:** To ask the Secretary of State for Wales what assessment his Department has undertaken of the effects of feral mink on indigenous wildlife. [18736]

**Mr. Gwilym Jones:** The impact of feral mink on indigenous wildlife is very difficult to assess, as there are often a number of possible causes for any decrease in the indigenous wildlife population and these may be interrelated. The Living Water project of the Welsh Wildlife Trust was established in 1994 and funded by, among others, the Countryside Council for Wales. It will provide valuable survey data in due course on the status of the otter, water voles and feral mink.

**Mr. Robathan:** I thank my hon. Friend for that response and am delighted that there is a research project going on into the status of wild mink in Wales, as elsewhere. Does he recognise, however, that feral mink pose one of the greatest dangers to small mammals and bird life in Britain—in Wales havoc is created as the mink spread along river systems—and that the problem needs to be taken very seriously?

**Mr. Jones:** Certainly, the matter is being taken seriously; there is no underestimating of the problem. As well as the research which I have already mentioned, there are recommended procedures for cage trapping and humane disposal.

### Water Charges

16. **Mr. Wigley:** To ask the Secretary of State for Wales what representations he has received on proposals to amend the system of charging for water in Wales. [18737]

**Mr. Redwood:** Welsh Water has written to me seeking an extension to the use of rateable values and the release of council tax data. I receive other representations on water charging from time to time.

**Mr. Wigley:** Will the Secretary of State give an assurance that he will not follow the advice of Mr. Ian Byatt, Director General of Water Services, that there should be a move towards compulsory water metering? That would be wholly unacceptable in terms of public health and it would also be inordinately expensive, imposing additional costs on the already very high water charges. Will the Secretary of State work in co-operation

with Welsh Water to achieve a system based on the banding or an amended banding, and avoid the crazy suggestions from the Office of Water Services?

**Mr. Redwood:** There is a great deal to be said for stability, which I believe can best be achieved by using the current rateable values—while giving people the option, where circumstances permit, to choose meters if they think that that would be advantageous or fairer for them. I shall take the hon. Gentleman's representations fully into account in any further discussions we may have with colleagues in England and with the director general.

## ATTORNEY-GENERAL

### Legal Aid

21. **Mr. John Marshall:** To ask the Attorney-General how many prosecutions took place in 1994 for fraudulent applications for legal aid. [18742]

**The Attorney-General (Sir Nicholas Lyell):** Specific statistics are not kept in this form, but I understand that there were three prosecutions for offences involving fraudulent applications for legal aid concluded in the financial year 1994-95.

**Mr. Marshall:** Is my right hon. and learned Friend aware that in 1993 there were 1 million applications for legal aid? Does he think that the criminal fraternity suddenly become honest when applying for legal aid? Will he look, in particular, at the application by Mr. Gordon Foxley, who received £160,000 in legal aid despite the fact that he was reputed to be a multi-millionaire who had received many millions of pounds in bribes while working for the Ministry of Defence?

**The Attorney-General:** It is a matter of record that Mr. Gordon Foxley was imprisoned for four years, having been convicted of 12 offences of corruption. He was ordered to pay £1,503,901.80 under a confiscation order. There are currently civil proceedings against him and others connected with him to recover other assets. It is perfectly clear that he had been concealing what he had been doing.

**Mr. John Morris:** What consideration is being given to the repayment of legal costs where it is subsequently discovered that assets are available or have been recently transferred to members of a defendant's family? Will the right hon. and learned Gentleman bear in mind the fact that there is grave disquiet about the huge sums that have been made available in some high-profile cases? Very grave concern is felt by, I am sure, both his and my constituents on modest means who are unable to obtain legal aid for civil cases involving personal injury or modest claims of negligence.

**The Attorney-General:** Yes, I understand the right hon. and learned Gentleman's points. He will know that they are primarily a matter for the Lord Chancellor, who has consulted on the question of legal aid for those who are apparently wealthy. A number of responses have been received and they are being considered.

The right hon. and learned Gentleman will also know that it is possible to recover legal aid from assets that are, for example, recovered during the course of litigation. Indeed, if it is subsequently discovered that assets have been concealed, action can and should be taken.

**Mr. David Nicholson:** Will my right hon. and learned Friend take seriously the representations made by my hon. Friend the Member for Hendon, South (Mr. Marshall) and, indeed, by the right hon. and learned Member for Aberavon (Mr. Morris) because widespread concern exists that the legal aid system is not helping people who should be helped and that aid is misdirected, whether through fraud or otherwise, to people who have assets of their own and who do not merit that assistance?

**The Attorney-General:** I can give my hon. Friend that assurance. There are a number of investigations, and there have already been charges in one case in relation to alleged widespread defrauding of the legal aid system. I shall take careful note of my hon. Friend's comments, and I know that my right hon. and noble Friend the Lord Chancellor will also do so.

### Crown Prosecution Service

22. **Mr. Rooker:** To ask the Attorney-General in how many instances in 1994 the Crown Prosecution Service offered no evidence when a case came to trial. [18743]

**The Attorney-General:** During 1994, the Crown Prosecution Service brought cases to a conclusion by offering no evidence in 2.7 per cent. of cases before the magistrates court and 7.3 per cent. of cases before the Crown court. These figures do not include other methods of discontinuance.

**Mr. Rooker:** Does the Attorney-General accept that one of those cases before the Crown court involved my constituent, Mr. "D", who had to put up with a two-year nightmare for him and his family, facing six charges, some of which involved forgery, and on all of which no evidence was offered and Judge Cole declared that a not guilty verdict be ordered? Will the Attorney-General ask the appropriate authorities to re-examine my constituent's case from start to finish, with a view to ascertaining whether his former employers, ADT Auctions plc, were not involved in a conspiracy to pervert the course of justice, as the case was started at that company's instigation?

**The Attorney-General:** I am grateful to the hon. Gentleman for giving me notice that he was going to raise a particular case of concern to his constituents. That case was reviewed. The House will take an interest in the fact that it is the Crown Prosecution Service's duty to keep a case under review at all stages. That duty is sometimes criticised, but it was exercised in the case of his constituent. As a result, no evidence was offered. I make it clear that that means that the gentleman left the court without a stain on his character. I shall invite the CPS to have another look at the matter in so far as that is appropriate.

**Mr. Waterson:** Will my right hon. and learned Friend confirm that figures are actually falling in other categories of reasons for discontinuance of trials? Should not that obvious trend be warmly welcomed?

**The Attorney-General:** My hon. Friend is right. Some two or three years ago, the discontinuance level caused

concern to the House. Since then, the proportion of cases that are discontinued in the magistrates courts has fallen from 13.3 per cent. in 1992, to 12.8 per cent. in 1993 and to 11.7 per cent. in 1994.

### War Crimes

24. **Mr. Jim Cunningham:** To ask the Attorney-General if he will make a statement on the Government's latest position on war crimes in respect of *(a)* the second world war and *(b)* Rwanda. [18745]

**The Attorney-General:** With regard to second world war crimes, having carefully considered the initial advice from senior Treasury counsel, further inquiries are in hand in relation to certain potential defendants.

With regard to Rwanda, the United Kingdom was a co-sponsor of United Nations Security Council resolution 955, which has established the International Criminal Tribunal for Rwanda. Investigations and the conduct of any prosecutions will be in the hands of the appointed prosecutor, Mr. Richard Goldstone.

**Mr. Cunningham:** On Rwanda, given the events of the weekend, particularly in relation to massacres, will the Attorney-General say what discussions he has had with the Foreign Secretary with a view to talking to the Rwandan Government through the UN to bring the perpetrators to book?

Is the Attorney-General aware that many people in this country, especially war veterans, are extremely concerned about the lack of progress made in bringing people guilty of war crimes in the second world war to book? Is he equally aware that serious concern also exists among the vast majority of the public about people who deserted the German army during the war and refused to fight against this country not being allowed to receive pensions?

**The Attorney-General:** Although the hon. Gentleman raises a matter of concern, he will not expect me to answer the final point in relation to pensions. Although the House will be keeping a careful watch on the tragic events in Rwanda, I must say that these are primarily matters for my right hon. Friend the Foreign Secretary, and they will no doubt arise in Overseas Development questions which are to follow.

In relation to the investigation of war crimes during the second world war, I can tell the House, as I did five weeks ago, that these matters are being examined with great care and with no delay or hanging about. None the less, they have to be investigated extremely carefully and in detail before any decisions can be taken.

**Mr. Jacques Arnold:** Will my right hon. and learned Friend note that bringing such people to justice for their crimes during the second world war has been hanging about for 50 years? Could he please ask the Director of Public Prosecutions to get on with it?

**The Attorney-General:** I understand my hon. Friend's point, but the House reached its own determination only four and a bit years ago. Investigations have been carried out extremely carefully by the police who, earlier this year, provided a detailed report to the Director of Public Prosecutions, who has obtained the advice prepared by senior Treasury counsel, and matters are now being examined in great detail. I understand my hon. Friend's point, but one does not rush carelessly to justice in such matters—one examines the issue very closely.

## OVERSEAS DEVELOPMENT

### Mine Clearance

27. **Mr. Robathan:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assistance his Department gives to mine clearance around the world. [18752]

**The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Tony Baldry):** We have provided £10.9 million of bilateral aid over the past four financial years for land mines clearance.

**Mr. Robathan:** The House will welcome the Government's positive action in clearing up these dreadful weapons which maim civilians, and children in particular, around the world, but will my hon. Friend join me in regretting the fact that some hon. Members attempt to make political mischief out of this issue? Instead of recognising the benefits of the Government's positive action, they try to blame the Government in some way for the mines laid in trouble spots around the world such as Cambodia, Afghanistan, Mozambique and Angola whereas, in fact, none of the mines there originated in the United Kingdom, nor were they laid with this Government's assistance.

**Mr. Baldry:** My hon. Friend makes a sound point. We are not exporting or laying land mines, but we are funding mine clearance. The United Kingdom is one of the leading donor countries supporting humanitarian mine clearance programmes in some of the most seriously affected parts of the world, such as Afghanistan, Angola, Cambodia, northern Iraq and Mozambique, through the Mines Advisory Group and the Halo Trust, which comprise brave and resolute men doing dangerous and difficult work. I am sure that we are all proud of the work that they are doing.

**Mrs. Roche:** Although I appreciate the contribution that Britain makes to the clearing of mines—of course, I also pay tribute to the men and women who undertake such dangerous and hazardous work—could not Britain be doing much more in terms of international agreements to ensure that such appalling weapons of war, which attack not soldiers but innocent men, women and children, are not exported?

**Mr. Baldry:** Let me make it clear that we have not exported any anti-personnel land mines for well over a decade. We want to put an end to any trade anywhere in the world of the types of anti-personnel land mines that are most dangerous to civilians. We want a complete ban throughout the world of non-detectable anti-personnel land mines. We want a strengthening of the United Nations weaponry convention and a significant extension of it to cover not only international conflicts but civil wars and other internal conflicts. I think that the hon. Lady will find that, wherever international action has been taken on mines, the United Kingdom has been in the lead.

**Mr. Jopling:** Does my hon. Friend agree that there would be fewer greater contributions that we could make than improving the archaic and dangerous method currently used for finding mines which involves sticking

pieces of steel into the ground to feel them? Is he aware of the encouraging research being done here, in the United States and elsewhere into the use of, among other things, radar, infra-red techniques or the detection of gamma rays which would revolutionise the detection of mines? Will he pay close attention to this research and see whether we can make a contribution to hurrying it along so that these weapons, which cause so many casualties, can be eliminated?

**Mr. Baldry:** The Halo Trust and the Mines Advisory Group are probably among the leaders in terms of expertise on mine clearance in the world. If they ask us to support the sort of research that my right hon. Friend suggests, we shall gladly look at that suggestion.

### Bilateral Aid

28. **Ms Glenda Jackson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what proportion of United Kingdom bilateral aid is targeted towards meeting basic needs. [18753]

**Mr. Baldry:** All our aid policies are focused on helping countries poorer than ourselves to achieve sustainable social and economic development.

**Ms Jackson:** Does the Minister agree that a basic need for all children is the right to education? In the light of increasing evidence of the brutal use, in many instances, of child labour, culminating last week in the report of the dreadful murder in Pakistan of a young boy, allegedly because he was attempting to improve the working conditions of his colleagues in a carpet-weaving factory, what precisely are the Government doing to ensure that children in the third world are carrying a burden appropriate to the size of their shoulders?

**Mr. Baldry:** As the hon. Lady will know, we are supporting basic education programmes in Pakistan. Our aid programme throughout the world is targeted at assisting poorer countries to achieve sustainable economic development, in many instances by supporting basic education. The whole House will share the hon. Lady's concern that child labour should not be exploited as it was in the instance she cites. When we discuss our bilateral aid programmes with countries, we obviously draw to their attention concerns that young people should be at school and that they should not be exploited in that way.

**Mr. Ottaway:** When considering bilateral aid to Rwanda, will my hon. Friend recognise that the dispute there is primarily a territorial dispute brought about by overcrowding, as a result of excessive population growth? Will he recognise that the stork is the bird of war? Will he take every step to implement the Cairo plan of action which will do something about that?

**Mr. Baldry:** The causes of unrest in Rwanda are complex and many. However, as my hon. Friend will know, because he was at the United Nations conference on population and development in Cairo, the United Kingdom Government have been taking a leading role in supporting projects to ensure that parents can have children by choice and not by chance.

**Miss Lestor:** Bearing in mind what the Minister has just said about his belief in education for children, does he agree—this was confirmed by my recent travels in parts of Africa—that structural adjustment has undermined many education programmes and that many families are now having to pay for education rather than having it free?

Even allowing for some changes, which the Minister has pointed out, in the definition of low-income countries, the British Government now spend a lower percentage of our bilateral aid budget on the poorest countries. According to Overseas Development Administration figures, 80 per cent. was spent in 1992-93, whereas the figure for 1993-94 was 69 per cent. Will the Minister enlarge a little on the answer he gave a few moments ago? What plans does he have to ensure that aid is more focused on low-income countries and, in particular, on the poorest people in those countries?

**Mr. Baldry:** First, on structural adjustment, I remind the hon. Lady of what the Zambian Minister of Finance said, Zambia being a country to which we give sizeable bilateral aid. He said:

"We have all heard the many arguments both for, and against, structural adjustment. In Zambia, the argument is very clear. Our history has shown that the costs of not adjusting have been very much higher than the costs of adjusting."

The Zambian Government have said that the results of structural adjustment are impressive, that their economy is stable, that consumer and business confidence has revived and that growth is evident in several areas. Countries that have undertaken structural adjustment are beginning to see their economies strengthen.

Secondly, on basic needs, part of the problem is that the UN definition of a basic need is completely meaningless. For example, emergency assistance to refugees is excluded, as are the ODA's joint funding for British non-governmental organisations, support for Voluntary Service Overseas and any projects to encourage sustainable forestry or better water management. The definition is totally meaningless. The hon. Lady talks about the support that we are giving for basic needs. All our aid programme—all of our development programme—is intended to help poorer countries and to ensure that countries poorer than ourselves can achieve better social and economic systems through sustainable development.

### Burundi and Tanzania

29. **Mr. Sutcliffe:** To ask the Secretary of State for Foreign and Commonwealth Affairs what immediate plans he has to increase humanitarian aid to Burundi and Tanzania. [18754]

**Mr. Baldry:** The United Kingdom has committed £89 million to the region during the past year. Specifically, we have provided around £3 million of bilateral and emergency aid for Burundi since November 1993 and £6 million for Tanzania since the start of the Rwandan crisis. In addition, around £13 million has been provided in support of United Nations agencies for humanitarian assistance to refugees in the region, which includes those in Burundi and Tanzania.

**Mr. Sutcliffe:** I am sure that the Minister will acknowledge the shock, horror and disgust of many people in Britain at the events of the weekend and that what we need is not only continued humanitarian support but a political solution to the problems of Rwanda. Could the Minister use his influence with the United Nations and other countries in the region to find a political solution to

the problem by holding a regional conference in the area, to try to get the regional countries, together with the Organisation of African Unity, to start out on the tortuous road to a solution? If that does not happen, I fear that the problem will continue and it will be an indictment of humanity.

**Mr. Baldry:** We are deeply concerned at the loss of life in the camp at Kibeho. Of course it is a tragic setback for the internationally backed effort for national reconciliation in Rwanda. We still need to establish the full facts. There seems to be no doubt that armed elements have been operating within the camps. Equally it appears that elements of the Rwanda Patriotic Army have overreacted, with severe loss of life, including those of unarmed women and children, which is totally unforgivable. Together with European Union and UN Security Council partners, we are taking the matter up urgently with the Government of Rwanda. We want an urgent inquiry into the events and firm action taken against those responsible.

It is essential that those who have been displaced from that and other camps are brought to safety, to their own communities or rehoused pending a settlement. We are urging the Government of Rwanda to give free access to and co-operate fully with the UN agencies and non-governmental organisations. As the hon. Gentleman and the House can imagine, we have been in touch over the weekend with NGO partners and made clear our support for their efforts. Funds are being provided in response to their direct requests. In most cases, materials, medicines and foods are available, but we are providing extra supplies as requested.

## Points of Order

3.31 pm

**Mr. Tim Smith** (Beaconsfield): On a point of order, Madam Speaker. May I draw to your attention the story that has appeared on the front page of the *Evening Standard* this afternoon, which suggests that members of the Public Accounts Committee are demanding the release of details about the royal household's money? Is not it quite wrong that the right hon. Member for Swansea, West (Mr. Williams) should have sought to pre-empt a meeting of the Committee, which is not meeting until 4.30 pm today, when most of us are interested not in pursuing his prurient inquiries into the royal household, but only in value for money?

**Madam Speaker:** I have not seen the report to which the hon. Gentleman refers, but I shall certainly take a look at it. If the situation is as the hon. Gentleman says, I certainly take such matters quite seriously. I hope that he will leave it in my hands.

**Mr. Peter Hain** (Neath): On a point of order, Madam Speaker. Are you expecting a statement from the Government about reports this morning that the number of gas complaints have gone up by 150 per cent.? Is not that an example of the privatisation shambles, when the number of gas complaints go up and the chief executive's salary goes up as well?

**Madam Speaker:** I have not been informed by the Government that they are seeking to make a statement today.

**Mr. Mike O'Brien** (Warwickshire, North): On a point of order, Madam Speaker. Are you aware of the article in this morning's edition of *Today*, which shows that Britain tops the league in crime—

**Madam Speaker:** Britain what?

**Mr. O'Brien:** In this morning's *Today* newspaper—

**Madam Speaker:** I understood which newspaper, but I did not understand what followed it.

**Mr. O'Brien:** My point of order, Madam Speaker, is that the paper says that Britain tops the league of shame in its rise in crime since 1979. Given that that information became available—it appears—after Home Office questions last week, should not the Government make it clear in all candour when answering questions that their crime record is appalling and not as good as they claim?

**Madam Speaker:** These points of order are totally bogus. Therefore, I am taking no more. *[Interruption.]* Just a moment—I shall determine whether they are bogus points of order, not the hon. Member for Rutland and Melton (Mr. Duncan). The point of order raised by the hon. Member for Beaconsfield (Mr. Smith) was not bogus, if I may say so. However the point of order raised by the hon. Member for Warwickshire, North (Mr. O'Brien) is bogus. I am not expected to read every newspaper that comes out and I have no intention of doing so.

**Several hon. Members** *rose—*

**Madam Speaker:** Sit down. I have not finished answering yet. It is for the Government, if they have anything to say, to say it to the House and not through the hon. Gentleman or me to newspapers. I will take only genuine points of order now. I will listen to Mr. Shaw. If it is not a genuine point of order, he will be sat down.

**Mr. David Shaw** (Dover): On a point of order, Madam Speaker. I hope that it will be as genuine as I can possibly make it in the circumstances.

**Madam Speaker:** Order. That is not saying very much at all.

**Mr. Shaw:** My concern is about the order in the House of Commons in terms of whether we have balanced reading material. It is obvious from the first two points of order—

**Madam Speaker:** Order. That is nothing whatever to do with me. I warned the hon. Gentleman. Any more points of order? Very good.

## Statutory Instruments, &c.

**Madam Speaker:** With permission, I shall put together the motions relating to statutory instruments.

*Motion made, and Question put forthwith pursuant to Standing Order No. 101(3) (Standing Committees on Statutory Instruments, &c.),*

SOCIAL SECURITY

That the Housing Benefit, Council Tax Benefit and Income Support (Amendments) Regulations 1995 (S.I., 1995, No. 625) be referred to a Standing Committee on Statutory Instruments, &c.

HOUSING (SCOTLAND)

That the Housing Revenue Account General Fund Contribution Limits (Scotland) Order 1995 (S.I., 1995, No. 188) be referred to a Standing Committee on Statutory Instruments, &c.—*[Mr. Lightbown.]*

*Question agreed to.*

# Orders of the Day

## Pensions Bill *[Lords]*

*[Relevant documents: Memoranda submitted to the Social Security Committee on the Operation of Pension Funds: the Pensions Bill [Lords] (HC 336).]*

*Order for Second Reading read.*

**Madam Speaker:** I have selected the amendment in the name of the Leader of the Opposition.

3.35 pm

**The Secretary of State for Social Security (Mr. Peter Lilley):** I beg to move, That the Bill be now read a Second time.

I should like to begin by putting the Bill in context. Pensions are a matter on which Conservatives can be proud of their record. Pensioners retiring now are on average 52 per cent. better off than those who retired in 1979, after allowing for inflation. More of them have private pensions than ever before. Their savings produce a flow of £50 billion a year into industry. The success of private pension provision has enabled us to channel an extra £1 billion to help the less well-off pensioners.

We also need to see the Bill in an international context.

**Mr. David Winnick** (Walsall, North): Will the Secretary of State give way?

**Mr. Lilley:** Perhaps the hon. Gentleman will allow me to make a little progress. He may find that I answer his points.

Throughout the world, more people are living longer and enjoying longer in retirement, but there will be fewer people of working age to support them. How to pay for those pensions is the most important single issue facing every Government. In most countries, the bulk of all pensions is provided by the state. Indeed, that is the approach that the Labour party would always have preferred for pensions in Britain. When the state finances pensions, this year's pensions are invariably paid out of this year's taxes. It is pay-as-you-go. Nothing is saved or set aside for the future. So in most countries, more and more retired people will impose an ever more crippling burden of tax on the declining number of people of working age.

**Mr. Winnick:** The Secretary of State said at the beginning that there had been a substantial improvement in the lives of pensioners, but is he not aware, as he should be as Secretary of State, of the literally millions of people in Britain who are retired and live on a pittance on the state pension and income support? They believe that they have been victimised as a result of the Government's changes of the past few years. The Secretary of State should be aware that, with growing unemployment and the rest, it is difficult for potential pensioners to make safeguards for their retirement.

**Mr. Lilley:** The hon. Gentleman is as ignorant as he is insufferable and I do not know why I gave way to him. He knows full well that every pensioner in Britain is or can be better off. No one need be at the level at which he or she was left by the last Labour Government, who wiped out a quarter of people's savings in a single year of inflation.

In Britain, the Conservatives' strategy has been to encourage private pension provision, building on the basic state pension. When people opt for private pensions, their money is genuinely saved. It is invested in industry. It goes into the assets that will generate the profits which will pay for their pensions in 10, 20 or 30 years when they retire, without taxing the economy to death.

Our policy has been increasingly successful. About three quarters of those eligible have opted out of the state earnings-related scheme and invested in occupational or personal pensions. Collectively, funded pension schemes have accumulated £500 billion of assets to pay for future pensions. That is more than all the assets in all the equivalent schemes in the rest of the European Community put together, which is why other countries look enviously at our system as a model for themselves to follow.

**Mr. John Denham** (Southampton, Itchen): The Secretary of State said a moment ago that when individuals have personal pensions, their money is genuinely saved. Does he agree that a significant number of low income earners, who opted out of the state earnings-related pension scheme, find that all their savings are absorbed by the fees and charges of the private pension companies from which their pensions are meant to be paid?

**Mr. Lilley:** Although the hon. Gentleman did not mention it, he must know about and welcome the fact that the Securities and Investments Board has guaranteed that anyone who has been mis-sold a pension in that way will have redress. He is wrong to try to scare people by suggesting that that is not the case.

When I came to the Department of Social Security, there were four outstanding issues on my desk, all of which are addressed by aspects of the Bill. The first set of problems arose from the gaping hole left in the Maxwell pension schemes by that socialist millionaire who, strangely, is never mentioned when wrongdoing is discussed in the media. Existing pensions were then about to be cut off and remaining assets were about £400 million short of those required to pay for future liabilities. The prospect of prolonged and costly litigation looked set to consume much of any assets regained, and confidence in occupation schemes generally was threatened by fears that the regulatory structure was inadequate.

So I appointed Sir John Cuckney, who has successfully brought about a major settlement of the various Maxwell pension disputes. That was an enormous achievement. He has secured the position of 30,000 of our constituents and put their fears at rest. The House will want to join me in thanking him for what he has so skilfully done.

**Mr. David Shaw** (Dover): As a member of the Select Committee on Social Security, may I congratulate my right hon. Friend because he set up the Maxwell Pensioners Trust and made the arrangements that made that settlement possible? May I also demand an answer from him as to how one of the people responsible for managing about £75 million of the Maxwell money that went missing is on the Labour Front Bench in the House of Lords?

**Mr. Lilley:** I am grateful to my hon. Friend for his complimentary remarks. I honestly think that his last

question should be addressed to the Opposition Front-Bench team, and no doubt those hon. Members will tackle it in subsequent speeches.

**Mr. John Butterfill** (Bournemouth, West): As honorary adviser to the Mirror Group Newspapers pension trustees, may I put it on record that they are very grateful to my right hon. Friend for the changes that he and his officials made to the regulations, which have enabled them to restructure schemes in such a way as to secure the pensions of all the employees?

**Mr. Lilley:** I am grateful to my hon. Friend. I am also grateful for the helpful advice that I received from him, my hon. Friend the Member for Dover (Mr. Shaw) and others—and, indeed from Opposition Members—when we were in the early stages of trying to tackle the Maxwell pension problem.

To restore confidence in the regulatory regime for occupational pensions, I asked Professor Goode to chair the Pension Law Review Committee. His invaluable report provided the essential framework for the parts of the Bill that deal with occupational pensions, which incorporate all that report's major recommendations. Following the committee's recommendations, the Bill establishes six lines of defence against fraud and misuse of pension scheme assets.

First, the members are given new rights, notably to nominate a third of the trustees. Of course, that is not a panacea—the main Maxwell schemes had 50 per cent. member trustees. None the less, it will ensure that trust boards have a range of different perspectives on the responsibilities that they are required to discharge. That is why we have gone somewhat further than the Pension Law Review Committee recommendations and proposed that the new requirements should apply to all schemes regardless of their size.

The second line of defence is the trustees themselves. Their powers and duties will be clearly defined and they will be responsible, of course, to the scheme. The third line of defence is the professionals—the actuaries, auditors, lawyers and so on, who will report to the trustees rather than to the employer. Actuaries and auditors will have the duty, and other professionals the right, to blow the whistle to the new regulator if they suspect any abuse.

The fourth line of defence is the minimum funding requirement. We have adjusted that in the light of consultation and the arrangements now proposed are as often criticised for being too onerous as for being inadequate, so I suspect that we may have got them just about right.

The fifth line of defence is the new regulator—the occupational pensions regulatory authority. That authority will have all the main powers recommended by the Pension Law Review Committee, but it will not have to get bogged down in the bureaucratic processing of routine forms. It has been suggested that the cost of the regulator should be met from taxation. We believe that a levy on schemes is more appropriate since the benefits of well-regulated schemes accrue only to members and employers. Many taxpayers are not members of schemes, so why should they pay? Finally, if all else fails, we have the compensation scheme, which stands ready to restore up to 90 per cent. of misappropriated funds if an employer is insolvent.

**Mr. Hugh Bayley** (York): Given that pension funds—occupational pension schemes—exist solely for the purpose of providing pensions to their members and not for the purpose of supporting the companies for which their members work, why does not the Secretary of State accept that those members should appoint 50 per cent. of the trustees of a pension fund? That would ensure that the interests of the members, who are the beneficiaries, were properly represented.

**Mr. Lilley:** The hon. Gentleman will know that all trustees have to act in the interests of the trust and the scheme and not in the interests of any particular section that may have appointed them, whether that be the employer or some particular section of the members. We believe that it is right to insist that a minimum of one third of the trustees be appointed by the members in normal circumstances—it could be more if necessary—to ensure the diversity of backgrounds. It is not the case that members appointed by the employer will represent that individual. Those members have a duty under trust law to look after the best interests of the scheme.

**Mr. Robert Jackson** (Wantage): My right hon. Friend is aware that the Consumers Association is not happy with the strength of the regulator's powers. In particular, concern has been expressed about the absence of any specification of the duties of the regulator, which exist in other areas where regulators are appointed. Can my right hon. Friend explain why that is the case?

**Mr. Lilley:** As I said, we have included in the Bill all the powers recommended by the Pension Law Review Committee. Some people thought that we would water down those powers, but we have not done so. We have reflected the full powers that the committee wanted us to incorporate. I do not think that anyone need have any worries that the regulatory authority will lack those powers.

After we dealt with the problems arising out of Maxwell, the next big issue was that arising from the European Court ruling in the Barber case. In the 1986 directive on equal treatment and occupational pension schemes, we specifically negotiated the right for occupational schemes to reflect unequal ages as long as they persisted in the state scheme. Unfortunately, the European Court overruled that in the Barber case and required occupational pension schemes to give men and women equal treatment. The appalling prospect that that obligation might be retrospective was ended by the protocol successfully negotiated by my right hon. Friend the Prime Minister at Maastricht and the subsequent Coloroll judgment.

None the less, all private pension schemes had to equalise all rights accruing from the date of the Barber judgment—17 May 1990. That placed British occupational pension schemes in a dilemma. They were simultaneously required, under European law, to offer equal pension ages and, under British law, to mirror the unequal rights that would have accrued had members remained in the state earnings-related pension scheme.

The Bill brings domestic legislation into line with European law and it resolves the dilemma by breaking the links for the future between benefits due under occupational schemes and those due under SERPS. Instead, contracted-out schemes will have to be certified as offering benefits that overall match or surpass those available under SERPS.

*[Mr. Lilley]*

It is paradoxical, to say the least, that the majority of European Community pension funds are in Britain and only for us are occupational pension schemes a crucial part of pension provision, yet British policy is largely being driven by decisions taken by 15 unelected judges in Luxembourg. For that reason, Conservative Members have no intention to sign the social chapter and extend those powers further. [HON. MEMBERS: "Hear, hear."] Still less are we likely to follow the advice of the Leader of the Opposition and go even further and propose majority voting on subjects such as the environment and the others that he specified.

**Mr. Nick Hawkins** (Blackpool, South): Will my right hon. Friend give way?

**Mr. Lilley:** I will, but I hope that I shall be able to make some progress afterwards.

**Mr. Hawkins:** Does my right hon. Friend agree that many British companies are delighted with his firm stance on the matter that he has just mentioned? He might be interested to know that, this very morning, I was with representatives of a successful British multinational company who have witnessed the harm that the social chapter has done in continental factories in the ways that he mentioned, and do not want to have any of that nonsense here.

**Mr. Lilley:** I think that such people are even more grateful to my right hon. Friend the Prime Minister for the firm stand that he took in obtaining that protocol and in obtaining the opt-out on the social chapter.

**Mr. Harry Cohen** (Leyton): Will the right hon. Gentleman give way?

**Mr. Lilley:** I shall make progress, if I may.

The third issue on my desk when I took over was how best to fulfil our election promise to equalise the state pension age. My predecessor had initiated a public consultation about the main options for implementing that. After studying all the evidence, I concluded that the arguments in favour of equalising at the age of 65 were overwhelming.

People are living longer, healthier lives. Women increasingly expect to work and to earn their own pension. The trend worldwide is to equalise at the higher pension age and even to increase that age. The support ratio of people of working age to those above the existing pension age is on course to decline to 2.1:1—only slightly more than two people of working age to one who has passed the present retirement age—by the year 2030. Moreover, by then the cost of equalising at age 60 rather than 65 would be an extra £12 billion a year; hence our decision to equalise gradually between 2010 and 2020, so that no woman born before 1950 will be affected by that decision.

At present, people can defer drawing their pension for up to five years after they reach the basic state pension age, and in return they receive an extra 7.5 per cent. on their subsequent pension for each year of deferral. In future, we shall extend that period of flexibility indefinitely and boost the increment to 10 per cent. for each year of deferral.

The decision about equalising the state pension age is of enormous importance; in terms of expenditure, it is almost certainly the biggest single decision taken during this Parliament, so it is reasonable to ask the Opposition where they stand. [HON. MEMBERS: "Hear, hear."] As usual, the Opposition have refused to commit themselves to a clear policy. Usually, there is a total vacuum. In this case, we have a profusion of policies.

The Labour party's most recent manifesto promised to equalise the state pension age at 60.

**Dr. Norman A. Godman** (Greenock and Port Glasgow): Will the Secretary of State give way?

**Mr. Lilley:** May I make a little more progress before I—as always—give way to the hon. Gentleman?

Last year, the Labour party's annual conference reaffirmed that commitment to equalise at 60. That is a £12 billion spending pledge—not bad for starters.

**Mr. Alistair Darling** (Edinburgh, Central): The right hon. Gentleman just said that we did not have any policies.

**Mr. Lilley:** I said that the Opposition had a profusion of policies in that area.

Labour's Commission on Social Justice, on the other hand, has supported the Government pretty unequivocally. It says that it is quite reasonable to start phasing in a common pension age of 65 in the next century.

The hon. Member for Glasgow, Garscadden (Mr. Dewar) has attempted to hedge his bets. In an article in *The Independent*, he argued that it should be possible to draw a pension at any time between 60 and 70. He stated:

"The argument points to 63 as a pivotal age"

at which people draw their full pension. But the hon. Gentleman needs to explain three things about flexible decades. First, in practice, nearly everyone opts to take his or her pension the first year that he or she can. That is certainly the case at present—well over 90 per cent. of people do so. Secondly, a pivotal age of 63 for when people would receive the full basic pension at its present value implies that the pension available at 60 would be about one quarter less than the current pension. Thirdly, because people would retire earlier, the hon. Gentleman's scheme would result in up-front costs in the early years of £5 billion a year more than under our proposals.

Therefore, in practice, the hon. Gentleman's suggestion means that the majority of pensioners would take their pension at the beginning of the decade, at age 60, but at a lower level than is currently available, and struggle into old age on pensions smaller than they currently receive. As usual, however, the hon. Gentleman will not commit himself firmly to that or to any other of the array of policies in the Labour party's portfolio.

The House will want a clear answer today to the £12 billion question. What would Labour do in government? Would they equalise the pension age at 60, 63 or 65? I shall give way to the hon. Member for Garscadden now if he cares to put us out of our misery and end our uncertainty. He obviously needs more time to think.

**Mr. Bayley** *rose—*

**Mr. Lilley:** I do not think that the hon. Gentleman has yet made the Front Bench, although that promotion will doubtless come.

The Government's policy intentions on pensions are clear. We want a system that offers the best chance of security to pensioners while not placing unsustainable burdens on future taxpayers. The Labour party's pension policies are a study in vagueness, ambiguity and evasion. The reasoned amendment that it has tabled today is devoid of reasons, opaque as to meaning and in breach of assurances that the hon. Member for Garscadden previously gave the House. When I announced my pension plans in the White Paper, the hon. Gentleman promised:

"No one in the House will deny the need for urgent reform."—[*Official Report*, 23 June 1994; Vol. 245, c. 362.]

However, in its reasoned amendment the Labour party seeks flatly to refuse to give the Bill a Second Reading. The reform that it previously accepted as urgent, it now wishes to put off for another year. The reasons given for that volte face are so opaque that I genuinely cannot understand what the Labour party is getting at in the reasoned amendment. I offer the hon. Member for Garscadden the opportunity to explain his reasons.

**Mr. Andrew Miller** (Ellesmere Port and Neston): Will the Secretary of State give way?

**Mr. Lilley:** No, I must make further progress.

The Bill addresses the issue of giving more choice in pension provision, as we promised in our manifesto. The Government have done a great deal and the Bill further extends that choice.

**Mr. Miller** *rose—*

**Mr. Lilley:** I think that I am answering the hon. Gentleman's point and he will have to be content with that.

It is important to continue to encourage the provision of personal pensions. For those who change jobs frequently or whose employers do not run pension schemes, personal pensions can be by far the best way to build up savings for retirement—indeed, for the latter group, they are the only way. But as people grow older, their funds have less time to grow, so under the present system, personal pensions become less attractive than SERPS for those above a certain age. The Bill solves the problem by introducing an age-related rebate to make it equally attractive for people of all ages to stay opted out of the state scheme.

We also propose to allow individuals on retirement to withdraw an income from their personal pension fund while deferring the purchase of an annuity until the age of 75. That extra flexibility will allow personal pension holders to time the purchase of their annuity to obtain the best possible income in retirement.

I now refer to some of the amendments introduced during the Bill's passage through the House of Lords.

**Mr. Miller:** I am grateful to the Minister for giving way. I was waiting with bated breath for his fourth point, because I assumed that it would be a response to the commitment that his Department gave to me on 10 December 1992, when I sought to introduce a private Member's Bill on the subject of takeovers. The Minister at the time said:

"I can confirm my support for the general intention of your Bill"

and he went on to praise the intentions of my Bill. Where are takeovers addressed in the Government's Bill? Are the six principles of my private Member's Bill in the legislation? If they are not, I hope that the Minister will find a place to insert them.

**Mr. Lilley:** I appreciate that the hon. Gentleman is using this opportunity to remind me about his measure. However, it was not one of the four most important items in my in-tray when I assumed responsibility for the Department. My hon. Friend the Minister for Social Security and Disabled People will refer to the specific points that the hon. Gentleman has raised when he has found out what it is all about.

In this 50th anniversary year of the end of the second world war, the whole nation wants to recognise those who sacrificed their lives so that we could be free. This country has rightly long made generous pension provision for the war widows whom they left behind. Nearly all war widows receive almost £143 a week tax free, which is not means-tested, for life unless they remarry.

However, as a result of debates in the House and in the other place, it has become clear that the position of some former war widows who lose their second husbands is unacceptable. I have decided that the war widows pension should be restored to war widows who are widowed a second time, divorced or legally separated. The change will benefit an estimated 16,500 war widows and it will cost about £40 million in a full year. It will be one of the first measures in the Bill to come into effect. Subject to the Bill's progress, claims will be dealt with from this October. I am sure that that announcement will be well received by the whole country as it demonstrates this nation's recognition of the debt that we owe to so many.

**Mr. Winston Churchill** (Davyhulme): I am grateful to my right hon. Friend for that announcement and I am grateful to the Government for agreeing to the amendment proposed in another place by the noble Lord Freyberg. It will go a long way towards alleviating the pain, hardship and unfairness endured by those who have suffered under the present arrangements. On their behalf and on behalf of all those who have been involved in the campaign in both Houses of Parliament, I express my appreciation of the Government's attitude.

**Mr. Lilley:** I am grateful to my hon. Friend, who played a not inconsiderable part in highlighting the problems in that area. I hope that the whole House will be content with the change that we have announced.

**Mr. Donald Dewar** (Glasgow, Garscadden): I welcome the Minister's announcement on behalf of the Opposition. The amendment that he has accepted was backed by the Labour Front Bench in another place. As far as I am aware, the only hon. Members who voted against it were those on the Government Front Bench. Why was that so?

**Mr. Lilley:** I am sorry that the hon. Gentleman has tried to make a party political point about a matter of national importance, which will alter rules that have been in force for 50 years under a variety of Governments, at such an inappropriate time.

I refer to another amendment that was also introduced in the House of Lords. We are aware of the strength of feeling about the issue of equal treatment of pensions upon divorce and we have listened to the concerns

*[Mr. Lilley]*

expressed. It is a complex issue and we believe that the courts already have powers to offset pension rights against capital assets in divorce settlements. We have responded in the House of Lords with proposals that re-emphasise the courts' ability and that enable the courts to value those pensions.

The amendments carried in the other place will allow pension payments to be included in a deferred maintenance order. They will also allow courts to require pension schemes to make payments under deferred maintenance orders rather than require individuals to pay their former spouses. We accept the intention behind the amendments, although their details will have to be resolved in Committee and there may be further technical amendments to achieve the required effect.

**Mr. Butterfill:** Does my right hon. Friend agree that it would be preferable if those arrangements could be more immediate and if the separation of assets was made at the time of divorce? Would not it also be better if they reflected the number of years that the couple concerned had been married?

**Mr. Lilley:** The amendments are enabling, not requiring. They do not require the courts to make such orders in any or all cases, but enable the courts to do so when they think that that is right in the circumstances. In general, the courts have preferred to make clean-break settlements. If my hon. Friend is referring to the possibility of the courts having power to split the assets in the fund, that extremely complex issue certainly could not be resolved in the time span of the Bill. When hon. Members study the details, as I have done, they will see that the problems are far greater than at first sight. The cost could be considerable, with something like £300 million in tax revenues forgone. The reason is that a divorced couple would effectively be in a more privileged tax position than a married couple. I do not believe that the House wants to create a tax advantage on divorce. Perhaps the Opposition will say if they want to do so.

**Mr. Dewar:** Will the right hon. Gentleman give way?

**Mr. Lilley:** I shall, but the hon. Gentleman is always more interested in making partisan points than in informing the House of Labour's policies in response to my questions.

**Mr. Dewar:** I assure the right hon. Gentleman that I shall say something about that issue when I make my contribution to the debate. There will be some disappointment at the Secretary of State's remarks about the possibility of splitting the pension fund at the time of divorce. I shall return to that point. I want to ask him a specific question. If it is to be a form of deferred maintenance, with the pension split in payment between the ex-spouse and the pension holder, a proposition that found favour in the House of Lords was that the duty to pay should be on the pension provider and not on the pension holder. Do the Government accept that, or do they intend to reverse that policy?

**Mr. Lilley:** I was explaining that we shall accept that and make it technically more feasible.

**Mr. Cohen:** Will the right hon. Gentleman give way?

**Mr. Lilley:** I want to make progress. I have given way a number of times on that and other issues. The hon. Gentleman will be able to make his points in his own speech.

**Mr. Cohen:** I had a ten-minute Bill on the subject.

**Mr. Lilley:** I am sorry. I did not realise that the hon. Gentleman has been pursuing the issue. I am happy to give way to him.

**Mr. Cohen:** I am grateful for the general principle of accepting the division of a pension on divorce, but as my hon. Friend the Member for Glasgow, Garscadden (Mr. Dewar) said, there will be disappointment that the courts will not be given the power to split the fund money. Why not give the courts that power in principle? That proposal is supported by the Pensions Management Institute. The cost could be met by the couple themselves.

**Mr. Lilley:** The Pensions Management Institute and others discovered how complex the issue is when they examined it. The more that one does, the more complex it becomes. For example, what would be the treatment of SERPS, especially when one does not know the rights that an individual will have until the end of the whole period, because of various allowances for years off and the interaction between husband and wife? The matter is far more complex than it even struck me at the beginning. The more that one studies it, the more one realises that a snap, off-the-cuff judgment would be the wrong way to approach such a serious issue.

**Mr. Alan Howarth** (Stratford-on-Avon): I am sure that the House agrees with my right hon. Friend that there should not be financial advantage in divorce. I welcome his desire to ensure a fair deal for occupational pensioners, but I invite him to agree that we ought to act to remedy a wholly unsatisfactory state of affairs in this respect. If a married person enters long-term residential or nursing home care, the local authority is entitled to take the whole of that person's occupational pension, leaving the spouse—most often a wife—worse off than if she or he were divorced or widowed. Will my right hon. Friend agree that we ought to act to remedy that state of affairs and provide that, in such circumstances, the spouse should be entitled to half the occupational pension?

**Mr. Lilley:** I know that that is a matter of concern, but the Government give advice to local authorities, which have some discretion in that matter. I hope that local authorities will act in the spirit of that advice and not as my hon. Friend and a number of others have suggested they do. We are talking usually about Labour authorities, which could perhaps be influenced by Labour Front Benchers.

**Mr. Dewar:** No partisan points.

**Mr. Lilley:** The hon. Gentleman brought them in first.

Another point endorsed by Labour Front-Bench Members in the House of Lords was to be found in the amendment to the way in which the state earnings-related pension scheme will be calculated. The amendment stated that SERPS should be based on the best 44 years of earnings instead of on a full working life. The amendment would increase expenditure in a poorly targeted way and would cost more than £2.5 billion a year by the middle of the next century.

I believe that my proposals provide for a viable and affordable SERPS in the longer term, and I shall therefore be asking the House to reverse the effects of that costly Labour amendment.

As I said at the beginning, pensions are a Tory success story. Pensioners' incomes have risen nearly as much every year under this Government as they did in the entire four years of the Labour Government. That is because we have routed inflation, which was destroying pensioners' savings at the rate of 25 per cent. a year under Labour, and we have encouraged an ever rising proportion of people to make pension provision for themselves by means of occupational and personal pension schemes.

**Dr. Godman** *rose—*

**Mr. Lilley:** I shall try in future to give way to the hon. Gentleman: he is a regular.

In 1979, 43 per cent. of pensioners had occupational pensions. Among those currently retiring, the proportion is nearer 70 per cent. The Labour party is in a state of confusion and disarray over its pensions policy, as I have shown. The Opposition cannot make up their minds, because their political instincts are in conflict with their electoral calculations. Instinctively, the Opposition still hate private pension provision. They seize on any problems with relish and they pour scorn on successes. They would prefer compulsory monopoly state provision; but they know that the British electorate will not stand for it and that the taxpayer cannot afford it.

By contrast, this Conservative Government have a clear, coherent and successful strategy. It is being copied abroad and has been endorsed by the World bank. The recent Federal Trust report makes it a paradigm for pension provision throughout Europe.

When the Bill is enacted, I believe that we can give a fresh impetus to the pension-owning democracy in Britain—safer occupational pensions, more group personal schemes and more flexible personal schemes. The Bill will bring greater security, equality and choice to our pensions, and I commend it to the House.

4.13 pm

**Mr. Donald Dewar** (Glasgow, Garscadden): I beg to move, to leave out from "That" to the end of the Question and to add instead thereof:

"That this House declines to give a Second Reading to the Pensions Bill *[Lords]* because although it contains some welcome proposals drawn from the report of the Pensions Law Review Committee intended to strengthen the regulatory framework within which occupational pension schemes operate, it does not fully reflect the importance of pensions as a form of deferred pay, takes too rigid an approach to the equal treatment of men and women under the State pension scheme, and includes a range of proposals designed to undermine the State Earnings-Related Pension Scheme and disadvantage occupational as against private pension provision."

I am afraid that I may occasionally stray into what the Secretary of State will call a partisan point—but his own record of the past 40 minutes allows me that luxury.

I start, non-contentiously, by repeating our welcome for what the right hon. Gentleman said about war widows pensions. I welcome the decision to accept the amendment moved in another place. It was agreed to after considered debate, and I shall no doubt raise the Secretary of State's ire when I say that he is now making something of a virtue of necessity. According to the newspapers, there was a battle in the Cabinet Committee between the Treasury and the DSS. Perhaps, therefore, I should congratulate the right hon. Gentleman on beating the Chancellor—although I do not know whether he would welcome that accolade. I suspect that the decision had a lot to do with the approaching anniversary; that, too, was mentioned in the reports. Nevertheless, I welcome the decision; it is a change that will mean something to an important group in the community.

The Secretary of State made a somewhat slighting reference to the fact that we are to vote tonight. I concede that it has not been entirely easy, because there is a balance to be struck, there are points to be made and there are points of importance, which I shall come to, but that does not detract from the fact that the Opposition support much of what is in the Bill. The regulatory framework for occupational pensions needs strengthening. It is all too clear in the aftermath of the Maxwell disaster that that is so. It is not just a matter of Maxwell. There has also been an enormous increase in the amount of litigation over pensions, which reflects the unhappiness about the way in which the system has been working. There is an increasing public awareness, which I welcome, of the importance of pensions as assets of the individual. For all those reasons, there has been a spotlight on the regulatory framework, and it is clear that it needs strengthening, hence the Goode committee report, which Opposition Members have consistently welcomed.

The Bill undoubtedly goes some way—although I am not convinced that it goes far enough—to meet the requirements. We welcome what we have, but for reasons that I shall explain I think that there is a case for more.

We have tabled an amendment because the Bill departs from the Goode agenda and moves on to a darker side when it feeds on what I believe are the Government's prejudices. I was asked recently by a brave optimist whether I could send him a copy of the Bill, because he wanted to read it and know what was intended. I have met many optimists in my time, but I fear that he will learn little from reading the text. Hon. Members may remember that Alice in Wonderland thought that no book without conversation and pictures was worth reading. The Bill certainly fails that particular test. It is a peculiarly opaque document.

**Mr. Gyles Brandreth** (City of Chester): Will the hon. Gentleman give way?

**Mr. Dewar:** No, I wish to make a little progress.

One of the problems is that this is very much government by regulation—enabling and empowering, not the people, but certainly the Secretary of State. That concern was mentioned in many of the representations that we have had. The Bill prescribes change in the balance of the system. That is one of my concerns. It is a change that has been largely unnoticed, but it is undoubtedly a change of intent. The arithmetic has been weighted in a number of ways and there is an undermining of rights on a scale that demands debate. It will be of major interest for hon. Members who are fortunate enough to obtain a place on the Standing Committee—I can hear the rush of tiny feet from Conservative Members.

Perhaps the easiest way to illustrate the point is to draw the attention of the House to the Government Actuary's report on the Bill—Cm 2714. It contains some helpful tables and projects the expenditure on the state earnings-related pension scheme to 2050. It shows it as it was and as it will be after the Bill is enacted. There are some

*[Mr. Dewar]*

revealing facts. In 2050, for example, it is envisaged that SERPS will be worth, or that it will cost the Treasury—whichever way one likes to put it—some £19.3 billion. After the Bill is on the statute book—admittedly, we are talking about a long-term time scale—that sum falls to £9.9 billion. It is almost halved. That fact does not appear on the face of the Bill, in the explanations or in the briefings. No one could accuse me of being partisan if I said to the House that there is a very strong case for a genuine debate about what is happening in that area, why it is happening and what it means. We are determined to have such a debate.

**Mr. Tim Smith** (Beaconsfield): What significance should we attach to the figures that the hon. Gentleman has just given to the House, when the oldest person who will be affected by what he has just announced is aged 10 at present?

**Mr. Dewar:** That is a very interesting view: the House of Commons is not to bother about what happens to our children. Now there is a piece of Conservative philosophy that is quite remarkable. I am almost moved to agree with the hon. Gentleman, because he could have a word with the Secretary of State, who looks at any changes that are proposed over that time scale and immediately takes them as a pledge of spending intent for the next five years. The Government cannot have it both ways. Although the shift will occur over a lengthy period, it starts quite quickly and it will involve many people in this House and many of our friends, colleagues, children and successors. It would be blind prejudice were we simply to take what is before us without proper inquiry.

There is a fallacy that savings are painless and good. In fact, there is a converse, which is that almost always savings are at the expense of someone or something. That must be balanced in the equation, but it seems to be lacking in this Bill. For example, the Bill dealing with incapacity benefit will result in substantial savings, but they have been clawed out of the budget for the long-term sick and disabled. I do not sneer at savings; I accept that the Treasury has a natural interest in controlling public expenditure—that is the business of every Government. However, balances must be struck and in the immensely important area of pension provision we have a duty to consider these matters.

At least arguably under attack are contributions that are currently being paid and that will be paid in future—investments in people's futures which are the result of thrift and proper provision through the state pension scheme, which I would have thought the House would hesitate to reduce in the way now proposed.

The proposed reduction is dramatic. I remind the House of the proposed change to the SERPS calculation—a highly technical matter. Currently, we value the total earnings for each year in line with the increase in average earnings and then deduct the annual lower earnings limit for the last complete tax year to produce the surplus on which the pension is based. In future, the annual lower earnings limit will be deducted before revaluation takes place each year. So what? Over the projection period I have mentioned, that will reduce the value of SERPS by £2.7 billion annually. It is an enormous change and an enormous deduction.

There is the equally difficult and technical matter of the contracting-out provision and the consolidation of female SERPS entitlements, which will be aligned with those for men. The Government Actuary reckons that by 2050 that will mean taking £4.2 billion annually from the value of SERPS.

Those are enormous sums, but they have been nodded through in the fine print without any of us having had the opportunity to raise and debate the issue. I give the Secretary of State fair notice—which I hope he will take in the spirit in which it is offered—that we will want to look closely at this area in Committee. I know that he will not personally be in Committee, but I hope that he will receive reports and closely monitor what emerges. There is no doubt that the drop from £19.3 billion to £9.9 billion, at a time when national insurance contributions have just risen to 10 per cent., is a remarkably serious matter that is worth a thought and a pause for further reflection.

I am aware that the Government have not established a major reputation for keeping their promises, but they have kept one promise. This point will be especially important to the right hon. Member for Sutton Coldfield (Sir N. Fowler). When he halved the value of SERPS—to put it in shorthand—it was promised that there would be no further devaluation until the year 2000. The Government have kept their promise—the changes will come into effect on 6 April 2000. The Government have not hung around in the general task of dismantling and demolishing, although I stress that they have kept to the letter of their promise.

The Bill represents a major shift. The Secretary of State fairly said that we live in a pay-as-you-go system. That produces difficulties and burdens that have to be shouldered. However, I object to the fact that the Government are altering the inter-generational contract by stealth, in a way that I do not think is defensible. It represents a substantial shift, which is something that we must take into account.

I raise another case of a little local difficulty for the pension industry.

**Mr. Bernard Jenkin** (Colchester, North): Does the hon. Gentleman accept that SERPS was originally established in the mid-1970s on a completely unsustainable basis, and that the changes that have been made in the 1980s by my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler), and subsequently in the Bill, put Government finances and pensions on a more sustainable basis? What robs pensioners is financial irresponsibility such as the high inflation that we had under the Labour Government.

**Mr. Dewar:** None of us enjoys inflation's impact on any fixed income or any savings—I concede that. I shall not fight the battles that were fought in the late 1980s with the right hon. Member for Sutton Coldfield—that is history. If, however, the hon. Member for Colchester, North (Mr. Jenkin) is saying that we must do this to SERPS because we cannot afford to provide for pensions, I would question that. I think he is saying—certainly the Government are saying—not only that we cannot afford to provide those pensions, but that we must provide for more. The question is how we do it. Should it be through SERPS or some other form of state-provided scheme, or should it be through personal pensions in particular? Admittedly, risks are involved in both solutions, but, given the history of recent years, no great confidence exists that private pensions are the obvious way forward.

The argument must be conducted in that way. It is fallacious and totally irresponsible to say that we must knock down SERPS because the community cannot afford to pay for decent retirement in old age. If we take that view, we will not provide for that in the private sector either, and we are all in trouble. Let us fight on the argument seriously, sensibly and on the grounds on which it must be contested. We should not put up bogey men in the way that is far too common.

Let me turn, because it is important, to the second level playing field argument. I was talking about private and public. Let us consider occupational pension schemes and private pension schemes—approved private pensions and private pensions themselves. In the time available to me, I cannot go into details—again, that will happen in Committee—but burdens exist on occupational pension schemes in terms of indexing, for example, and in terms of the pension level that they must provide, where no equivalent exists in the personal pension sector.

I see the hon. Member for Bournemouth, West (Mr. Butterfill) nodding at least in partial agreement. I do not want to pin him down too completely, but he recognises that point, and well he might as he is connected with the industry, and he knows that the National Association of Pension Fund Managers and a number of other organisations feel anxious and, in some ways, angry about what they regard as the further weighting of the balance against occupational pensions and in favour of personal pensions. Again, having considered the record, I ask: is this the right time and does any justification exist for a further weighting of that sort? Let me give an example.

I read the story—I think first in the *Financial Times* in an article by Norma Cohen—that, when the contracting-out settlement was made, and when the framework for contracting-out payments was redrawn, a heavy weighting would be introduced in favour of personal pensions, which would receive an administrative payment within the contracting-out payment three or four times greater than that given to occupational pension schemes. The Government were saying that the taxpayer should pick up the tab for the charges and the commissions of selling private pension schemes. I did not believe the story. I did not think that that would happen because it seemed such a preposterous proposition, but it has happened.

I protest that we are picking up the tab for charges that I think most of us believe should be minimised—not feather-bedded—in the interests of the public. It is another example of the lack of a respective and level playing field. It has been tilted on the basis of prejudice. We have a duty to examine it and it justifies the reasoned amendment that I and my right hon. and hon. Friends have tabled today.

**Mr. Butterfill:** I know from having shared platforms with the hon. Gentleman that he recognises the importance of occupational pension schemes. I hope, however, that he will not be tempted to go down the road that some trade union colleagues are urging him to go down in terms of imposing additional burdens on occupational schemes through the Bill, and then damaging them in the way that has occurred in the United States of America, where they have virtually disappeared.

**Mr. Dewar:** The hon. Gentleman and I have shared platforms at what I might call trade gatherings, if those people who were at them do not mind the term. I said then and I will say now that I recognise that there is a trade-off, a balance to be struck. Of course, I do not want to frighten employers out of, for example, the provision of defined benefit schemes. I am clear, in my own mind at least, about that and I will perhaps say a word or two about it when we discuss the difficult matter of the minimum funding level, in respect of which that trade-off is peculiarly painful and difficult to adjust.

I do not believe that we should again artificially encourage private pension provision, but not because I believe that there is no market for it. I believe that there is a market for it and I hope those who would benefit from it will use it. However, the advertising campaign in the late 1980s, and the 2 per cent. premium that was offered, showed how it was possible to stampede many, many people, who were rather uncritical in their enthusiasm, into buying pensions that were totally unsuited to their needs and which those people imagined were building up an entitlement for their retirement when they were not.

I was interested in the exchange between my hon. Friend the Member for Southampton, Itchen (Mr. Denham) and the Secretary of State. I presume that the right hon. Gentleman misunderstood my hon. Friend, although that would have been difficult, but it is not, I fear, true that the Securities and Investments Board, the Personal Investment Authority, the Investment Management Regulatory Organisation or any other regulatory body has given a guarantee in the cases of many hundreds of thousands, perhaps millions, of people who are buying personal pension plans, sometimes in disregard of the opportunity to enter an occupational pension scheme, and who are contributing the minimum contracting-out payment and building up almost no reasonable entitlement. I would be delighted if the sort of guarantee that is being offered on the mis-selling of transfers and opt-outs was being offered on that wider basis, but it is not. I ask the House to bear those matters very much in mind.

I do not have time to say anything about the guaranteed minimum pension but I mention it at this point simply because it is another matter that was not covered by the Goode report.

**Mr. Brandreth:** Earlier, the hon. Gentleman set himself, rightly, against opacity. Now that he has mentioned the guaranteed minimum pension, perhaps he could clarify this point, which was raised with me at the weekend by a constituent who understood that the Labour party's Commission on Social Justice favoured a guaranteed minimum pension and that that has been endorsed—I did not know this—by the Leader of the Opposition. Is that the case and, if so, would the hon. Gentleman, in the interests of setting himself against opacity, make clear the level of the guaranteed minimum pension?

**Mr. Dewar:** I have to say to the hon. Gentleman, in no hostile sense, that his question shows a misunderstanding. We have, of course, been considering a scheme for a minimum guaranteed pension, but I am talking about the guaranteed minimum pension in the present legislation. I am sure that the hon. Gentleman understands that distinction. The importance of the guaranteed minimum pension is that it gives protection.

When the Maxwell crash happened, the Government made a great virtue—and perhaps I would have done the same—of the fact that they were giving the pensioners a guaranteed minimum pension. That was a statutory need. It is, therefore, a protection in hard times.

*[Mr. Dewar]*

Even with the compensation fund in place, there may be examples where there has not been theft, fraud or misappropriation and, in those circumstances, the guaranteed minimum pension, together with its indexing, may be an important safeguard. That is why we believe that the guaranteed minimum pension should be retained. However, if the hon. Gentleman is volunteering for the Committee, he will have lots of time to discuss that with me and many of my hon. Friends in the weeks ahead.

May I now move on—

**Sir Norman Fowler** (Sutton Coldfield): Swiftly.

**Mr. Dewar:** Not at all swiftly. I am not usually accused of being swift when I am on my feet. However, I will do my best to push on at this stage.

I now turn to the Goode agenda which is enormously important. Many people have congratulated Professor Goode and his colleagues; perhaps it is now time for sober thanks. To be fair, they must take some satisfaction from seeing many of their recommendations being implemented. There is much to endorse without reservation, but there are some gaps and difficulties and I hope that the House will not forget our general endorsement if I move on to talk about some of them.

The hon. Member for Wantage (Mr. Jackson), who has now left us, made the fair point that there were anxieties—he instanced the Consumers Association—about the role of the regulator. Some are the fault of the Secretary of State. I notice—I have referred to this before in his presence and I shall do so again—that he uses in the White Paper, presumably with much thought, the word "long-stop" as a description of the regulator's role. Coming from Scotland, I have little experience of cricket although I occasionally tried to play it. I used to be sent to field at long-stop on the ground that that was out of sight and out of mind. I later rose to be scorer, which showed a certain political aptitude, and got myself out of those embarrassments. The very idea of the regulator as a long-stop has reinforced a number of fears.

We have had reassuring noises from, for example, the hon. Member for Wanstead and Woodford (Mr. Arbuthnot), the Under-Secretary of State. I cannot think of anyone better qualified to make reassuring noises than him; his manner is custom built for it. I am sure that, in a sense, his comments are well meant.

There is, however, a case for looking at what is not there. The Secretary of State said that the Government had implemented Goode. I think that we were all meant to sit back relieved and to cast away our worried frowns. One has only to look at the role of the regulator to see that there are gaps. I take one example, albeit not a dramatic one. Goode recommended in paragraph 83 that the annual certificate of solvency should go not only to the pension fund concerned, but to the regulator. The Government said that that was not necessary. Clearly, they do not think that the regulator should be bothered with that.

There was an important point about surpluses in which Goode recommended a role for the regulator. The committee said that he should have to give permission if there was to be a transfer of funds in strictly defined circumstances. That is gone and scored out; it is not now the business of the regulator.

There is also a great argument about whether the expenses should be met by the state or by a levy on the industry. The House will remember that Goode said:

"most fundamentally, we believe that the protection of individual rights is properly the function of government and that the disinterested status of the Regulator will be best protected through government funding."

The industry feels strongly about that and, to be fair, its concern goes beyond merely wanting to avoid a £10 million levy for the regulator's expenses. The recommendation was rejected despite the tremendous weight that Goode put on it.

Obviously, we shall have to probe these matters in Committee. However, I point out to the Secretary of State that there are reasons for worry. The regulator is seen as someone who waits for trouble—an ambulance party sent in to pick up the casualties—rather than someone who is trying to prevent the trouble at source. It is important that we get the matter straightened out to the best of our ability and we shall look for suitable amendments to achieve that.

My next point concerns the number of trustees. The Government have accepted the recommendation that one third should be selected by the active members. Strangely, they have not accepted Goode's point about money purchase schemes where two thirds of the trustees should be selected by the active members. Again, that is something for the Committee to think about. We have consistently taken the view—it was the Goode committee's declared intention—that the Government should put best practice into legislative form. We shall try to persuade the Committee, and ultimately the House, that the one third figure should increase to 50 per cent. It is a figure that is used widely by some of the best blue-chip companies in Britain, which tell me that it works to their total satisfaction. To use the 50 per cent. figure would also be an important symbolic reflection of the fact that, as European courts consistently maintain, a pension is a form of deferred pay. We shall also look at the possibility of a pensioner trustee as well.

Hon. Members may say—I would understand it—that this is all rather foolhardy optimism because the Government are unlikely to concede anything in this area. However, I turn with hope to the Minister of State, who will serve on the Committee. I read with great interest his remarks in the August 1994 edition of *Pensions World* when he was interviewed by the editor, Stephanie Hawthorne. He was asked:

"Why did you settle for one third only of member trustees?"

The answer was interesting and the Minister will remember it. He said: "To avoid additional complexity." Obviously, a third is easily understood, but 50 per cent. gives rise to additional complexity. All that, no doubt, can be explained when we come to it. The Minister went on to say:

"The main point about trustees is that some should not be appointed by the employer. The precise proportion doesn't probably matter that much."

If that is the Minister's view, I hope that he will listen to those who believe that the proportion matters quite a bit and that he will give way on that issue. We look forward to later comments.

**Mr. Alan Howarth:** May I put to the hon. Gentleman an admittedly somewhat tangential point about trustees? Does he agree that many trustees of pension funds are in one capacity industrialists, who routinely complain about

City short-termism, and in another capacity are for ever applying pressure on pension fund managers to deliver short-term performance? Will he say something about how the Labour party would ensure that the massive resources of pension funds—of the order of £500 billion—are invested not only in the best interests of pensioners, but in the best long-term interests of the economy as a whole?

**Mr. Dewar:** I have a great deal of sympathy for that point, and it would be a fascinating road down which to go, but I am already up against certain time constraints. It is important that trustees remember their legal duty and their role under trust law. That goes for those who are appointed by employers or those who may be selected by active members. In Committee, we should certainly look at the training arrangements and the need to give a sophisticated and balanced view on important matters of the kind to which the hon. Gentleman has referred, but I hope that he will spare me criticism if I say that it would make it impossible to deal with other points if I went down that road.

**Mr. Jenkin:** Will the hon. Gentleman give way?

**Mr. Dewar:** No. May I make a little progress, since I really am up against time?

I shall briefly consider another area: the famous minimum solvency requirement argument. I was at one time in the market for jokes about the Pensions Bill; it was a rather unrewarding market which produced very little despite the demand. It was an imperfect market, if I could put it that way. I went to a seminar just after the Barings collapse, at which a very learned actuary explained that if one wished to adjust one's portfolio to track the minimum solvency requirement profile, a little hedging in the derivatives market was recommended. That certainly raised a laugh. I heard a gentleman at another conference say that minimum solvency requirement meant what it said, but he has been upstaged by the fact that it has become minimum funding requirement, although nothing else has changed.

I referred to the matter in response to the hon. Member for Bournemouth, West and I mean it when I say that it is extremely difficult to get the balance right because there are clearly competing priorities. Security must be given a very high priority, but I recognise that there are dangers of putting burdens on employers which may persuade them to withdraw and simply to hand over to either group money purchase or individual contracted-out money purchase schemes. That is a genuine danger which we must keep in mind.

We must consider a compromise. The name of the hon. Member for Bournemouth, West has become—I suppose—a sort of shorthand. The Butterfill letter contains the present compromise arrangements. He has achieved a sort of passing immortality thanks to the Minister. We must consider very carefully whether that formula, with its assumption that 25 per cent. of the pension liability should be calculated on the basis of equity returns, is right or whether we can do better.

There was some debate in the House of Lords, which I take seriously and perhaps more so today having talked to a number of parties about it, about the possibility of a contributions approach; the idea of trying to obviate the possibility of a gap appearing with a comfortable thought that at some future date there could be an injection of capital. If something goes wrong and there is a gap, everyone is in trouble. That gap may be able to be obviated by a contributions schedule, actuarially calculated, which would ensure that the gap was minimal, if gap there be at all. We should consider that in Committee, as well as looking at the possibility of a discontinuance fund of the kind practised, I understand, in some Scandinavian countries and in America.

I am not so arrogant as to imagine that I know the right answer. I am consoled by the fact that, having attended several actuaries conferences which have discussed the subject at length and with learning, I came to the conclusion that they were not very sure about it either. I hope that, in that spirit, the Minister will be prepared to consider matters in Committee.

**Mr. Lilley** *rose—*

**Mr. Dewar:** May I say a word or two about the retirement age, unless the Secretary of State wants to intervene?

**Mr. Lilley:** My point was not relevant to that.

**Mr. Dewar:** The right hon. Gentleman says that his point was not relevant to what I was saying, but it has never stopped him before.

**Mr. Lilley:** It was relevant to the clock. The hon. Member has now been speaking for 31 minutes. I am not sure, although he has made some interesting observations and promised to look at some things and to examine some others, that he has yet told us a single policy on anything which is attributable to the Labour party. We are dealing, among other things, with the biggest expenditure decision that any Government will take this century. We have a right to demand that the hon. Gentleman tell us the Labour party's position.

**Mr. Dewar:** First, I had just started a sentence in which I was turning to the retirement age when I unwisely gave way to the right hon. Gentleman; and, secondly, I was—I hope—addressing my remarks to the Bill that he has produced, which I think is the point of the debate. I know that a certain amount of leeway is allowed, but basically one is supposed to be discussing the Bill, which seems to be important. I am aware of the fact that the Government have picked 65 as a retirement age. The Secretary of State will know that the Labour party has long and consistently argued for a flexible decade of retirement.

No doubt the Secretary of State is about to read to me a passage from the report by the Commission on Social Justice. May I say—I hope that it will get through this time—that that report runs to 400 pages. The commission was an independent body, separate from the Labour party. Many of the things in the report will have influence and will have to be taken into account in formulating policy, but there is nothing more childish than the right hon. Gentleman taking a report, which says that it is a report over several Parliaments and not necessarily for one party, and assuming that its suggestions would be implemented in the first two years of a Labour Government and that it is therefore a public spending commitment. That does not do anything for the standard of public debate.

**Mr. Lilley:** I was not going to do that at all. I was merely going to cite the comment of the Commission on

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Social Justice on the hon. Gentleman's proposal that we should advance the retirement age. It says, "It does not make sense."

**Mr. Dewar:** That is—*[Laughter]*. The laughter of jackasses. All that I can say is that I have read the report, I am well aware of it and I shall deal with what it says in a minute or two and be delighted to do so. The right hon. Gentleman cited an incomplete sentence, but never mind. Let us move on.

The Labour party has consistently and over a period of time been in favour of a flexible decade of retirement. It seems to us that the emphasis should be on choice. It seems to us sensible that people should be able to take a pension, which will have to be actuarially adjusted in exactly the same way as that after 65, as the Secretary of State is proposing, with some, not necessarily the same, actuarial adjustments. That is important because choice matters. It seems strange that I should have to preach that point to the Conservatives. It matters.

As more and more pensioners are looking forward to their state pension and feeling as if they are looking through the wrong end of a telescope, the state pension is only one and often not the dominating factor in determining when retirement should start. The idea that we should have a retirement age at which everyone is expected to shuffle obligingly off into the shadows and disappear from sight is strangely old-fashioned and seems to be totally inflexible. I have no doubt that a flexible decade makes sense and is sensible.

In that context—I know that the Secretary of State will come at me if I do not mention it—we still have to have a pivotal age. Such an age is a little less central in that context, but always a matter a importance. I have made it clear that we think that there is a case for the age of 63 because it is cost neutral, or rather better than cost neutral, based on figures in both the Government's White Papers on the matter. It would save more than would be possible were the present system to continue. There is also an element of equity in the proposal, which all hon. Members will be able to appreciate. It is therefore a sensible suggestion, but I am honest enough to say that I do not have access to the actuarial resources that are available to the Government and we shall obviously review the matter when we get into office.

The flexible decade of retirement seems to be an extremely reasonable approach to the problem which will command widespread support. I am sure that the Secretary of State will be aware that such a decade is, for example, a policy of Age Concern. I do not know how much that will impress him because he does not like those who look after particular interest groups which are concerned with pensions, although I do. It is the policy of the National Association of Pension Funds although, to be fair, it feels that the matter has to some extent been closed by the Government's decision. It remains the association's preferred option. It is the preferred option of the Confederation of British Industry. So it is not some oddity dreamt up by the Labour party for its own ends. I commend it to the House.

**Mr. Churchill:** Will the hon. Gentleman give way?

**Mr. Dewar:** I wish to finish this passage. Of course, several organisations—the Minister is right to draw them to my attention because they have to be taken seriously—including the Commission on Social Justice, the Social Security Advisory Committee and the Third Age Enquiry all came out in favour of 65. I recognise that. It is not an easy balance to strike. However, all of them said that if the Government insisted on going with 65, some of the so-called savings that the Minister hoped to achieve should be routed back into the pensions system to help those who were not properly covered. That was the point of the House of Lords amendment, which the Secretary of State, not to my surprise, says that he intends to reverse.

The amendment was moved in the context of the Government's insistence on 65. It said, "Let us do something by providing a right to drop the five weakest years of one's working career to help women in particular and low-paid men." I accept that there is an argument about the measure. The Minister says that it is poorly targeted. Perhaps something can be done that is better targeted, but the principle is important and we support it.

I recognise that many hon. Members want to speak, but may I say a word or two about pensions and divorce. It is important.

**Mr. Churchill:** Will the hon. Gentleman give way?

**Mr. Dewar:** No. I must go on. I have been generous in giving way. I will abuse the House if I run on for more than another two or three minutes.

The Government have made a volte-face on pensions. I make no complaint about that. I like volte-faces by Government. The Under-Secretary of State for Social Security, the hon. Member for Wanstead and Woodford, will remember that on 20 February, when he was answering questions in the House at about 3 o'clock in the afternoon, he explained that it was impossible to do anything. He said that he could not possibly tackle the problem until major research had been carried out, the results of which would not be available until the end of the year.

At the same time, Lord Mackay of Ardbrecknish was in full and confused retreat in the House of Lords. I make no complaint. As I have not yet congratulated Lord Mackay on his appearance as a Minister of State at the Department of Social Security, I do so now. It gives me great pleasure. He was a very competent Minister at the Scottish Office and a great friend of mine when he was chairman of Glasgow university Liberal club many years ago. The impossible has become possible.

We will pursue the issue of pensions and divorce more fully at a later stage. Earmarking is a difficulty. It is a form of deferred maintenance. A divorce takes place. There is a clean-break settlement between the parties. Any children that there might have been have grown up. Some 15 or 20 years have passed and suddenly the parties have to come together again for the purpose of splitting the pension in payment. That is not an absence that will make the heart grow fonder. I am relieved that at least the Secretary of State has accepted the amendment moved by Baroness Hollis from the Labour Front Bench in the other place to put the duty of paying on the provider so that we do not have sheriffs' officers in Scotland and bailiffs, or whatever is the equivalent, in England pursuing non-payment.

Under the amendment, if a couple split, a capital sum will be removed from the original pension fund to start a new pension for the divorcing spouse. That is an

important safeguard. Let us leave aside the problems of the future career of the spouse, whether he stays in employment, how his fund does and so on. Let us assume that he dies before he can enjoy his pension. Normally, his widow would receive the survivor's benefits. If he has remarried, they will presumably go to the wife of the second marriage. Not only will the divorced spouse not receive provision for her pension at the time of the founding package but she will receive no share in her ex-husband's provision if he dies.

I presume that the position is as I have described. Otherwise, we will have a notional widow and a real widow dividing the widow's rights between them. That is a prospect which most of us would not like. I use that as one example. I suspect that many more will be forthcoming when we reach Committee stage and given as reasons for believing that the Government have taken too narrow a view.

I agree entirely with my hon. Friend the Member for Leyton (Mr. Cohen), whose private Member's Bill was so relevant to the argument about pensions and divorce. Let us turn one of the qualifications of the Bill to advantage. Everyone has said that it empowers, enables and allows regulations to be made in the future, but that it tells us nothing now. Let us on this subject give the courts an enabling power. Then, if it takes time to work through, provision can be made before the regulations emerge. There is genuine merit in that. I hope that the Government will give it some thought.

There is much to support in the Bill. I apologise for the fact that I have talked about very little of it. It is in the nature of a speech that one talks about areas in which there is disagreement. Measures which we support include the compensation scheme and indexation from 1997—although there are many technical arguments, I approve of it. Protection of accrued rights is enormously important. Of course we are behind it.

There is much to probe in the Bill. I have not even mentioned part-time workers—the European Court cases, the impact of the provisions in the Bill and whether, in preserving a right, they are in fact restricting it. I agree with the hon. Member for Stratford-on-Avon (Mr. Howarth) on independent custodianship, even though I fear that we may not be allowed to have the pleasure of his company on the Committee. He is right about the tragic cases in which a spouse is driven on to income support because the other half—usually the husband, although that will vary later—is in residential care and the entire pension is taken to pay the charges. There are many such areas to which we shall return, but at the end of the day, the one thing that we have in common is that we all want to banish the nightmare that enveloped the Maxwell pensioners. There are answers in the Bill. There is still work to be done.

Where there is a measure of agreement, we will try to improve, consolidate and strengthen, but always support. Where the Government have gone wrong, we will press our case. The end product must be a better framework so that people have security and peace of mind. On other issues, we may have to wait for another approach and another Government.

4.56 pm

**Sir Norman Fowler** (Sutton Coldfield): I welcome what my right hon. Friend the Secretary of State said about war widows; the whole House will do so. It is entirely right that the Government should have devoted resources in that way. It is entirely right that we should devote resources now to present need rather than always to make promises for the future. I welcome the move and I believe that the whole country will do so, too.

I do not complain that the hon. Member for Glasgow, Garscadden (Mr. Dewar) was party political. Having spent five or six years being opposed by the hon. Member for Oldham, West (Mr. Meacher), I think that what the hon. Gentleman had to say was relatively mild. However, at the end of 45 minutes, rather like my right hon. Friend the Secretary of State, I am not a great deal clearer about the broad strategy of Labour policy than I was when we started.

The hon. Member for Garscadden made a great deal of the Government's omissions—what they did and what they did not do. The House should be reminded that the reason why we are discussing this long, detailed and important Bill is not the acts of Ministers but the fraudulent actions of Robert Maxwell. That is what lies behind it. The Bill is certainly about the deliberate and dishonest action that he took to defraud *Daily Mirror* pensioners. It is further about preventing members of other occupational schemes being threatened and defrauded in the same way. That is the evil which the Bill tackles.

I, for one, welcome the provisions on the new occupational pensions authority and the provisions on pension trustees, as I am a pension trustee on the Bardon scheme.

I find the Opposition's attitude to the debate rather curious. I should have thought that the message that the House wanted to send out this afternoon was a united message that people such as Maxwell would not be able to raid pension funds in future. Instead, the amendment contrasts with the end of the speech by the hon. Member for Garscadden, when he grudgingly acknowledged the action that the Government are taking, but moved swiftly on to other ground as if embarrassed by it.

**Mr. Miller:** Does the right hon. Gentleman include in his list of people who should not raid pension funds those companies engaged in taking over other companies? Does he agree that surplus assets in funds should not be the subject of takeover warfare?

**Sir Norman Fowler:** I have much sympathy with what the hon. Gentleman is saying and I know that my hon. Friend the Minister will deal with that in his reply.

**Mr. Jenkin** *rose—*

**Sir Norman Fowler:** May I make some progress, otherwise I will end up making a 45-minute speech when I want to speak for only 10 minutes?

In their amendment, the Opposition are arguing that the Bill does not

"fully reflect the importance of pensions as a form of deferred pay".

Frankly, that is an extraordinary argument. The Bill is about ensuring that pay that is deferred is paid out in pensions at the end and that the money is not stolen or misappropriated.

We must also remember the other changes that the Government have made to protect and improve the rights of occupational pensioners. The hon. Member for Garscadden was lecturing the Government, but let me

*[Sir Norman Fowler]*

remind him of the position that we inherited from the Labour party. The state earnings-related pension scheme was the limit of Labour ambition. The party did nothing to improve the position or the rights of people whose pensions were frozen—people who were forced to leave their pension entitlement frozen in value with a previous employer.

The Labour party did nothing to make it possible for members of occupational schemes to transfer their rights. Those changes—that revolution—were carried out by the Government. As a result, people in occupational schemes get a better and a fairer deal today. That was not a measure that was forced on us by eager pension funds or, frankly, by the official Opposition. It was this Government putting the interests of members of occupational schemes first and ensuring, to use the words of the Opposition amendment, that

"the importance of pensions as a form of deferred pay"

was recognised.

We also sought to give the public more options on pensions. Occupational pensions had made an enormous contribution and there is no question about that, but in the mid-1980s they had ceased to expand and were stuck in the mud. The attitudes of some funds to the rights of their members were stuck in exactly the same way—there is no doubt about that. That is why the scandalous problem of frozen pensions endured for such a long time. We tried to introduce reforms, to give more people the opportunity to have a pension that was separate from state provision. Every opinion poll showed that that was what people wanted and so the extra option of personal pensions was introduced.

I do not for one moment defend the actions of those insurance companies that mis-sold policies. Ironically, several of the companies that were prominent in their opposition to the introduction of personal pensions were guilty. It is not part of my brief to defend wrong advice given in that way.

We should distinguish, however, between the personal pension product and the methods that some companies used to sell their products. At the end of last year, Andrew Large, the chairman of the Securities and Investments Board, said:

"I want to emphasise from the outset that our concern is not with personal pension products themselves, but with how they were sold. I would add that, because of the action that regulators and the industry have already taken, people can now have greater confidence that personal pension products are being properly sold. They do offer an efficient and flexible way of saving for retirement for many people, provided they are marketed, advised on and sold properly."

That is very much my view of the position.

**Mrs. Jane Kennedy** (Liverpool, Broadgreen): Does the right hon. Gentleman accept that the problem is not necessarily the fact that inappropriate pension products are sold, but that there has been a growth in the number of tied agents? As a result, the agents selling financial packages do not have the full range of products available and are limited to those of one company. When I had the honour to be a member of the Select Committee on Social Security, we heard that the number of independent agents had shrunk to only 20 per cent. of those acting in the field.

**Sir Norman Fowler:** A major problem exists with the giving of advice and with where people can get independent and impartial advice on what they should buy and what is in their best interests. Clearly, in some cases people have been badly advised and I will come to that in a moment.

I welcome the fact that the hon. Member for Garscadden made it clear that the Opposition see a place for personal pensions in the range of pension provision. He also made that clear last March in a debate in the House. That view is a million miles away from the view of the hon. Member for Oldham, West when we started the pensions debate. Then, the Labour party saw no place for personal pensions and opposed them, not on merit, but because they were private provision and the hon. Gentleman did not want them. I therefore welcome the fact that the hon. Member for Garscadden is leading the Labour party on to much wiser ground.

My right hon. Friend the Secretary of State referred to the action being taken to put matters right where companies and advisers have given wrong advice and I obviously welcome that. I must make some additional points, however. First, we must make it clear to the public that personal pensions are a sensible option for many people. The idea that everyone who has taken out a personal pension has been wrongly advised is ludicrous. Some exceptionally good and reputable companies are providing such pensions.

Secondly, we must review and improve the independent advice that is available to the public. Usually, it is wrong for someone to decide to come out of an occupational, funded scheme for a personal pension. If the employer's contribution does not remain the same, which it almost invariably does not, but is reduced, there is little or no chance that the return will be comparable.

Thirdly, we must reconsider employers' contributions. I left the Department of Health and Social Security in 1987 and I tried to re-enter the debate a little later, when I was at the Department of Employment. I suggested that public sector schemes should set an example by making a contribution that was above the minimum to any of their members who wanted to move to a personal pension scheme. The suggestion was resisted fiercely by the public sector schemes—again, it was partly the curse of asking schemes to pay now when the option is to pay tomorrow and later.

The hon. Member for Garscadden proposes that the National Savings scheme should provide such personal pensions—I do not think that I am misquoting him—and I agree. I have always thought that to be a sensible course and a sensible extension of its business. During my review of pensions in the mid-1980s I proposed that, but I regret to say that it was rejected out of hand by the National Savings authorities at the time. Now that Marks and Spencer is entering the personal pensions business, perhaps it is an opportunity for the National Savings scheme to reconsider the position.

Finally, I shall try to follow the important remarks by my right hon. Friend the Secretary of State about where we are in the pensions debate—a debate that is taking place not only in this country, but in every other country in western Europe.

As people live longer, there is no question but that there will be a greater demand for taxpayers' resources, devoted to health, social services and pensions. That is why Governments everywhere are looking at ways of providing options for people to save for their own retirement. That is why the Government, who deserve

credit, started that process about 12 years ago. That is partly why we are better placed today than most other countries, because we have massive funds that have been built up for occupational and personal pensions.

That review of pensions involves looking at the type of debt that we are leaving for future generations of taxpayers. By creating SERPS, the Labour party did not launch a funded scheme but a "pay-as-you-go" one. No funds or investments back it up. It relies entirely upon the willingness and ability of future generations of taxpayers to finance the second-tier pensions that are now being promised. That unfunded scheme comes on top of the unfunded basic pension. It is therefore entirely sensible for any Government to consider what can be afforded. If hon Members want any proof of that, they need only look at the report of the Labour party's so-called social justice commission.

**Mr. Dewar:** So-called?

**Sir Norman Fowler:** I believe that the commission is a pretentious means of setting out a pretty ordinary set of recommendations, but obviously the hon. Gentleman thinks otherwise. In due course, we will try to probe him about what recommendations he will or will not accept.

I have a specific question for the hon. Member for Garscadden. For years, the Labour party has argued that the basic pension should be uprated by earnings and not by prices. That was the basis of the Opposition's appeal to the nation. As the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), the Liberal spokesman, remembers only too well, the hon. Member for Oldham, West—the Opposition spokesman—always argued that the Labour party would uprate the basic pension according to earnings.

**Dame Elaine Kellett-Bowman** (Lancaster): Will my right hon. Friend give way?

**Sir Norman Fowler:** No, unless my hon. Friend wants to speak for the Labour party.

I should like to know from the hon. Member for Garscadden whether the Labour party remains committed to the policy that the basic pension should be uprated by earnings, because that is not the meaning of the proposal by the Commission on Social Justice. I should be happy to give way to the hon. Gentleman on that. I am surprised that he has not sought to intervene.

As my right hon. Friend the Secretary of State said earlier, pensions are a fundamental issue, because there is hardly anything that costs more in present or future spending than pensions. The Labour party has gone to the country in election after election claiming that it would uprate pensions according to earnings. That has always been the great distinction between the Conservative party's policy and that of the Labour party. We have been attacked constantly by the Labour party on that very issue, but now the hon. Member for Garscadden is unable to say whether the promise to uprate the basic pension according to earnings remains a policy of the Labour party. The public will draw their own conclusions. It is clear that the Labour party is scuttling that particular policy—yet one more policy is going down.

**Dame Elaine Kellett-Bowman:** Will my right hon. Friend give way?

**Sir Norman Fowler:** As I failed to get a reply from the Opposition Front-Bench spokesman, I am happy to give way to my hon. Friend.

**Dame Elaine Kellett-Bowman:** May I remind my right hon. Friend that when the Labour Government first introduced that pension provision, they did so at a time when prices were rising faster than wages? They therefore cheated the pensioners.

**Sir Norman Fowler:** I agree with the force of my hon. Friend's point. The Labour spokesman, however, remains quiet on the fundamental issue of uprating pensions.

There is one reason why the public sensibly want to rely on something more than just state provision. The hon. Member for Garscadden may talk about the security of the state, but let me remind him that, in recent years, the people who lost out most were state pensioners under the Labour Government when Barbara Castle changed the uprating system midstream. As a result, pensioners lost out by more than £1 billion according to the value of current money. That happened because Barbara Castle changed the entire uprating system with the effect that the Labour Government went from following the historic system of validating past inflation to forecasting inflation when the inflation rate was dropping. That is why it is so important that we should have good private and occupational schemes, which is the purpose of the Bill.

It is the first duty of any Government to ensure that present pension provision is adequate. That is why I strongly welcome what my right hon. Friend said about war widows. We obviously owe them a particular debt. It is right that the Government should devote extra resources to them now, but the issue goes wider than that.

It is good news that about 60 per cent. of retired people now have some form of additional provision, but we should recognise that some of that additional provision is modest and that, in any event, some 40 per cent. of retired people have no such additional provision. The problem is that some people now living in retirement have been unable to build up an occupational pension through no fault of their own. There are a variety of reasons for that. For example, their firm may not have had an occupational pension scheme at that time, or they may have been members of a scheme, but, because of the scandalous early leaver rules and frozen pension rules, were prevented from receiving the full value of their pension. They may have been caught by a number of historic employment practices. Whatever the reason, those people now depend absolutely on the basic pension with little or nothing more.

We introduced family credit because we accepted that we were unable to help the families we wanted to help through the general child benefit. It is open to us to help those pensioners we consider most in need by introducing a pension credit system. In other words, we should add to the basic pension of those whose income most urgently needs supplementing.

**Mr. Dewar** *indicated assent.*

**Sir Norman Fowler:** I am glad to note that the hon. Member for Garscadden agrees with me.

**Mr. Dewar** *rose—*

**Sir Norman Fowler:** I have no intention of allowing the hon. Gentleman to intervene when he failed to do so at my earlier request.

*[Sir Norman Fowler]*

Rather than relying upon general increases in the basic pension, we should direct resources to where they are needed. The basic pension would remain price-protected and would continue as now, but to those who do not have the benefit of other retirement income or have only a limited income, the pension credit would be given as an additional weekly payment. It would operate in the same way as family credit, which the Government introduced and which has been widely welcomed.

I welcome the Bill. The Government have taken the action needed to combat the Maxwell scandal and other similar scandals. The Bill builds on the new rights that we have already awarded to occupational pensioners and assures the public of the security for their investment. Most of all, I congratulate the Government on continuing to encourage occupational schemes and personal pensions. I hope that the Government will now consider the position of those living on the basic pension, or close to it, and take further action because I profoundly believe that such action is also necessary.

5.18 pm

**Mr. Alfred Morris** (Manchester, Wythenshawe): The Bill, as it has emerged from another place, is widely felt to be in need of some very important further amendments. One of them is the amendment so ably moved by my noble Friend Baroness Hollis, which would allow a carer to keep 50 per cent. of his or her occupational pension if the spouse enters long-term residential care. The Secretary of State will know how very important that amendment is to the Alzheimer's Disease Society, of which I have the honour to hold office as vice-president, and to the very deserving people the society exists to help. The amendment, on which doubtless there will be an opportunity soon to vote in this House, has my total support.

I am anxious also to see an early opportunity to revise the decision taken in another place in regard to the exclusion of British pensioners in Commonwealth countries from pension upratings that are paid to all who live in the UK, as well as to expatriates in the European Union, the United States and some 30 other countries. I need hardly emphasise again today how badly that decision was taken in Australia and Canada, among many other Commonwealth countries.

The House will not be surprised, however, that I rise mainly to speak in this debate about the widows of men who gave the best years of their lives in the armed forces of this country. In this 50th anniversary year of victory in the second world war, their claim to our attention is one of very high importance. They live with a deep sense of grievance and their unhappiness about the unfairness to which they have been subjected is visible to all of us who meet them. As Major-General Sir Laurence New, who is held in special regard on both sides of the House, said in a letter published by *The Sunday Times* yesterday, they are widows who feel "forgotten, neglected and wronged." While millions of people will be celebrating the end of the war against Germany on 8 May, for them it will be another day of mourning for men who fought and died that we might live.

Of course, I applaud the indication given by the Leader of the House last Thursday—and confirmed by the Secretary of State today—that the Government will not now attempt to overturn the new clause added to the Bill in the House of Lords which automatically restores the Department of Society Security war widows pension on second bereavement or divorce. That improvement to the Bill was secured by the young Lord Freyberg who, although he is a Cross-Bencher, I am delighted to call my noble Friend. He was strongly supported by peers of all parties and of none, and they, too, have my gratitude for achieving one of the four purposes of my early-day motion 186 in support of war and service widows' claims.

I am sure that the Government's most praiseworthy change of heart towards the new clause will be welcomed on both sides of the House, but it would be helpful if it could be made clear, as the debate proceeds, that the concession has no provisos. I say that because I did not hear the word "automatic" in what the Secretary of State said this afternoon; nor does it appear in the DSS press release, which, hot from the press, I have been given by hand.

If the Minister can clarify the position now, I am sure that it will be very warmly appreciated by the War Widows Association of Great Britain, the Officers Pensions Society, the Royal Air Force Widows Association, Help the Aged and the many other organisations that have been campaigning for the change.

"Automatic" is a word the war widows will certainly want to hear, just as they will want to hear that there is to be no question of means-testing.

**Mr. Clifford Forsythe** (Antrim, South): The right hon. Gentleman is chairman of the managing trustees of the parliamentary contributory pension scheme. Are the changes that he seeks for the war widows in that scheme?

**Mr. Morris:** Yes, they are; so, the Members of Parliament who are supporting the war and service widows' claims this afternoon are not saying that they want other people to "do as we say" but saying "do as we do".

But welcome as the concession the Minister has announced is, he will be unwise not to realise that he has addressed but one of the rightful claims of our war and service widows. If he stops there, he will be seen as having taken this one step merely to counter mounting criticism of the Government's response to the widows' claims as a whole.

The Minister will know that those claims are not new. The 1989 campaign to make life better for war and service widows was directed at achieving their purpose. This Bill affords us a further opportunity to correct the injustices to which they relate.

My early-day motion now has 245 signatories from all parts of the House, and 42 other Members have written to the Officers Pensions Society expressing their unequivocal support, at the same time making it clear that, were it not for the conventions that prevent their signing early-day motions, they would have done so. The spread of support for the motion is comprehensively all-party and includes 72 Conservative signatories.

Mr. Deputy Speaker, war and service widows are presently being discriminated against—I choose my words carefully—in each of the three still outstanding areas of concern dealt with by my early-day motion. Make no mistake, they are asking not for special treatment but for an end to discrimination, for, by comparison with other similar schemes provided by our allies, and by comparison with commercial pension provision in this country, Britain's war and service widows are uniquely disadvantaged.

As General Sir Peter de la Billière said in his letter to *The Sunday Times* yesterday:

"Neither our Allies nor our former enemies treat their widows in such a penny-pinching way."

He went on to

"urge the Prime Minister to look beyond the well-crafted defensive briefs emanating from his Ministers . . . and to see to it that the widows of those servicemen who served our country are able to live out their lives with dignity and some small financial security."

I remind the House that, whereas a war widow's husband died attributably and a service widow's husband died naturally, both sets of widows had to watch their husbands go off to war. Some never came back, some came back broken in body or in mind, some came back apparently unharmed but died soon thereafter. All these widows are our "victory widows". They are our inheritance, our legacy of war. Far from discriminating against them, we should be seeking to repay in full the very special debt we owe them. They are mostly over 75 and many of them live on some form of income benefit. So it could hardly be described as expensive or open-ended to provide for them financial assistance that the war and service widows of our allies and former enemies already enjoy as of right.

What are the remaining three problem areas? First, there are the service widows who married their husbands after they had left the services and then, invariably, nursed them to the end of their lives. Because they married after retirement, they get no pension at all, in spite of the fact that their husbands contributed fully towards a pension. The armed forces pension scheme is almost completely isolated in not offering an unabated pension to the widow who married a service man after he retired. That is not the case in any other comparable scheme studied by the Officers Pensions Society.

It is true that post-retirement marriage pensions were introduced in the armed forces in 1978, but only service after that date counts towards a pension. That does not help the older service widow who receives nothing. All that is being asked for now is that, where the post-retirement marriage took place before the service man was 65—the end of his recall liability—and provided it lasted for at least three years, there should be a pension for his widow. As ever, the Treasury pleads cost, but we should remember that these service men effectively contributed towards their pensions, initially at 11 per cent. From 1988, their contribution was one of 10 per cent., and from 1991 it was 9 per cent.

The second remaining area of concern affects the younger war widow. Today she loses both her DSS war widows pension and her occupational attributable war widows pension on remarriage. Her DSS war widows pension can never be restored and her occupational attributable pension can be restored only after a second bereavement or divorce if she fails a means test. Yet 83 per cent. of all commercial widows pension schemes of which the National Association of Pension Funds has evidence are paid for life. That applies to almost all the equivalent allied schemes. The Bett independent review, in its report, recommends that all war and service widows pensions should be for life.

While the Treasury again pleads cost, we should remember that these women are the widows of men who paid for their pensions. The right hon. Member for Bridgwater (Mr. King), then the Secretary of State for Defence, said so in the House on 11 December 1989. Moreover, the Government pay anyway because 99 out of 100 younger war widows are not remarrying. They thus remain a full charge to Government for both Ministry of Defence and DSS pensions. If our proposals were accepted and if younger, post-1973 war widows were paid for life and therefore encouraged to remarry, the DSS war widows pension would cease so long as the war widow remained married, and there would thereby be a saving to the DSS budget.

Our third and last concern is for the older war widow. Military service before April 1973 earned only a one third rate pension for widows, while service after that date earned a half-rate pension. Those still serving on 1 April 1973 were allowed to buy in their previous service at the half-rate and almost everyone did so. But those who had already retired, even by a day, were not allowed to buy in. The result is severe hardship.

A study by the Officers Pension Society of 14 other countries shows that provision in the United Kingdom is the meanest. It may come as a shock to many hon. Members that Britain is now alone among all the countries with which it can be compared in paying any service widow who is entitled to a pension less than a half-rate pension. In the United States the minimum figure is 55 per cent., in Germany it is 60 per cent., in Australia and Belgium it is up to 67 per cent. and in the Netherlands it is 71 per cent. All we seek now is that widows on the one third rate should be lifted to the half-rate pension. By definition, most of them are at least 75 and in the evening of their lives.

The case of Mrs. Margaret Woods exemplifies the severity of treatment that such women receive. She is the widow of a Fleet Air Arm pilot. He flew throughout the war and took part—flying a Swordfish—in the famous raid on the Tirpitz in Alten fjord. He died at 37 of a massive heart attack while still serving as a pilot in the Fleet Air Arm, but his death was said not to be attributable to service. After tax, his widow's current Ministry of Defence pension is £29.06 a week; hardly enough, it may be thought, for a main course fit to put before a regional gas company chairman.

To show how pushed Mrs. Woods is on her income, I quote a comment she made in a recent television interview. She said:

"a half-rate pension would give me another £800 a year—which would revolutionise my life."

I have briefly stated our still outstanding proposals. Their implementation is long overdue. This is not a matter for party animus, but one of honour for the House and the nation as a whole.

5.34 pm

**Sir Andrew Bowden** (Brighton, Kemptown): We have just heard a moving speech from the right hon. Member for Manchester, Wythenshawe (Mr. Morris) and I should like to associate myself with his comments.

The House welcomes the changes in benefits to war widows announced by the Government, and endorsed and confirmed by my right hon. Friend the Secretary of State. The war widows have made enormous sacrifices. But for their menfolk and many others, the House would not be meeting here today in peace and freedom.

I say with great regret that I believe that all Governments since the end of the second world war should hang their heads in shame at the way in which we

*[Sir Andrew Bowden]*

have treated our war widows. I say, again with great regret because he is a man I respect, that I disagree with my right hon. Friend the Secretary of State when he says that we treat our war widows well. We have not done so and we do not do so today. I hope that in this 50th anniversary year the Government will look again and give more help to war widows.

I emphasise just one of the points made by the right hon. Member for Wythenshawe in relation to older war widows. The fact that they have to exist on just a one third rate is disgraceful; it should be a minimum of 50 per cent. I think that it should be 60 per cent. It would be a declining commitment from the budget and, even at present, it would be a figure of only £27 million to £30 million per year—what a tiny price to pay for those who have sacrificed so much.

I welcome the Bill; I think that it is overdue. I should like to pay my compliments to the Ministers, who, with their Department officials, have clearly carried out an enormous amount of hard work. But I am deeply concerned about parts of the Bill. I must, inevitably, concentrate my comments on those parts, but I do not want not to pay tribute to the work that has been done and to many of the proposals contained in the Bill.

I believe that the Bill should include provisions dealing with British pensioners living abroad. I shall touch on that subject only briefly because my hon. Friend the Member for Davyhulme (Mr. Churchill) will be going into the subject in greater detail. I accept that it is not possible to carry out an immediate uprating for all those pensioners, but they include one group, some of whom suffer hardship because their pensions will be only £4 or £5 a week. I hope that the Government will look at the possibility of implementing a discretionary scheme to look at each case to see whether some of those people can be helped. I understand that immediate full uprating would not be possible as it would be extremely expensive, but perhaps the Government will think hard about making a commitment to future years' uprating, thus going some way towards reducing the unfairness of the position of those living in many Commonwealth countries.

I refer now to some specific proposals in the Bill, particularly the balance between the number of employee and employer representatives on trustee boards. I have no doubt that the balance of one third to two thirds is not fair. The employers' representatives must clearly be in the majority, but that could be achieved by having a 50:50 representation with a chairman appointed by the employers.

Millions of pensioners are very concerned about their representation on trustee boards. There is deep unrest about the matter and I ask the Government not to underestimate the strength of that feeling. I believe that at least one elected representative who is also a beneficiary should serve on a trustee board. There are a number of reasons for that, not least that that person would understand very clearly the position that he or she faced and would reflect that position during board meetings.

When there is a substantial majority of employer representatives on a trustee board, it is inevitable that they will often be high-ranking officials, such as the chief executive, managing director or chairman of a company. Those representatives will certainly have a great influence over the career and the future of the employee representatives who also sit on the board. Human nature being what it is—I am sure that all hon. Members would feel exactly the same—we could not really expect the employee representatives serving on those boards to stick out their necks too far on behalf of the employees.

However, a completely independent, elected trustee who is also a beneficiary would have no personal axe to grind, other than representing the beneficiaries, would have no fears about his or her future prospects or job, and thus could speak very freely and bluntly. There is a very strong case for electing a beneficiary pensioner to sit on trustee boards.

Some thought should be given to arriving at a clear definition of the purpose of pension funds. In essence, they are part of the contract of employment. People join companies that have established pension fund arrangements, often having already studied the terms and conditions of those pension funds. They may be aware of their obligations and those of their employers in financing the scheme. One could argue—I would not take it right to the line—that money paid into company pension schemes is deferred salary or wages. Therefore, one could also argue that only in the most exceptional circumstances—I believe that there would be some cases—should that money be used for any purpose apart from safeguarding the pension scheme in the interests of current and future beneficiaries. We must think through that definition very carefully.

I ask my hon. Friend the Minister for Social Security and Disabled People to examine clause 17(1)(a). It should be scrapped completely because it would enable employers to avoid their responsibilities under clause 16. That would have a real effect upon some of the Bill's excellent aims and intentions. I cannot understand the argument—perhaps my hon. Friend will address the matter in summing up the debate—for including that paragraph in clause 17. There is a strong argument for increasing the strength and the powers of the occupational pensions regulatory authority. It should not only deal with emergencies and problems but have some powers—although perhaps not as wide as some right hon. and hon. Members would wish—to try to prevent disasters. That could be achieved by ensuring that there was proper funding, and that could be assured only through payment from the state.

My right hon. Friend the Secretary of State asked why people who are not involved in the funds should contribute, through their taxes, to the cost of state funding. However, about 20 million people either are or will be beneficiaries. If we also take their families into account, that is a substantial proportion of the total population. There is a real case in favour of state funding and for giving the occupational pensions regulatory authority much sharper teeth.

The Maxwell disaster occurred partly because there is no real control over the custody of pension scheme assets. Surely there is a case for ensuring that in most circumstances—I am not saying in all cases—there could be a custodian of a scheme's assets who is independent of the employer. I suspect that a large number of employers would welcome an independent custodian as it would remove a lot of worry and concern from their shoulders.

Clause 36 also concerns me. The Bill states that regulations may require the provision of documents to scheme members. It is absolutely vital that members

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receive such documents if they are to know what is going on in the scheme. My hon. Friend the Minister should eliminate the word "may" and insert instead the word "must". People who contribute to the scheme over many years have a right to know what is happening in the scheme. They should know how the money is being used and they should receive a proper statement of accounts.

I am particularly concerned that the word "must" should replace the word "may" because other parts of the Bill clearly state that the employer's representatives can agree at trustee meetings that all decisions should be decided only on a majority vote. I am not saying that many employers would abuse that provision—I believe that only a minority would. However, under the present wording of clause 36, a minority could abuse it by not providing information to members, which should legitimately be made available. I hope that my hon. Friend will examine the situation carefully in Committee.

As to the balance between employer and employee representatives and the importance of trustees, there is a case for arguing that all trustees should receive some compulsory training. After all, the duties of trustees are becoming increasingly complex and demanding and trustees should benefit from the help and support that some fundamental training would provide.

My last point, which was touched on by the right hon. Member for Wythenshawe, is about a matter of deep concern to me and my fellow officers on the all-party parliamentary group on pensioners. I refer to an elderly married couple, one of whom must enter permanent residential or nursing home care. We must establish without a shadow of doubt the right to keep 50 per cent. of a spouse's occupational pension when such a situation arises. If that is not done, in many cases the spouse left behind will be unable to support himself or herself in the property where the couple live. They may have alternatives. They may have a right to income support, but that is robbing Peter to pay Paul. They may have to sell their property and move to an entirely different area. Such problems should not confront elderly people in our country today.

**Mr. Mark Wolfson** (Sevenoaks): If a person was eligible for income support, that would be psychologically the wrong way to do it. Sometimes, we do not pay enough attention to the need of people to feel that they can support themselves, rather than have to call on statutory money.

**Sir Andrew Bowden:** I fully endorse my hon. Friend's point. I hope that I shall not stretch your tolerance too far, Mr. Deputy Speaker, in reminding the House that 750,000 pensioners who could claim income support do not, because they look on it as charity or are not prepared to ask for that money.

A 50 per cent. guarantee would ease the worries of a large number of people. I remind my hon. Friend the Minister that as more and more people each year retire with—thanks largely to this Government—a good pension, such a provision would assist a growing number of people.

**Mr. Frank Field** (Birkenhead): Did not the Secretary of State's remarks about dividing capital at the point of divorce add force to the hon. Gentleman's argument? Otherwise, elderly couples may have to divorce in the last years of their lives, so that the spouse remaining at home can keep part of the pension.

**Sir Andrew Bowden:** The hon. Gentleman pinpoints a problem that has confronted Governments for some years—creating situations that damage the family. Because of the way in which some laws have operated over the past 20 or 30 years, in some circumstances people are better off divorced or living together unmarried than being married. The hon. Gentleman is absolutely right.

My right hon. Friend the Secretary of State touched on the discretionary powers of local authorities to help in cases where a spouse is taken into permanent care. I do not share his confidence that local authorities will be as fair and balanced as they should. There is already evidence of discretionary powers being used in widely different ways, varying from authority to authority. When local authorities had powers in relation to transport schemes, sometimes people living on one side of a road enjoyed totally free public transport whereas those living on the other side did not. People felt a great sense of unfairness. If we rely on local authorities in this instance, the same will happen.

The Bill has a remarkable number of things going for it, and Ministers deserve to be warmly congratulated. However, deep concern is widespread among the 20 million people who are or will be recipients of pension scheme benefits—and there will be more and more of them in future. I say to my right hon. and hon. Friends in all sincerity that they must not ignore those concerns but meet them. If they fail to do so, it will be at their peril.

5.54 pm

**Mr. Archy Kirkwood** (Roxburgh and Berwickshire): I commend the speech by the hon. Member for Brighton, Kemptown (Sir A. Bowden), who has for many years been a champion of pensioners as co-chairman of the all-party pensions group. I pay tribute to his work. He made a compassionate and powerful speech, with much of which I agreed. I hope that members of the Treasury Bench will study with care the hon. Gentleman's speech in *Hansard* tomorrow. The hon. Gentleman is also a distinguished colleague on the Committee of Selection, so I shall be twisting his arm to serve on the Committee as a result of his erudite contribution to the debate. He certainly staked a powerful claim.

I agree wholeheartedly with the hon. Gentleman's final, powerful point about the Government's argument that local authorities have discretion not to use all of a pension for the upkeep of a partner in residential care. All the evidence from Age Concern and the Alzheimer's Disease Society is that that is not happening. The hon. Member for Birkenhead (Mr. Field), in an intervention, mentioned that spouses would almost be obliged to consider divorce to protect 50 per cent. of their pension.

Age Concern estimates that only 10,000 men and 5,000 women are in that situation, so it would not cost a tremendous amount of money to remedy. We will return to that matter in Committee. I hope that the Government Front-Bench team will carefully study the information about the costs, justification and consequences of allowing such a situation to survive consideration of the Bill.

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*[Mr. Archy Kirkwood]*

The hon. Member for Stratford-on-Avon (Mr. Howarth) pointed out that huge macro-economic consequences must be kept in mind, in terms of the money under the control of pension funds and the effect of their use on the country's economic future and prosperity. Although the hon. Member for Glasgow, Garscadden (Mr. Dewar) did not have time to deal with that point in detail, I hope that such wider questions will be considered in Committee.

The Bill's long title states that its purpose is

"to amend the law about pensions and for connected purposes."

That offers extensive prospects of amendment and discussion. When the Standing Committee is set the task of examining the Bill in detail, I hope that it will take full advantage of that latitude to scrutinise and cross-examine the totality of Government pensions policy. Although I welcome the Bill as far as it goes, it does not add up to a coherent pensions policy.

I listened to the good speech made by the right hon. Member for Sutton Coldfield (Sir N. Fowler). I will argue for that right hon. Gentleman also to have a place on the Committee, because there was a strong sense of déjà vu of the debates that he and I endured at the hands of the hon. Member for Oldham, West (Mr. Meacher). I could not resist chuckling when the right hon. Gentleman compared Labour's current and much better Front-Bench team with its predecessors in the 1985 and 1986 debates.

The right hon. Member for Sutton Coldfield made a timeous escape in 1987, just before the personal pensions bribes scandal started to take hold—but he is a master of timing, and timing is important in politics. He made a powerful point, to the effect that we need to target help via the state retirement pension at those who need it most. My party is beginning to look responsibly into such a change. The lowest 10 per cent. in terms of income—the 1 million or so people who rely exclusively on the state pension—definitely receive inadequate help. Evidence for that is to be found in the fact that they usually require immediate means-tested support to meet their assessed needs, as defined under current DSS rules. Much more needs to be done, therefore, but I accept the principles behind the right hon. Gentleman's point.

This debate finds me in a bit of dilemma as regards the Labour party's reasoned amendment. The hon. Member for Garscadden made a good speech. Although I share his anxiety that the Bill does not go far enough, I would add that we desperately need to reach a consensus on pensions policy. This Bill may come into effect in 1997; but by some happenstance there may be another Government by then. Putting aside all our usual political divisions we should remember that the last thing that the industry, pensioners or trustees—those who try to look after pensioners—want is another upheaval in policy. Hence we must make the best of the Bill that we have. I am prepared to do that, but it will require some work and some concessions on the part of the Government to guarantee the sort of cross-party agreement that could be reached with good faith on all sides. It is certainly well worth trying to achieve it.

The Government really had no option but to introduce the Bill. It has its provenance in a combination of the Maxwell scandal and the Barber judgment in the European Court. I may be a lone voice when I say—this is not an argument that I intend to pursue, and in any case the time to pursue it has probably passed—that I do not believe that trust law is the best framework for occupational and personal pensions policy. I was attracted by some of the arguments made by the Select Committee in 1991-92. The Committee decided that it would be better to start with a clean sheet and to put pensions policy immediately on a statutory footing.

In a previous incarnation I was a humble Scots solicitor; speaking as one, I do not think that it will be easy to reconcile the terms of the regulations—we have not yet seen them—with differing English and Scots trust law. Trust law was never designed to deal with £600 billion worth of assets, and it may not be easy comfortably to interpret trust law north and south of the border under the statutory framework for which this Bill legislates. Beginning with a clean sheet and aiming at purely statutory provision might have taken longer, but it would have been worth attempting.

I regularly complain about the extensive use of enabling legislation in such key areas of law. The Government should have taken a little longer to draft their Bill. It is not particularly well drafted, judging by the amendments that the Government had to table in the House of Lords. This is largely a piece of enabling legislation, and the devil might easily arrive in the detail—as happened with the Child Support Agency legislation. I freely confess that I did not spot some of the mistakes in that, in my capacity as spokesman at the time. Subsequent problems exploded in an unanticipated way. It is therefore with some misgivings that we contemplate the arrival of another piece of enabling legislation.

I agree with the hon. Member for Garscadden about the Government's retreat from the Goode report. Thanks have been proffered to its chairman and his committee team, but I add my congratulations to the Chairman of the Select Committee, whose reports have brought to this subject an illumination that I for one would not otherwise have found. I am sure that the same applies to other hon. Members. There is evidence to show that the Government have significantly diluted and distorted Goode's proposals—no doubt because the Government were subjected to extensive lobbying by interest groups. That is politics, I guess, but I regret it. The Standing Committee should carefully scrutinise this Bill and try to strike the right balance. Liberal Democrats are very good at striking balances.

I am especially concerned to find that the regulatory authority will be neither regulatory nor an authority, a view shared by Help the Aged. Sue Ward, a distinguished member of the Goode committee said, no doubt referring to Maxwell:

"Given the costs of a major investigation, and of court proceedings to put right what has gone wrong, this seems a very distorted set of priorities".

I agree. I am not sure that I share the Government's optimism about the protection afforded by the Bill.

I expect, as did the hon. Member for Garscadden—he is not one to miss a trick when it comes to the odd £4 billion here or there—that some of the changes being made to the schemes for contracting out of SERPS, in the course of this reform, will have to be very carefully looked at. Moreover, we shall have to take a close look at pensioners' possible future losses owing to the requirement to index-link pensions, under SERPS, by up to 5 per cent. If inflation increases—it has happened in the past—pensioners could lose out heavily.

In 1985-86 I was a lone voice in arguing that personal pensions have a part to play, so I am not in the same position as the Labour party in that regard. I am, however, worried about some of these age-related rebates, which might cost up to £300 million a year. Certainly, we must try to improve the choice and availability of personal pension schemes, but we should not allow that to prejudice occupational schemes. To do so would be a grave mistake.

Rightly, the Bill includes a proposal to deal with the state pension age. I have some real concerns about the effects on women, however. A recent report by the Equal Opportunities Commission stated that the equalisation of retirement ages will make it much more difficult for retired women to be financially secure, because women's lifetime earnings would be averaged over an additional five years. EOC researchers say that women will end up with lower state pensions in real terms unless they can secure well-paid work between the ages of 60 and 65. But only a fifth of women of that age are in paid work.

My party has looked into the homogenisation of retirement ages and we have come to the conclusion that a pivotal retirement age of 65 would make it possible for the state pension to be significantly more generous. But the qualification is that some of the savings are routed back, as the hon. Member for Garscadden said, in some way, so that the present entitlements can be improved.

**Mr. Dafydd Wigley** (Caernarfon): I have been following what the hon. Gentleman has said with considerable interest; he referred to the retirement age. Does he accept that there is one group for whom there is considerable difficulty: the agricultural fraternity, the members of which very often do not have any personal plans of their own or an occupational pension? Often, because of their circumstances in earlier life, they do not have the full benefits of a state pension, either. As a result, they work beyond normal retirement age, which leads to an industry with an age structure that is detrimental to its future. Given the broad long title of the Bill, might there be a possibility in Committee to examine that to see what can be done to help them?

**Mr. Kirkwood:** The hon. Gentleman is another volunteer for the Standing Committee. I am picking them up rather well. The Committee of Selection will be a lot easier than it usually is. The hon. Gentleman raises an important point. Coming from an agricultural constituency myself, I am sure that that matter is something to which the Committee will want to give its consideration.

As a party, the Liberal Democrats have looked at the possibility of redeploying some of the savings that would be made by using 65 as a pivotal age, to enhance the pension that would come into play at 75 and 80, so that as people become older and lose the ability to go into part-time work or deal with their own personal circumstances they could pick up some extra support. The hon. Member for Garscadden made the point well and I am sure that it has been taken by hon. Members on both sides of the House.

On pension splitting, will the Minister look carefully at the differences in the law on pension rights north and south of the border because, in the matrimonial context, Scots courts are entitled to regard pensions as part of the matrimonial property to be split? There are difficulties about that.

**Mr. Lilley** *indicated dissent.*

**Mr. Kirkwood:** The Secretary of State shakes his head. I am quoting the Lord of Ardbrecknish—

**Hon. Members:** Lord Mackay.

**Mr. Kirkwood:** He was chairman of the Liberal committee so long ago that I had forgotten his name.

**Mr. Lilley:** I was shaking my head at the use of the word "split". In Scottish law, there is not the power to split the assets. There is an explicit duty to take into account the value of pensions north of the border, and a long-standing implicit duty south of the border. We made it explicit south of the border in the Bill and gave the enabling right, but splitting is a different matter.

**Mr. Kirkwood:** I withdraw. The Secretary of State is quite right. The use of the word "split" is wrong. There are still significant differences, which I urge the Minister to look at carefully. We shall return to it in the Standing Committee, but there are lessons to be learnt—as there always are—from the Scots legal system, when looking at amending laws in the rest of the United Kingdom.

My final point is about British pensioners living abroad. We as a party have looked at that carefully. We have listened to all the arguments. I think that the time has come. I know that £200 million is involved, and I do not think that that is a mere bagatelle. It is a lot of money, but I think that it is a duty that we should shape up to. If we are not to go straight for indexation, we should look at reciprocal arrangements with the countries to which such arrangements do not apply. The Liberal Democrats have decided to make that a commitment that we would seek to introduce if we have the opportunity. The Government would be well advised to look carefully again at the arguments.

The Bill, I am sure, can be improved in Committee, but it will be improved in Committee only if the Government act in good faith. It is my concluding plea that if the Government really are attached to the idea of establishing consensus in the framework of pensions policy that will survive a change of Government, it is incumbent on them to listen carefully to the suggestions that will be made—responsibly, as far as I am concerned—for effective changes that can and would improve the content of the Bill.

6.13 pm

**Mr. Winston Churchill** (Davyhulme): It is a pleasure to follow the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood). I am grateful to him for the support that he expresses for the campaign that I and others have waged in the House to secure justice for expatriate pensioners.

There is much that is good in the Bill, both in the way in which it strengthens the regulatory framework for occupational pensions, in the wake of the Maxwell scandal—clearly, that was something that was long overdue—and in the way in which it takes steps to equalise the retirement ages of men and women. I warmly welcome the Government's acceptance of Lord Freyberg's amendment in another place, which will be of

*[Mr. Winston Churchill]*

great assistance to the nation's war widows. As sponsor of early-day motion 279, which calls for an end to discrimination against British state pensioners living abroad, I should like to devote my remarks to their plight.

My early-day motion, which, in the past Session, secured the support of no fewer than 288 colleagues on both sides of the House, has been signed thus far by some 248 in the current Session. It expresses the House's

"grave concern at the discrimination . . . against British State pensioners"

depending on the hazard of where they choose to make their place of retirement.

I and my colleagues, from both sides of the House, who support this measure are not seeking handouts for people who have not paid their proper contributions, although one sees day by day the Department of Social Security standing ever ready to give a vast number of people who have never contributed a penny to the national insurance scheme lavish handouts, including foreign citizens who enter our country illegally, because there are no effective measures in place to establish the true identity or nationality of those who claim benefits.

In a recent case, which was so notorious that it attracted the headlines, some 15 citizens of Nigeria arrived here and chartered a stretch limousine and two apartments in an up-market area of Knightsbridge, in order systematically to defraud the social security system by taking on the identities of more than 2,000 individuals. Thanks to the assiduity of my right hon. Friend the Secretary of State, they were eventually uncovered, but one wonders how many such scams are in operation. The sooner that we have effective steps in place to stop the monstrous fraud that is being perpetrated on the social security fund, the better.

I was particularly intrigued by a statement that was made by my right hon. Friend the Secretary of State for Employment, on 8 February 1993, when speaking in the public expenditure review. He stated:

"We must adhere to our important manifesto commitments to pensioners. People make provision years in advance for their retirement. I do not wish to be deprived of any contribution that I have made to my pension—so these are important issues."

I think that we would all endorse that sentiment. But the fact is that the very same Secretary of State is a member of a Government who are effectively depriving some 381,000 British overseas pensioners of the pension to which they have contributed throughout a lifetime's work. I and my colleagues are seeking justice and equal treatment for those who have paid those national insurance contributions throughout their working lives. Because of where they have chosen to spend their retirement, 3 per cent. of British pensioners are deprived of their full pension. Of 676,000 British retirement pensioners living abroad, more than half—about 381,000—have their pensions frozen.

The selection of countries where British pensioners have their pensions frozen is, to say the least, bizarre—indeed, insane would not be too strong a word. Those who choose to retire to one of the old dominions—which played such a key role in the very victory which, a fortnight today, the Government will be rightly spending significant sums to celebrate—have their pensions frozen. However, those who retire to the land of our former enemies—Germany or Italy—naturally get their pension payments and all upratings paid in full.

I invite Ministers to ponder that point as we approach the 50th anniversary of VE day. Where is the justice? Why is the full pension payable to someone who retires to Detroit, but not to someone who lives just across the water in Ontario, Canada? Why should those who retire to Jamaica or Barbados receive a full pension, but not those who retire to Trinidad or Tobago? Why should those who retire to Iceland receive the full pension, but not those who retire to India or Pakistan? Why are pensions frozen for the 14 remaining British pensioners in the Falkland Islands, when billions of pounds of taxpayers' money were spent reclaiming those islands from Argentina?

Where is the justice; where is the logic? I should be grateful if my hon. Friend the Minister, when replying to the debate, would, for once, deal with the question of justice. Where is the justice in these arrangements? I am bound to say that successive Ministers have ducked that question because they have never dared defend such discriminatory, unfair arrangements on the ground of justice. It is about time that they did so and I look forward to hearing what my hon. Friend the Minister has to say.

I recently received representations from the Canadian high commissioner in London. He pointed out that the average pension of the 118,000 British pensioners in Canada is currently £20.36 per week—barely one third of its full value. As he poignantly said—and I have passed his remarks on to my right hon. Friend the Prime Minister:

"The unfairness of the issue is very striking in Canada where for instance a British pensioner in Windsor, Ontario does not receive an indexed pension, but just across the river in Detroit a fellow British pensioner does."

I want to quote one or two excerpts from some of the many thousands of letters I have received, in particular from pensioners living in the old dominions. One letter from Fort Saskatchewan, Alberta, Canada states:

"Living in Canada, as I do, and having left the UK in 1968, my pension is frozen at the princely sum of £4.50 per week. If I had moved to the country of one of our former enemies, such as Germany, I would receive the full current pension . . . twelve and a half times as much . . . I urge your Prime Minister, the Right Hon. John Major to press for this reform and not to let Britons abroad suffer any longer."

Of course, the most poignant cases come from South Africa, where there is no effective net of social security, unlike in the other old dominions. Edna Thompson wrote to me from Victoria embankment, Durban, saying:

"I am an 86 year old widow living alone along with many of my peers, I am almost destitute. Please try to get the British Government to do what is right by us regarding equality of pensions for us overseas oldies—we would come back to the UK to claim a living but haven't the fare. My pension is £24.30 every 28 days, that is R100. I dread the winter as I cannot afford to use any heat. Please help us."

How is it possible that this Government, who in so many ways are caring and compassionate towards so many in our society, can turn their back on those who have served our country so well? They are the very hero generation whose victory we shall be celebrating in a fortnight's time, yet the Government are turning their back on them.

Another letter from Noordhoek, South Africa, states:

"My wife and I have lived here since 1951. I am now 85 and she 77. We receive £6.75 for Self and £4.15 a week frozen."

Intriguingly, in a recent Adjournment debate that I initiated, my hon. Friend the Under-Secretary said that

"retirement pension upratings are not generally payable abroad. That has been the position since 1955 . . . It is fair to point out that, since 1955, people affected would have known, or could have found out, that that would be the position".—[*Official Report*, 6 July 1994; Vol. 246, c. 431.]

However, I have received comments on that statement from Mr. James Rogers in Victoria, British Columbia. He writes that he received a communication from the Ministry of Pensions and National Insurance dated 6 December 1956—a whole year after the year to which the Under-Secretary referred—stating clearly:

"Your title to British National Insurance benefits, providing, of course, that contributions are maintained, will not be affected in the event of your becoming a citizen of Canada, or the United States of America."

That has been proved to be a direct lie. I call on my right hon. Friend the Secretary of State and the Government to honour the promises that were made.

During the late 1940s, after the war, and the 1950s, many thousands of people consulted Government agencies about the effect on their pensions if they lived abroad, and time and again they were told, "Provided you maintain your contributions to the age of 65"—or 60 for women—"you will get your pension." There was no mention of a devalued or frozen pension.

Great play has rightly been made about how monstrous it is that occupational pensioners should have been defrauded in the Maxwell scandal. However, I regard it to be a monstrous fraud that many thousands of British ex-service personnel and others have gone abroad, having been misled by the then Ministry of Pensions and National Insurance into believing that by making extra payments they would receive their full pension entitlement. It cannot be right to treat those who have served this country so well in our hour of need in such a shabby and unfair way. I know that the standard reply, which I am sure will be trotted out this evening, is that the cost is exorbitant. Amazingly, the cost seems to have come down by almost a third as a result of a rejigging of the figures in the Secretary of State's Department. I am glad that they are coming down the right way. According to the latest reply that I have received, they have come down from more than £350 million to some £235 million.

Madam Deputy Speaker, to you and I, £235 million might seem a large sum of money, but it is no more than one third of 1 per cent. of the social security budget. In this 50th anniversary year of VE day, I call on my right hon. Friend the Secretary of State and, above all, on my right hon. Friend the Prime Minister, to do the right thing by this hero generation, who should not be deprived and required to live in circumstances of great destitution and misery.

I look forward, therefore, to hearing that the Government will at least come to an arrangement. If they cannot pay the full amount, how about going for a scheme whereby people aged over 75 would at least have their pension restored to what it should be? According to the Minister for Social Security and Disabled People in his written reply to me on 12 July last year, the cost of that would be £138 million—little more than half the figure that I quoted. That would give enormous help to people who need it most. People who have been retired for 10, 15, 20 or even 25 years are suffering most. It is my earnest hope that my plea will not fall on deaf ears.

6.31 pm

**Mr. Frank Field** (Birkenhead): I am pleased to follow the hon. Member for Davyhulme (Mr. Churchill). Earlier, we were reminded that the Bill has an omnibus long title, which offers hon. Members an enormous opportunity to table amendments on Report. About 240 hon. Members have already signed his early-day motion—

**Mr. Churchill:** It has been signed by 248 Members.

**Mr. Field:** With 248 Members signing the motion, if a suitable amendment is tabled and supported we hope that the Chair will select it. We will then find out whether hon. Members vote as they sign early-day motions; one hopes that they will.

In opening today's proceedings, the Secretary of State for Social Security rightly reminded us that the Bill results directly from Robert Maxwell's theft of what were euphemistically called, here and elsewhere, the Maxwell pension funds. Merely to call them that raises in an acute form the point made by the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) in relation to whether trust law is a suitable framework to safeguard pensions. As he and I say, that, sadly, is water under the bridge; we must deal with the Bill as it is.

In reminding us of the Bill's genesis, the Secretary of State was in order formally to give his thanks for the work of Sir John Cuckney in securing funds to safeguard what are still called the Maxwell pension funds. I shall go further: I want to compliment him on his stand. The position was difficult for the Maxwell pensioners, given the uncertainty that they faced, but Sir John was 100 per cent. right to resist calls made not only in the Chamber but outside that taxpayers should cough up the money immediately. The result of the way in which he has played his hand is that companies have returned funds on which, presumably, they thought other people had claims.

Taxpayers are not being asked to make a substantial contribution to pension funds and all pensions will be paid, but the mechanism by which that success was achieved was Sir John Cuckney. I hope that, at some suitable stage, the Government will not only thank him in the House but reward him suitably for the skills that he has deployed on behalf of pensioners.

The Secretary of State rightly reminded us that half a dozen measures will be put in place to protect funds in a way that the Maxwell pension funds were not protected. He did not say, although I am sure that it was in his script, that, no matter what we do, we cannot give a cast-iron guarantee on the safety of pension funds, or of any other funds, come to that. It is proper, therefore, for us to consider whether the six measures should be strengthened, and proceedings in Committee and on Report will give an opportunity to make suitable amendments.

The Secretary of State said that he would introduce the Goode committee report. The right hon. Gentleman and I spoke at a conference that was organised by Sir Roy Goode, who said that he was disappointed that the regulator was not more carefully defined on the face of the Bill rather than in regulations. He also envisaged that the regulator's role would be more proactive than the one proposed in the Bill.

The Secretary of State may reassure us that we are wrong on that, but it is wrong for him to put up straw figures and to say that somehow the Government propose to have a regulator who is really a glorified filing clerk

*[Mr. Field]*

receiving all pension fund accounts. We want a proactive agency whose staff are streetwise, who know where problems occur or are likely to occur and who will act to prevent fraudulent actions from taking place, rather than, as my hon. Friend the Member for Glasgow, Garscadden (Mr. Dewar) said, manning an ambulance afterwards. We shall return to that issue.

An issue to which we will not return after the Bill has been passed is the equalisation of pension ages. When the measure hits the statute book, I shall be surprised if anyone campaigns in the election to change that commitment. Although it is right for groups to represent their concerns about the issue, it is of much greater import to consider the use of the funds that will be saved for the national insurance fund when the pension age is equalised at 65.

I wish to emphasise my belief that 65 will not be the end of the story. In saying that, I wish to remind hon. Members of the beginnings of pension schemes. When the first pension scheme was introduced in 1908, the average of life expectancy was 45, and pensions were not drawn until 70. It seems extraordinary that we think in set terms of when pension ages should be set, and that it is not a moveable feast as the population becomes more healthy and lives longer.

The Old Age Pensions Act 1908 was enacted because of pressure from the friendly societies, which found that their pension requirements were a substitute for sick pay and that people had to withdraw from the labour market because they could no longer work. I hope therefore that, before the general election, we will have clear plans about the benefits structure before what is called retirement age, because the more we get that structure right, the less pressure will exist to seize on retirement pension as a form of income.

At the end of my speech I shall talk not about the flexibility that will result from our making all sorts of funny definitions about when we think people should retire but about the real flexibility that will come from people owning capital on the basis of which they can decide when to retire.

In debating the raising of the pension age to 65 in all cases, I hope that we shall give some thought to how the substantial sums of money that will be saved should be spent. I know that the Government have taken their decision in the context of trying to contain the social security budget. Indeed, for 15 years the Government have been saying that they will cut that budget but even the current Secretary of State finds it difficult to slow the pace of its increase, let alone cut it. The Secretary of State raised various important issues around this theme.

The hon. Member for Brighton, Kemptown (Sir A. Bowden) talked about people moving into residential care. He allowed me to intervene to say that, if we do not make some changes to allow people to keep part of their occupational pension schemes when their partner moves into residential care, we shall be creating the farcical situation in which people will be divorcing their elderly spouse so that they can keep part of their pension when the spouse moves into residential care.

Under the social security system, we must not have the forms of provision pitted against human nature. The Government rightly tell people about the importance of saving but woe betide anyone who becomes frail and ill at the end of his life because the Government will take away his savings. One cannot expect people to respond rationally in those circumstances, so many grannies lie about their assets and get help fraudulently.

The proper approach is to consider the need for a care pension, which should be part of the national insurance fund and which would be partially paid for by the savings made from the raising of the retirement age. The rest would be paid for by contributions from workers and employers, but it is immensely important that, if we are trying to encourage people to build up their pensions and to buy assets and houses, they know that they will not lose everything if they tell the truth at that point in their life when they most need help, when they are frail and elderly and need residential care.

I believe that the debate that we have had for 15 years about the level at which the retirement age for the state pension should be set will be closed by the Bill. A new chapter will begin and the debate will not be about whether it should be overthrown by a future Government but about how the age itself will have to reflect the increasing health and length of life of the pensioner population.

My final point fits in with other themes that have been raised and certainly touches on the contribution of the right hon. Member for Sutton Coldfield (Sir N. Fowler) which was, as always, interesting. He mentioned how the Bill fits into the future pattern of pension provision. Less than two and a half years ago, a colleague, Matthew Owen, and I wrote a pamphlet about what we saw as the future of pension provision. We said that it was to guarantee that everyone should have two forms of pension—a state pension and a private pension, whether it be a company or personal private pension.

It is amazing how the debate has moved on in the past two and a half years. Not only are organisations such as the National Association of Pension Funds backing that dual approach—even the Commission on Social Justice almost backed it. It dressed it up with some ideas to the effect that perhaps the state earnings-related pension scheme was an alternative but, if we are honest, we all admit that SERPS is dead in the water and can now play a part only for those currently in it or perhaps, as the right hon. Member for Sutton Coldfield said, as a way of making special additions for the poorest pensioners so that their entitlement dies with them and does not live on for the rest of us to draw.

The only question, therefore, in this part of the jigsaw puzzle is whether the approach should, as Ministers maintain, be exhortation to get people to enter a second pension scheme or compulsion. Should we legislate so that everyone working a certain number of hours a week must be covered by a second pension and so that the compulsion would extend to contributions from employers and employees? In those circumstances, thought would clearly need to be given to the form of pensioner savings.

The right hon. Member for Sutton Coldfield mentioned his plan some years ago to try to get the Post Office to sell private pensions. All good ideas presented to the House have long roots, and I have news for the right hon. Gentleman. Mr. Gladstone tried to introduce such a reform, but the Pru and other organisations realised that they would have great difficulty competing with such a scheme and, needless to say, that reform did not see the light of day—nor did the right hon. Gentleman's.

I hope that there will be a real divide between the parties. Ministers will hope that everyone is covered and perhaps leave it to the taxpayer at a later stage to pick up the bill. I hope that our position will be one of compulsion so that everyone is in the state and a private scheme. I hope that that will be one of the big issues that we debate in the general election, but I end as I began.

The Bill contains many important and worthwhile clauses but no doubt many will be improved by debate. It will close one chapter while opening many others. It is the result of the wicked theft by Maxwell of the Maxwell pension funds. Although the Secretary of State set up the framework whereby those funds were to be regained, the hero of the hour was Sir John Cuckney to whom I, too, extend my thanks.

6.46 pm

**Mr. Douglas French** (Gloucester): I begin by declaring an interest. I am chairman of the management company of the Pension Trustee Forum; adviser to the consulting actuaries, Alexander Clay and Partners; and chairman of the seminar company, Westminster and City Programmes. All those interests are relevant to the aspect of the debate on which I shall concentrate.

This is a far-reaching, sound and much-needed Bill. I congratulate my right hon. Friend the Secretary of State in particular on the care that he and his Department have taken to consult all interested parties at each stage of the debate. The Bill embraces most of the important recommendations made by the Goode committee, and my right hon. Friend has undertaken a separate consultation exercise on the equalisation of pension ages. In my view, he has responded effectively to the reports of the Select Committee on Social Security.

In that context, I pay tribute to the hon. Member for Birkenhead (Mr. Field) for his work on the subject as a whole but especially for his contribution through the Select Committee. I am bound to say, however, that I do not agree with the view that he apparently shares with the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) that trust law was not necessarily the right basis on which such legislation should have been framed. I believe that it is the right way to proceed.

I am relieved that the legislation was not rushed. In the aftermath of the Maxwell saga, it would have been all too easy to rush through proposals which, inevitably in such circumstances, would have been ill considered. The fact that the Government have taken the time and trouble to prepare the legislation as they have is to be commended.

As we have heard, a key aim was to put in place measures to provide additional security for pension fund assets and, as far as possible, to reduce to negligible proportions any risk that those who made contributions in the expectation of enjoying benefits later should have them snatched away by negligent or criminal activity.

The Secretary of State spoke about six lines of defence to ensure security of those assets. Underlying what he said was the desire to achieve additional security without undue additional regulation and without avoidable cost. One must always bear in mind the possibility that if the additional burdens put on employers are too great, it is open to them to disengage themselves from pension provision altogether. A fine balance must be struck.

The White Paper fully acknowledged the important role of trustees, alongside the role of the occupational pensions regulatory authority and the role of professional advisers—the three key figures of the regulatory framework. It is clear that the role of the trustees will be greater than it has been. Trustees will have increased duties and increased responsibilities, and their effectiveness will be crucial to the safety and security of the schemes. The trustees will be legally responsible when something goes wrong. The Bill sets out a range of penalties to which trustees will be liable, ranging from suspension or removal from office to fines or, in the worst cases, imprisonment. A key component is that the occupational pensions regulatory authority will be able to impose some of those penalties.

The fines regime in particular presupposes that penalties are likely to be necessary. I consider it rather more important that the need and occasion for the imposition of fines should be reduced to an absolute minimum. In that sense, I associate myself with the views expressed by my hon. Friend the Member for Brighton, Kemptown (Sir A. Bowden) about the need to train trustees thoroughly to enable them to fulfil the responsibilities that they take on. We are talking about lay trustees who act in a voluntary capacity. They will, of course, have professional advisers such as solicitors, accountants and scheme actuaries.

By their very nature, the trustees should be people who try to act in the best interests of the scheme; that is what should be and, no doubt, will be uppermost in their minds. They will bring to the task the appropriate, sound common sense that lay trustees have always tried to bring to bear in the past. It would, however, appear from the Bill that the trustees will not necessarily have had the benefit of any form of training. I fear that that is a mistake and to that extent, I fully endorse the views that my hon. Friend the Member for Kemptown expressed.

There is a parallel with the position of school governors. With the introduction of local management of schools and grant-maintained schools, the task of school governors was made much more complex and the consequences of doing the job less than competently were made much more serious. One result has been a reluctance among people who would otherwise be well qualified to act as school governors. I fear that the same may happen with pension fund trustees.

**Mr. Jenkin:** We on the Select Committee on Social Security carefully considered what training should be apposite or, indeed, required by law. We took evidence from a wide variety of sources, including from trustees of schemes in which members were already represented. The conclusion that I firmly reached was that the less interference we stipulated by law the better, as the best schemes would naturally wish to train member trustees. I felt that to burden good schemes with too much regulation could be counter-productive.

**Mr. French:** I am grateful to my hon. Friend for that contribution. I have read the Select Committee report and I was extremely interested in how the Committee arrived at its conclusion; there is no clear explanation. I shall say a little more about that in a moment.

My fear is that some people who would otherwise be willing to be trustees will be less willing and that some able people will, therefore, be lost to that important responsibility. Trustees will, after all, be accountable, as

*[Mr. French]*

they are at the moment, but more so under the Bill, for billions of pounds of funds and for the future well-being of millions of people, but they will not necessarily have had any special training. I am puzzled why that should have happened because the importance of training has been emphasised at each stage of the consultation. All the reports emphasise how important training is yet everyone, whether the Select Committee, the Goode committee or whoever, then comes to the conclusion that it would be wrong to impose any training requirements.

**Mr. Gerry Sutcliffe** (Bradford, South): Training is vital. If the regulator is to rely on whistle blowers, we need people who fully understand their responsibilities and duties. I echo the point that training is a must.

**Mr. French:** I entirely accept the hon. Gentleman's point. The conclusion on training is to be found in other forms, such as in the Goode report, which says:

"We do not consider it would be practicable to require all trustees to complete even a preparatory training course, but we strongly recommend schemes arrange this as a matter of good practice".

It is not explained why the Goode committee regards a requirement for training as impracticable, yet goes on to say that training should be a component of good practice. That seems inherently contradictory.

Much the same appears in the Select Committee report. The Committee said that it believed in

"a policy of comprehensive training for trustees which should ideally commence before they take up their role and should continue throughout their time in post . . training should consist of both an introductory training course as well as regular updates. We would also support the proposal that trustees should be strongly encouraged to obtain a certificate of qualification in trusteeship. We reluctantly accept it is not possible to make such training a compulsory requirement".

That is an inherently contradictory position.

The closest that the Bill gets to requiring training is to require employers to permit trustees who are employees of the company to take paid time off work for training. It is, of course, entirely optional for the trustee. Why—I continue to search for the answer—has it been felt that it is better to leave the trustees' knowledge to chance? It has been suggested that it is a matter of cost. If it is, it is a short-sighted point of view because costs are extremely small compared with the entire value of the assets of the pension fund that one is trying to keep safe.

On 13 March, amendment No. 89 was tabled in the other place. It stated:

"Every person appointed as a trustee shall undertake a short course of training approved by the Authority"—

OPRA—

"(unless he has already undergone such a course or holds a relevant professional qualification)."

The other part of the amendment said:

"The appointment as trustee of any person who fails to undertake such an approved course within six months of his appointment shall lapse and may not be renewed without the approval of the Authority".

The amendment was seeking the right approach, although I regard that formula as more prescriptive than it needs to be. That point was reflected in the response of Lord Mackay of Ardbrecknish when he said:

"The Government do not dispute for a moment that trustees should be properly trained but we believe there are very sound reasons why such training should not be made compulsory."

He went on to explain those reasons, which I found extremely unconvincing. He said that the amendment proposed did not take account of different training needs and that trustees will have varying experience, knowledge and abilities and need different amounts of training. He regarded that as an insuperable practical objection to the proposal of requiring training. I find that unconvincing, especially since he later said:

"Training for trustees is essential. It is vitally important that trustees boards should contain properly trained and informed trustees".—[*Official Report, House of Lords*, 13 March 1995; Vol. 562, c. 670-72.]

It is apparently not so vital that any requirement is to be placed on trustees.

The training requirement does not have to be as mechanical or prescriptive as the amendment proposed. It is perfectly possible to establish a requirement for training without specifying exactly what courses or how much training should be undertaken. A requirement could be placed on the board of trustees to ensure that all trustees have had appropriate training. That leaves the responsibility to the trustees but makes it mandatory for them to have had the required training to fulfil their responsibilities. That is a halfway house between the Government's view and the amendment proposed in another place and it should be examined with great care.

It is very much more important to have training in place than it is to argue about the proportion of trustees who come from different sources. There is some argument about whether the requirement for member trustees should be one third or 50 per cent. That seems to be rather irrelevant. The key is how qualified, competent and well trained are the people who are selected to be trustees. The percentage argument presupposes that whenever conflicts arise people will take the view of the party that they allegedly represent and that therefore a member trustee will always take the view of the members. That is quite contrary to the spirit and role of a trustee, which is to be an independent person. I would much prefer the stress to be put on training rather than percentages.

To that extent, I was interested in what my hon. Friend the Minister for Social Security and Disabled People was supposed to have said in an interview in *Pensions World*, which was the quoted by the hon. Member for Glasgow, Garscadden (Mr. Dewar). My hon. Friend was quoted as saying:

"The precise proportion doesn't probably matter".

If that is a correct quotation, I totally agree with my hon. Friend; it does not matter at all. It is by no means the key issue.

I would like to ensure that provisions are put in place so that one may be confident that trustees know when to be on their guard and when to ask the right questions and know if something is amiss with the advice that professional advisers are giving. A reasonable amount of formal training is absolutely essential in that case.

The arrangements made for each fund in relation to custody—who holds the assets—are a key consideration. Custody was a vital ingredient in the Maxwell saga, when the rules were not sufficiently spelt out, and they are not sufficiently spelt out in this Bill either. The trustees should be required to ensure that proper custody arrangements are made. That could be done through the professional advisers to the fund, but trustees need to know enough to ensure that the custody arrangements in place are safe and appropriate to the fund.

I also believe—I very much agreed with the point made by the hon. Member for Birkenhead—that the new regulator should have a proactive role. He has to ensure that custody arrangements are correct and he should not have to wait until a trustee comes along—albeit at the moment an untrained trustee—and says that he is not sure that everything is quite right before acting. By that time, it would be almost certainly too late. If we are determined to ensure that trustees are able to fulfil their role—that is what the Maxwell-related part of the Bill is all about—training is absolutely essential.

I would like to comment on many other aspects of the Bill, but I shall refrain from doing so in the interests of other hon. Members who wish to speak. I would simply like to endorse the emphasis which my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) placed on the difficulty of the long-term arithmetic for pension provision. We have begun to face that difficulty in the Bill, but there is much more work to be done because the arithmetic simply does not add up. One would not have to get very far into the future before that message came home in a striking way.

I endorse the formula that has been adopted for the equalisation of the state pension age. I also very much welcome the announcement that my right hon. Friend the Secretary of State made this afternoon on war widows. That will be greatly welcomed by people up and down the country.

7.6 pm

**Mr. Harry Cohen** (Leyton): I agree with the comments of the hon. Member for Gloucester (Mr. French) about the need to improve the training of trustees. I have enjoyed listening to a number of erudite speeches on this complex subject. The Bill is also complex. It had, at the last count, 162 clauses and seven detailed schedules.

As has been said, the Bill derives from the Maxwell scandal. I noted that the Secretary of State made his usual gibe about Robert Maxwell being a socialist. Some of us who are socialist would very much refute that definition of Mr. Maxwell. He was, in fact, a private sector potentate who stole his workers' pension money. I emphasise that he was a private sector employer. The Government are increasingly putting emphasis on the private sector. They spent £9 billion of public money to bribe people to opt out of the state earnings-related pension scheme and buy private pensions, many of them often worse than their occupational pensions. There is a hint that there will be new contracting-out arrangements in this Bill, which could be matched by yet more taxpayers' money.

As has been said, the Goode report came out of the Maxwell debacle. It made significant recommendations, some of which are in the Bill. Many recommendations, however, have been watered down or even distorted. One concern, which has already been mentioned, is about the powers of the regulator. It seems that the Government may weaken whatever powers the regulator is given. There is a fear that, if the Government go down that route, standards of routine checking will fall below those that exist. We shall closely scrutinise the Government's decisions on the regulator's powers.

The Bill contains serious flaws and it could be a missed opportunity to provide real security in retirement for everyone. Pensions are deferred pay. Those to whom the pay belongs should have most of it in their stewardship, yet, under the Government's proposals, employer trustees will be able to outvote the member-nominated trustees. There is a strong case for the majority of trustees being member-nominated. The Minister says that that is not important. Well, I think that it is a matter of importance. Certainly, employees and their representatives think that it is a matter of importance and that they should have at least 50 per cent. of the votes on the board of trustees.

I agree with the point that pensioners should have representation on the board of trustees. The training point has been made. As other hon. Members have said, there should be no intimidation of member trustees. The hon. Member for Brighton, Kemptown (Sir A. Bowden) said that some member trustees could face intimidation or threats to their job or promotion prospects. We should write into the Bill that no intimidation of member trustees will be legal.

We should be far more restrictive of employer contributions holidays. Over the past few years, employers have taken millions of pounds out of pension funds in contributions holidays for their own benefit. As the Bill is drafted, it would enable that to continue. That could endanger a scheme's long-term ability to meet its commitments.

There is a case for better inflation-proofing than the Bill provides for. It provides for inflation-proofing to the retail prices index or 5 per cent., whichever is the lower. We live in relatively low inflation times, but that may not be the case in the future. An employer will have the power to allocate only 5 per cent. for inflation, so the actual value of the pension fund could diminish. That matter could be investigated in Committee.

Several hon. Members have mentioned representations made by Age Concern, the Alzheimer's Disease Society and various other organisations, about occupational pensions and state pensions when one partner of a couple goes into care. Age Concern's letter says:

> "Age Concern also sponsored an amendment to improve the state pension of women separated rather than divorced. Age Concern's amendment would have allowed women who were separated, particularly those separated by their husband going into care, to claim the full pension."

That was a sensible amendment, but it was not accepted by the Government. Age Concern says:

> "Unless the government amends the pensions bill, some women will be financially more secure if they get divorced when their husband goes into long term care."

We should not inflict that on those spouses. Such an amendment must be considered again closely in Committee. I hope that the Government will show some flexibility on such issues and that we can get a reasonable change.

There is a quietly spoken agreement that retirement at 65 for women is acceptable. I do not think that it is. It discriminates against women. It is unfair to women. Women under the age of 44 will lose about £15,000 at today's prices if their retirement age is raised. That is straight robbery of those women. It is unjust. It is indirect discrimination.

Far fewer women than men have occupational pensions, so a far greater proportion of them will have to work right up to 65, especially as many women take career breaks during their working life. Many men will not have to work up to 65. Perhaps twice as many women as men may have to work to 65. So I do not agree that the argument should be settled by a common retirement

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age of 65. I am in favour of lowering the retirement age to 60 for everyone—for men to join women. That could be phased in over a considerable period. The Government are phasing in the increase in the retirement age to the year 2020. We could phase in a reduced retirement age over an extended period. We could perhaps reduce the retirement age for men by one year each decade. That would at least take us towards equal retirement at 60. That is the direction in which we should go. It is not the direction in which the Government are going.

I wish to concentrate my remarks on pensions and divorce and the need to arrange for equitable distribution of pensions in the event of divorce. I have presented to the House two ten-minute Bills on the subject, one in the last Session of Parliament and one in January this year. My measures have been published, so there are Bills that show how pensions could be divided in law.

I pay tribute to Baroness Hollis and the others in the other House who pressed an amendment and had it carried. The Government were defeated by five votes. That is to be welcomed. I appreciate that the Government have accepted that amendment in principle today. There is a powerful case for equalising pensions in the event of divorce. I shall deal later with how that could be done.

I wish to read to the House two quotations. One is from Sallie Quin of the organisation Fairshares, to which I pay tribute for its campaign on the issue. In a paper which it submitted to the House of Commons Library, it says:

"The wife suffers a double betrayal, she is betrayed by her partner and then by the system which dashes her hopes and all too often condemns her to a life, if not of poverty, of very reduced circumstances. Even if she has pension entitlement in her own right it is below that of her husband's through career breaks and periods of part time work. . .

The wife is treated like a chattel. She is totally at the mercy of her estranged husband. If he decides to continue working until the age of 75 she will not receive her entitlement until then, and while he has a comfortable salary on which to live she must survive on state benefit. If he dies before retirement she will receive nothing as she has no entitlement, as an ex-wife, to a widow's pension. If he dies after retirement her source of income will dry up for the same reason, you cannot be both his widow and his ex-wife. It is accepted that women live longer than men, therefore there will be many wives spending their last years thrown on to state benefit. . .

We believe that it is possible to divide pensions on divorce. It will not be easy, but with conviction it can be achieved. In every other country in the EU to a greater or lesser degree it is law. . .

There is over £600 billion accrued in occupational pensions alone, over 25 per cent. of the privately held wealth in this country. 90 per cent. of payments of occupational pensions are to men. 1.14 million retired women are dependent solely on income support.

It is time for better treatment of the wives and mothers, the carers, of this country".

I agree with her on that.

On the same issue, the Equal Opportunities Commission says in its briefing paper to Members of Parliament:

"In research carried out for the DSS, women aged 55-69 who were divorced and not remarried at the time of retirement were the poorest group of all pensioners. . .

As women still shoulder the main responsibility for the care of the family, they can miss out on pension rights in years when they do not have paid work, or combine caring with part-time work.

Many of them expect to share in their husbands' pensions when they retire, but divorce takes away this prospect and leaves them facing very low post-retirement incomes. For women who are older when divorce happens, even though a Court may order an ex-husband to pay maintenance, when he dies they are not entitled to a widow's pension and so become dependent on the State."

The report continues:

"the problem remains that the Court cannot make an Order requiring an occupational pension scheme to split the pension rights between the two spouses. This is unsatisfactory and in some cases prevents an equitable distribution of matrimonial assets."

The EOC sums up:

"Divorce can devastate some women's pension expectations and leave them financially insecure in retirement. The Courts should be able to divide pension rights in the same way that they now have power to allocate other matrimonial property on divorce."

The EOC makes a powerful case and the Government have not gone far enough. By accepting the principle of dividing pensions in the event of divorce, they have gone most of the way down the route that Fairshares, the EOC and others want, but they have not gone the whole way and given courts the power to split pension fund money between the fund member and his or her spouse.

The Secretary of State said that such a split would be complex. I am sure that a probing amendment on this subject will be tabled in Committee—I hope to table it—and we shall find out just how complex it would be. I do not believe that it is complex to give the courts such a general power. The Pensions Management Institute said that it need not be complex and that the costs could be allocated equally to the two parties and need not fall on the pensions fund. All those issues will have to be explored during the passage of the Bill.

On a more general point, between 1979 and 1992, the poorest tenth of the population suffered a 20 per cent. fall in real incomes, while the richest tenth enjoyed an increase of more than 60 per cent. That disparity is reflected in the disparity of pensions. There is a massive case for an improvement in the basic state pension. About 1.4 million single pensioners and 250,000 elderly couples have to rely on income support to top up their basic pension, and one in four old-age pensioners—about 570,000 people—who are entitled to income support do not claim it because of their dignity, or for some other reason. They need an increase in the basic pension.

In 1977-78, the basic pension was worth 20 per cent. of average male earnings. By the early 1990s, it had dropped to 15 per cent. and, on current trends, by the year 2020 it will be worth less than 9 per cent. Under the previous Labour Government, the link was between prices and earnings. If that link had been maintained, a married pensioner couple would be £30 a week better off and a single pensioner £20 a week better off. Pensioners are kept poor because the Government stopped that link.

Beyond what we have done with private pensions, there is a case for an increase in the basic state pension. I have asked to be a member of the Standing Committee. I look forward to the debates there and to trying to get the Government to change some of the clauses in the Bill. I hope that they will listen to hon. Members on both sides of the House and that they will make some of these changes so that we get a better Bill.

**Several hon. Members** *rose—*

**Madam Deputy Speaker (Dame Janet Fookes):** Order. Before I call the next hon. Member, I must point out that there is clearly great interest in the debate and that, unless speeches are shorter during the next two hours, I am afraid there will be some disappointed Members at the conclusion of the debate.

7.24 pm

**Sir Jim Spicer** (Dorset, West): I apologise to you, Madam Deputy Speaker, and to my right hon. Friend the Secretary of State, as I was unable to be here for the opening speeches. I followed my right hon. Friend's speech closely, however, and was delighted with its content.

I was fortunate enough to come into the Chamber just before my hon. Friend the Member for Davyhulme (Mr. Churchill) spoke so movingly about overseas pensioners, or non-pensioners, and the difficult situation in which they find themselves.

I became chairman of Conservatives Abroad in 1985 and for the next eight or nine years received the sort of letters that my hon. Friend the Member for Davyhulme has received from people suffering very great hardship. It is an exceptionally difficult problem for any Government and I hope that this Government, our Ministers and those speaking for the Opposition will tread very carefully indeed before making promises in advance of a general election that they might not be prepared to keep. I say that because, before the last election, the Opposition made promises to overseas pensioners, saying that their case would be heard and that something would be done to rectify the problem, and I know that they would not have lived up to their promises.

It is not easy for any Government to fulfil in total the commitments for which my hon. Friend the Member for Davyhulme asked, but he made it clear that we could at least make a start and many others have pressed for the same thing. For example, we could look after the over-80s rather than the over-70s because that is where the real hardship lies. We could and should make some small move towards recognising that hardship.

I have to declare an interest as I am the honorary adviser to the Royal British Legion and I am proud to hold that office here. I am delighted that my right hon. Friend the Secretary of State accepted, in very broad terms, early-day motion 186 on the 50th anniversary of victory on behalf of war and service widows. I shall not read it out in full as we all know what it called for—better and special treatment for war widows.

The fact that an amendment was carried in the House of Lords—moved very ably by the noble Lord Freyberg—with a good majority shows that there is recognition across the board that we are not creating a precedent by dealing differently with war and service widows. I am certain that no other groups of widows will try to follow through on that front—this is recognition for war and service widows.

My right hon. Friend the Secretary of State is not here at the moment. The decision to accept clause 117 was taken by the Cabinet, and none of us knows what goes on in Cabinet. However, I am sure that no one did more to support the case for accepting clause 117 at the Cabinet meeting than my right hon. Friend the Prime Minister. I know where his sympathy has lain all the way through and I am delighted that he will receive the recognition and thanks that he deserves from war widows and all ex-service men.

May I query the cost of clause 117? It has been said that it will cost £40 million a year, but my understanding is that this is not an annual cost but a capital sum, part of which would be held back or returned as the numbers who claimed under the clause decreased. I would like some clear information about that.

I am delighted that my right hon. Friend the Secretary of State is back in the Chamber because, as I have already said, we are grateful for what the Government have done, but it is only the beginning. A little more tidying up to the Bill should be done in Committee to make it absolutely clear that all war widows and service widows will receive just treatment. I know that Treasury Ministers will say that £40 million is a lot of money and that special cases always exist. However, other amendments with minor financial implications could be introduced in Committee. We are talking not about sums of between £10 million and £40 million but of between £1 million and £5 million to redress the injustices suffered by under 2,000 widows. Treasury Ministers should be happy to know that it is an absolute certainty that the sums involved will decrease with the years.

I should like to quote a letter that illustrates the difficulties that need to be tidied up:

"Dear Sir,

I am writing to you, hoping you can help me to understand the problem I have. My dear husband died on 13 November 1994. It was our second marriage, he lost his wife the same time I lost my dear husband, but knowing him 46 years ago, we met and married in Sherborne Abbey in May 1993. He made the Army his career for 30 years and came out a Warrant Officer. Before he died, he always said there would be part of his pension for me when anything happened to him. He was such a sticker for things to be right, everything was left in order, that when I found out that I am not entitled to anything I just can't believe it. I am his wife, and dependant, and this dear man has gone still thinking I am being looked after. Surely 30 years mean something. How many more people get married as we did and rely on their pensions. I get my widow's pension—but it's very hard. Is there anywhere I can go to? I think you are my last hope. What does it matter if I am his second or third wife, I am still his dependant and he gave 30 years to the Army knowing"—

or thinking—

"that his wife would be looked after. I am not asking for much, just a little help from what we thought was mine.

I await your reply".

I cannot reply to that letter at the moment to say that all will be well, but I hope that those serving on the Committee considering the Bill will take up such cases.

I hope that everyone will agree that in this 50th anniversary year, those who served their country—many of them died for it—deserve the recognition that we can give them. They are a special case and should be treated as such. They do not create a precedent.

7.32 pm

**Mr. Gerry Sutcliffe** (Bradford, South): I am happy to take part in the debate. The thoughtful contributions from hon. Members on both sides of the Chamber show that we accept that the Bill has a long way to go. If I am successful in my application, I look forward to serving on the Committee, so that I can go through the Bill in more detail.

The Secretary of State said that the Maxwell pension scheme fraud was the inspiration for the Bill. I should like to declare an interest as I am sponsored by the Graphical, Paper and Media Union, formerly known as SOGAT and the NGA. That union represented many Maxwell pensioners who successfully fought for compensation. If accolades are to be given, the union deserves some of

*[Mr. Gerry Sutcliffe]*

them because of the support that it gave to its members. The Maxwell pensioners also deserve congratulation, particularly Mrs. Ivy Needham, who led them. Had she not fought so diligently, their case for compensation would not have been recognised.

Before I came to the House, I served as a full-time union officer for 14 years. I had first-hand experience of employers who abused pension schemes. In many cases, that abuse was unintentional, because they did not understand the framework of the legislation. Those employers did not have the necessary knowledge and training that they required not only as employers but as trustees. I agree with other hon. Members that it is imperative that adequate training is given to trustees because they have a great responsibility.

The impact of pensions on our society is not immediately significant to the vast majority of our constituents. People may not have thought about them until the Maxwell fraud and the equalisation of state retirement age received media attention or until they faced their impending retirement. They then delved into the pensions arena, where they need an aptitude for mathematics and a good understanding of a language all of its own, which is bewildering to mere mortals.

The simple principle of pension provision is based on the need to provide adequate resources through pension contribution and investment, so that there is a reasonable income for an individual at and beyond the age of retirement, whatever that age may be. Pensions and their impact on individuals mean much more than that simple principle.

The Goode report offered an opportunity to overhaul pensions in such a way as to re-establish faith in the integrity of pension provision, which has been undermined by the failure of personal plan selling, the failure of regulation and the failure to provide adequate funding and to offer a simple explanation of pension schemes.

Great play has been made of the changes made by the Labour party. There appears to be a Tory identity crisis, because Tory Members consistently ask us for our view of the future when we are discussing their Bills and they are in government. I am sure that they will not have to wait much longer to find out what we will do in government as the election is just around the corner.

The country survives on a mix of provision, which allows flexibility and for the increasing pension burden to be shared. It is important that we have the backdrop of an appropriate state fund. It is essential that pension provision is controlled sensibly, so that huge gaps do not appear between assets and liabilities, which could lead to a pensions nightmare.

I have some concerns about agencies such as Marks and Spencer selling pension plans. I understand that Abbey National is looking to take over the National and Provincial building society. The Government need to study seriously pension provision and the financial sector in general because, in future, people may not understand which companies are providing pensions.

The great worry is that the Government's failure to provide a level playing field will increase future risks. Occupational pension schemes represent 20 million members, for whom, collectively, £550 billion is invested to provide pensions. Those members are not encouraged by a Bill that offers them less protection in the future. After Maxwell, the Government promised that more effective regulation would be introduced. Goode recommended an independent, state-funded regulator with adequate powers. Instead, we have been offered the occupational pensions regulatory authority, OPRA, with a meagre budget of £10 million—*[Interruption.]* It is a meagre budget when one considers the £550 billion available for investment. Help the Aged has described OPRA as neither a regulator nor an authority. Its powers will not be wide ranging, nor will it be well resourced.

**Mr. Jenkin:** May we take it that the hon. Gentleman is judging the effectiveness of the regulator by how much money it spends?

**Mr. Sutcliffe:** Money is a contributing factor, as are the powers of the regulator. According to the powers offered to OPRA, it will not require the same information as that currently requested by the Occupational Pensions Board. OPRA will rely on the whistle-blowing principle and will have the power to deal only with the statutory requirements set down in the Bill. That is why training is vital. Some hon. Members may argue that training is unnecessary, but it is vital that training is offered so that people know what whistle to blow and what problems exist in certain poor schemes.

Breaches of trust will not be covered by OPRA, but will be left to private enforcement through the courts. What will happen to individual pensioners who are unable to meet huge legal costs? The Government benefit from occupational pension schemes as the members of those schemes opt out of SERPS. There is therefore an unquestionable onus on the Government to ensure that those schemes are properly managed.

As other hon. Members have said, the Bill fails to address the make-up of the trustees of the schemes. The Bill is too wide and allows too great a flexibility to employers. Employees and retired pensioners should be allowed adequate entitlement to join the boards of trustees. There should be statutory requirements to allow time off with pay for training of trustee representatives, and that training should be mandatory. Retired pensioners must have a voice to express their worries and aspirations. The number of takeovers that have taken place mean that retired pensioners have not had the opportunity to follow through what has happened in individual companies. Machinery must also be introduced to enable reporting-back procedures to fund members.

The law remains uncertain, even with the Bill, as regards the transfer of schemes in mergers and takeovers. I worked at a company that was taken over by a Swedish company that had no occupational pension scheme. The Swedish company became interested only when it knew of the assets of the existing scheme. Fortunately, that company was taken over again and the pension scheme was sorted out, but no information was available to subscribers, and former employees were left completely in the dark. There should be tighter controls.

I also represented members who were in a scheme where the employer borrowed £150,000 from the fund, quite legally. That was agreed to by the trustees, some under the pressure of their jobs because they wanted the company to exist. The company went into liquidation and it became almost impossible to get the loan back.

We have been made aware of many aspects of the Bill that need to be considered in greater detail. I welcome, as do other hon. Members, the position on the war widows pension, but I wonder why the United Kingdom is the only country in Europe that does not pay a war veterans pension. If one compares our pension schemes, pound for pound, with similar schemes in Europe, the quality of ours is well below the standard that is acceptable in the rest of Europe.

We also need to consider pension fund investment policies, because they have a substantial effect on our economy. We need to ensure that we know where those pension funds are investing. I hope that, during the passage of the Bill, we shall have the opportunity to discuss that more fully.

The Secretary of State spoke—with some arrogance, in my opinion—about the way in which British pensioners have never had it so good. He should talk to some of the pensioners in my constituency, who feel aggrieved about the level of their state pension and about the amount of unemployment in my constituency, in the wider Bradford region and, I believe, in many other hon. Members' constituencies.

We need to examine state provision properly and to ensure that people receive an adequate pension. In this 50th anniversary year of the ending of the war, many of the pensioners of today who fought for this country feel aggrieved that they have not received the benefits to which they were entitled and that promises that were made to them, that they would live in a land fit for heroes, have not been kept.

If Robert Maxwell has done nothing else, he has inspired the Government to formulate a Pensions Bill, but as has been evident from the contributions that have been made by other hon. Members, it still has a long way to go. I look forward to the passage of the Bill to its next stage.

7.42 pm

**Mr. Nigel Forman** (Carshalton and Wallington): I am grateful to have caught your eye, Madam Deputy Speaker, and I shall endeavour to be brief. I have sat through the whole of the debate, which has been interesting. The range of arguments made from both sides of the House reflects the breadth of the long title of the Bill and the fact that almost anything to do with pensions is in order while we are discussing the measure, but it is a matter for you, Madam Deputy Speaker, to decide whether that is true.

If I may say so to the hon. Member for East Kilbride (Mr. Ingram), who is on the Opposition Front Bench, it is a pity that the Labour party saw fit to oppose the Bill and then to table the reasoned amendment. Having listened carefully to the speech of the hon. Member for Glasgow, Garscadden (Mr. Dewar), which I thought was very good, I think that it would have been better if the Labour party had supported the Bill, in the ecumenical spirit that is necessary, in my opinion, to long-term pensions legislation, and had then argued, properly, for its suggested amendments or changes during the proceedings in Committee.

I was interested in what was said about the idea of a flexible decade of retirement, which appears to continue to be the policy of the Labour party, as far as one can tell. It appears to me sensible for the Government to maintain the opinion that there needs to be a set retirement age, and I am glad that, under the terms of the Bill, it is being equalised, over a future period, at 65 for men and women.

However, a distinction should be drawn. Although one has a set retirement age, and that is sensible from an actuarial and from a policy point of view, none the less, in policy, all Ministers should take account of the drive towards flexible pension arrangements, which are much more flexible these days than they have ever been, to take account of the growing variety of individual and family circumstances. I shall return briefly to that subject later.

Naturally, like other Conservative Members and indeed hon. Members on both sides of the House, I warmly welcome the concession made by my right hon. Friend the Secretary of State on war widows in clause 117. That can only do good in the broadest sense. I would advise him and his Front-Bench colleagues to consider carefully the question of the splitting of rights to pension assets on divorce. I think the best way forward would be to take the advice of the Institute of Actuaries, with which I had lunch last week. [HON. MEMBERS: "Oh."] That is the extent of my interest in the Institute of Actuaries—simply to take note of the argument that the Institute of Actuaries has made that, on balance, there is a strong argument, much of which has already been made, for the clean-break principle on divorce to be applied to the capital assets of a pension fund.

That issue having been, as it were, on the agenda for the past 10 years or so—the Lord Chancellor was talking about it a full 10 years ago—it might be sensible for the Government to take slightly more time over the matter and ensure that they get it right. The best formula would be to say to the House, either when replying to the debate tonight or subsequently, that, yes, in principle the Government accept this approach to the matter, but they wish to get it right and to spend slightly more time getting the detail right. It is a complicated issue, as our right hon. Friend the Secretary of State said earlier.

I shall now briefly discuss a couple of the things that the Secretary of State said. I was very struck by my right hon. Friend reminding the House that in 1979, 43 per cent. of the relevant population had occupational pensions, whereas the latest figure is approaching 70 per cent. I hold the opinion that this leaves—even at today's figures—30 per cent. or thereabouts who do not have the benefit of those very secure and, on the whole, desirable forms of income stream.

I hope very much that my right hon. Friend the Secretary of State will use an opportunity at an appropriate stage to urge our right hon. and learned Friend the Chancellor of the Exchequer to inquire whether it would be possible to have a carefully ring-fenced boost to the income of that dwindling minority of people who depend solely on the state pension. I believe that the way to do it is to relate any income boost to the age of the potential beneficiaries, rather than to their income, so that the problem, to put it crudely, solves itself with the passage of years as that generation fades from the scene.

One might do that elegantly by relating a special supplement for very elderly people to all those born, let us say, before 1920, which would effectively, in the year of grace 1995, link it to people aged 75 and over. That would be much appreciated, and it happens to be the part of the retired population in which the greatest poverty is concentrated. There might be objections. People would draw attention to the fact that Lord Hanson would qualify,

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but Lord Hanson pays quite a lot of tax, even if he orders his affairs well. It seems to me that the neatest way of dealing with the issue would be to make the supplement age-related in this way.

I also sympathise, in the same spirit, with the argument made by my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) when he spoke about a special pension credit for the super-elderly, as it were. I believe that he was seeking to hit much the same target as myself, and I hope that Ministers will consider it carefully.

On another subject that has been mentioned many times in the debate, I am very sympathetic to the idea that there should be some type of amendment, perhaps in the Bill, to allow spouses to retain as much as half of the occupational pension of the couple when the other spouse has to enter long-term health care or residential care. The suggestion has repeatedly been drawn to my attention by my constituents, and there appears to be a great deal of common sense and natural justice in the arguments that have been made.

The Bill deserves a Second Reading in the House because, first, in the light of the Maxwell scandal and the other scandals and disasters, it will make pensions more secure than they would otherwise have been, by introducing a clear framework of statutory obligations and the powerful new pensions regulator, together with the compensation scheme in the event of eventual insolvency.

Secondly, I hope and believe that the Bill will encourage greater flexibility and choice in pension provision, making money purchase or appropriate personal pension schemes more attractive across the age range. I hope that it will allow pension holders to draw down their funds between the ages of 60 and 75 without tax penalties. That is a good step and moves some way towards the American idea of an individual retirement account. As many hon. Members will know, such accounts can be used for a variety of different contingencies under American law.

Thirdly, the Bill will enable the House and Parliament to fulfil their obligations in European law to equalise pension rights for men and women in the light of the Barber judgment. It will also make legislative provision for the equalisation of the British state pension age at 65, phased in from 2010 to 2020. To my female constituents who are concerned about that change, may I place on record the fact that no woman born before 6 April 1950 need be affected by the change. There is ample opportunity for those born after 6 April 1950 to begin to make the sort of prudent provision for their old age that I would imagine any woman would wish to make.

Against this background there are three significant issues that need to be touched on: first, the question of how to strike the right balance between improving pension security for pension scheme members while avoiding excessive extra costs, both financial and regulatory, on employers and those, such as auditors, who have been given whistle-blowing duties. I do not know whether I shall be fortunate enough to be selected for the Committee, but I declare an interest as the parliamentary adviser to the Institute of Chartered Accountants. Clauses 90 to 95 cause considerable concern to the accountancy profession. I shall return to that issue if I am chosen to sit on the Committee.

It is important that we get the balance right between the benefits of security and the costs of regulation. The matter was expressed succinctly in the brief provided for the debate by the Association of Consulting Actuaries. It said:

> "We are concerned that the right balance should be struck between improving security for scheme members and avoiding excessive extra costs on employers who, after all, provide occupational pensions on a voluntary basis.
>
> Any 'toughening up' of the Bill has to be seen against this backcloth and is likely to damage future occupational pensions at a time when Parliament should be doing everything it can to encourage private pensions."

This issue should be taken seriously.

Secondly, the House must be clear that we should see how to avoid the selling of inappropriate pension schemes of a money purchase variety to people who, for their own interests, should remain in SERPS, while encouraging greater flexibility and choice in the pension market to reflect the significant changes in the labour market. I wonder how many hon. Members have caught up with the extent to which the labour market has been changing.

The House of Commons Library provided me with some interesting figures from the labour force survey that clearly demonstrate that in the period as recent as 1984-94, the proportion of all part-time employees has increased by about 27 per cent., and the proportion of all those who are self-employed has increased by 22 per cent. while, over the same period, the proportion of those in full-time employment—the traditional model—has increased by only 4 per cent. It is right and proper that the changing nature and pattern of the labour market should, after due delay, be reflected in the changing and more flexible nature of pension provision. With less permanent lifetime employment, more part-time and casual employment and much more self-employment, it is only logical that pension arrangements should broadly reflect those changes.

I welcome the tougher line recently taken by both the Securities and Investments Board and the Personal Investment Authority in trying to deal with the problems of mis-selling and bad advice. If there is to be a greater reliance on personal pensions and appropriate pensions and less reliance on SERPS or the state pension, it is vital that people should not be vulnerable to financial sharks who give them advice that they take in haste and repent at leisure. That will provide an important part of the answer to the problems.

Thirdly, we must consider how to address the demographic prospects of an aging population that is largely dependent for its income in retirement on saving enough during its working years and, in the case of the most elderly, on transfer payments from those in work at the time. We must do so without, at the same time, overreacting and damaging the engine of consumption or imposing an intolerable burden on inter-generational transfers.

An interesting article appeared in *The Sunday Telegraph* yesterday, quoting some research done by Ian Shepherdson of HSBC Markets. It said that, over a long period, until recently, the proportion of consumption in gross domestic product had been steadily increasing in this country and the proportion of investment and exports had been consequently declining. But now the long-term trend seems to be pointing in the reverse direction. The latest figures suggest that the proportion of consumption

as a percentage of GDP is now falling—it is about 63 per cent. today and is likely to be well under 60 per cent. by the year 2000. This trend could continue. As consumption is the engine of the economy and as consumption helps to contribute to economic activity, which in turn enables a pay-as-you-go system to be funded to pay for pensions, it is important to attempt to achieve the right balance between savings and consumption in the interests of today's and tomorrow's pensioners.

In broad terms, the burdens of a pay-as-you-go system can be relieved by the change in the Bill to a uniform state pension age of 65. They can also be relieved by the growing build-up of occupational pension rights among new pensioners, notably the growing proportion of women who, I suspect, are and will be working full time rather than part time and over a longer period. They will build up more substantial pension rights.

My right hon. and hon. Friends the Ministers are to be commended on introducing the Bill as it is probably the most significant measure in this Session of Parliament. It is a long-term measure that shows a due sense of prudence and responsibility towards the future. If the policy turns out to have been too cautious—if we err too much on the side of the Treasury phobia about public expenditure—it can always be relaxed in future if we can afford to do so.

We shall need to keep the closest watch to minimise the risks of regulatory overload on personal and private pension providers because, in terms of occupational pensions, regulation will fall disproportionately on employers, scheme members and the professionals involved. We must remember that, ultimately, the price has to be paid by someone. That may mean greater contributions if the regulatory overload is too great or lower benefits than would otherwise have been the case.

Having expressed my broad reservations, may I say that it is a good Bill and definitely deserves the support of the House.

7.57 pm

**Mr. Clifford Forsythe** (Antrim, South): As the Ulster Unionist spokesman on the subject may I say that my party gives the Bill a general welcome, but aspects of it should be changed to make it more effective. Unfortunately, due to the lateness of the hour and the time available, I shall have to keep my remarks short and the House must forgive me if my speech sounds a little disjointed.

When we examine the Bill we must bear in mind the events surrounding the Maxwell fraud, and the despair and heartbreak felt by many of the pensioners involved. We must also take into account the fears of other pensioners and deferred pensioners who are not directly involved, but who are worried that their pension scheme may not be as secure as they thought it would be. Having had the honour to serve on the Select Committee on Social Security which investigated the Maxwell scam in detail, I can fully understand their concern, and I share it.

While listening to and reading the evidence given to the Committee over many sittings, my most worrying impression was that, of all those who were officially connected to the Maxwell schemes in one way or another, no one was responsible for the shambles discovered when Robert Maxwell went overboard from his yacht and drowned. No one else—not the trustees, auditors, accountants, actuaries, solicitors, managers or directors—had seen, heard or had their attention drawn to any sign of trouble or to any hint that things were not as they should have been. I also thank the Secretary of State, Sir John Cuckney, the Maxwell Pensioners Trust and the civil servants involved for their great work in recovering the funds that had disappeared.

Perhaps the House will forgive me for taking a rather jaundiced view of those parts of the Bill that I do not believe will remedy problems, such as the Maxwell fiasco, which may arise in the future. I draw the attention of the House to the law which governs the present pension schemes—and I disagree with other hon. Members on this point. Trust law, with modifications, will continue to guide the proposals in the Bill. I firmly believe that we have lost an excellent opportunity to replace trust law with a new, specific statutory trust regime for the administration of occupational pension fund schemes.

I have listened to many opinions about the matter and I believe that the legal framework of trust law is inadequate to deal with pension fund schemes. After all, trust law was developed in the middle ages as a means of preventing the dispersal of large estates and protecting the interests of children and widows who were thought to be unable to administer their own assets. Like clause IV, surely the time has come to bring such laws up to date and into the modern world.

I am very disappointed that the Bill does not contain a new legal framework. Even with the new modifications, employers are still largely unrestricted in the way in which they decide to set up schemes. Accepting for the moment that trust law may continue, I turn to the Bill's proposals for trustees.

My party disagrees with the proposal for only one third employee representation on trustee boards. We strongly support 50 per cent. employer and 50 per cent. employee representation by right, coupled with the undertaking that one of the employee places should be allocated to a pensioner trustee who is democratically elected by secret ballot from all of the scheme's pensioners. That arrangement would be widely accepted outside Government, particularly as the one third representation arrangement carries with it the possibility of an opt-out.

Personally, I also support identifying one existing trustee who would look after the interests of deferred pensioners. We support the view that all trustees should be trained properly and should possess a final certificate testifying to their competence to carry out their duty to the scheme. That would be in the best interests of everyone, including the employer. That training should be in the hands of the occupational pensions regulatory authority.

We welcome the establishment of that authority, but we believe that it should have stronger powers. Although the Bill makes modifications to the existing trust law, the authority's rights and duties appear to be fragmented. It also appears to have little jurisdiction over those areas which continue to rely on trust law. Perhaps the new authority will convince Government that the best way to encourage scheme members to monitor the performance of their schemes is to insist upon their being sent an annual report by right.

Perhaps the Government will consider funding the authority by way of 50 per cent. state funding matched by 50 per cent. industry funding. I think that that would ensure greater independence for the authority, while at the same time preventing the full cost falling on the taxpayers. As other hon. Members have said, we would like the

*[Mr. Clifford Forsythe]*

authority to be more proactive and thus be in a position to monitor pension schemes. That would be better than depending on the whistle-blowing abilities of actuaries and auditors—an arrangement that I believe will create a great deal of difficulty and resentment in the future.

The authority is expected to act, even in a whistle-blowing circumstance, only if the assets have been reduced by illegal acts. I remind right hon. and hon. Members that assets can be reduced drastically without illegal acts—the Church of England can testify to that fact. I contend that a more proactive authority could pick up such things at an earlier stage and perhaps prevent honest, well-meaning people from being their own worst enemy.We welcome the arrangement which will allow OPRA to co-operate and share information with the Department of Social Security, the Inland Revenue and other regulators. However, we are disappointed that the Bill does not propose independent custodians for pension fund investment assets. We are also puzzled that the suggestion that the ownership of all such assets should be clearly designated has not been included in the Bill. Bearing in mind the difficulties experienced in tracing assets belonging to the various Maxwell pension schemes, it is an even more surprising omission from the Bill. Anyone who heard or read the evidence presented to the Social Security Select Committee about Maxwell's missing assets would have thought that the stable door would be closed at the earliest opportunity.

Changing the minimum solvency requirement to a minimum funding requirement has considerably weakened the reason for its inclusion in the Bill. Watering it down in that way means that what was once regarded as a key safeguard no longer offers very much for scheme members. The compensation scheme established by the Bill is very welcome, although its effectiveness will become apparent only when the regulations relating to the list of prescribed offences are published. We welcome the arrangements whereby scheme members will be given notice of the trustees' intention to return a surplus to an employer and such members' right to refer decisions taken about such a surplus to OPRA.

We believe that it would have been useful to consider amending the Inland Revenue surplus regulations at this time in view of the Pension Law Review Committee's recommendation. We hope that some consideration will be given to the position of early leavers when the regulations are published. We look forward with interest to hearing what the prescribed period will be where due payment has not been met.

As to raising the pension age for women to 65 years, we support a decade of retirement between 60 and 70 years of age for everyone. Of course, that raises the question of finance, as it could be argued—it was mentioned in the House—that it would be an invitation for everyone to retire at 60. That need not necessarily be the case as many men and women are anxious to work to 70 years and beyond. Surely the law of averages would even out retirement in a way that would benefit most people and the country as a whole. I welcome the Secretary of State's acceptance of the amendment regarding war widows but draw attention to other aspects of that category, which I hope will also be considered. We also support pensioners residing overseas and trust that their position will be speedily addressed.

Perhaps the Minister can say why the Bill does not extend to Northern Ireland. It would be most unfortunate if all its safeguards were introduced in Great Britain but pension funds such as that of Harland and Wolff—about which we took evidence—were omitted. They will probably be included by order, but I wonder why Northern Ireland has been left off the face of the Bill.

As the Bill progresses in Committee, I hope that the clear message will be sent that it supports pension schemes already known for their good practices, but that it will come down hard on schemes that indulge in bad or illegal practices. Above all, I hope the pensioners will feel that their future benefits will be much safer because the House has passed the measure. The Bill may not be all that we want, but it is all that we have. We will support the Bill and amendments that seek to improve it.

8.10 pm

**Mr. David Shaw** (Dover): I welcome this necessary Bill. Having served on the Social Security Select Committee and been involved in eight reports over the past few years, it is clear to me that not all was well in the pensions industry. Maxwell accounted for much of our work, but that inquiry identified many problems that were repeated elsewhere. The hon. Member for Antrim, South (Mr. Forsythe) took us to Northern Ireland to study the Harland and Wolff pension fund and we were shocked at the way in which some members of that fund were treated. We took evidence also in relation to Belling and other pension funds.

The hon. Member for Antrim, South mentioned the recent report on the Church Commissioners, which showed that even the Church has not had a full understanding of pension arrangements to ensure that people enjoy the benefits that they expect. The big problem is that too many people in pension funds have not enjoyed the benefits that they were expecting and should have received in justice. We as constituency Members of Parliament have to deal with smaller-scale problems than that of Maxwell.

I congratulate the Government on the way in which they dealt with Maxwell. Interest was shown by more than 100 Back Benchers. Apart from the Social Security Select Committee, an all-party committee was established to monitor the general situation. As a result of much lobbying and activity, the Government made a good response. The Maxwell pensioners unit was also formed, resulting in £400 million being obtained from a variety of sources, including some recoveries. Much of that money came from extra-statutory contributions from a number of financial institutions in the City. It was rumoured that one particular institution made a contribution of £100 million. I called for that some years ago, and I was pleased that Sir John Cuckney, by whatever method, managed to make certain that such contributions were obtained. Members of Maxwell pension schemes have not lost out, as was originally expected, but have seen a full recovery. One wonders whether they will enjoy the growth that they might otherwise have enjoyed. It is certainly to be regretted that Maxwell happened at all.

Maxwell gave rise to too many concerns for us not to pay attention to the lessons to be learnt from that case. I hope that the Bill reflects many of those lessons—not least the provisions dealing with whistle-blowing. Several people had knowledge that something was wrong at Maxwell. No one had the complete picture—probably

only Robert Maxwell and one or two other individuals, whom we cannot mention because of sub judice laws, had an overall understanding—but a number of people had an inkling of what was going wrong. Quite a few knew that there had been minor breaches of the law. A lot of legal and accounting advice was being taken and there should have been some whistle-blowing much earlier.

It is gratifying that this country has the best pension system in Europe. We know that we can probably meet the country's liabilities. I say "probably" because there is no certainty that even the British pension system and SERPS can meet their liabilities because many more people in the next century will be claiming pensions on the state. Other countries in Europe are facing the reality that their pensions commitments are greater than their assets—whether they are tax revenues from pay-as-you-go systems or funded, they are still insufficient to meet the liabilities. Europe has hundreds of billions of pounds of unfunded pension liabilities. They are so great that it is unlikely that there could be a single currency before the year 2000 at the earliest. Not many people have made that their cause celebre or understand it.

I hope that the Treasury will calculate in the not-too-distant future Europe's unfunded pension liabilities; people may then begin to understand that a single currency is not a simple concept that can be implemented in the next few years but something far more complex. Because Britain has a much more sensibly funded pension system and is in a stronger position, France is desperate to enter a single currency—if possible, next year. If it were not for Italy and Sweden, France would have the worst-funded pension system in Europe. Sweden's system is so bad that the foreign currency bond markets do not want to buy its debt, which is being rapidly downgraded.

In considering the strength of the German economy, I hope that people will bear it in mind that although that country's pension system is just about able to pay its way now, in 2005 a greater proportion of Germany's population will be elderly and of retirement age. Germany will then have immense difficulties meeting its pension liabilities. If it wants to enter a single currency, it must do so by 2005, when Germany's liabilities will hit. One may ask who will pick up those liabilities in the next century, if a single currency exists.

**Mr. John Greenway** (Ryedale): We will.

**Mr. Shaw:** My hon. Friend is absolutely right. Britain will have to pay for the liabilities of Italy, France, Sweden and Germany because they have not properly funded their pension systems. The Bill is about making sure that Britain can meet its commitments. I want to make sure that we do not end up meeting the commitments of other countries, which a single currency would bring about.

Many people argue that 50 per cent. of trustees should be pension fund members, rather than one third. I remind the House that 50 per cent. of Maxwell's trustees were fund members. The issue is not numbers or quantity but quality. That is not to say that Maxwell trustees—pensioners or members—lacked quality; they simply lacked the ability to do the job. It was not a question of their personal abilities; it was a question of their access to information, and of their training. I know that the Opposition have some sympathy with this point. We must ensure that trustees are properly trained and are given proper information. We must also ensure that there are people to whom they can go with that information.

It is at this point that the regulator's interaction with pension trustees will be critical. It is not an issue of quantity. Trustees must have the ability to question and they must have full access to information. If there is one part of the Bill that I want tightened up—even though it is a good Bill—it is the ways in which we can make sure that trustees have more access to information about how funds are invested and about the custodial arrangements for them.

There should be plenty of declarations of all such arrangements in the accounts and the annual report. Everyone should know that there is an annual report, filed somewhere. At one point I thought that it should be filed with the regulator; I then realised that such a large number of reports was involved that he or she would be wasting time on massive amounts of paperwork. Still, it is important that outsiders—journalists, if necessary—should be able to get hold of sets of accounts. There must always be a healthy debate whenever there is a legitimate public interest in how pension funds operate.

I suggest that the regulator should not be too bureaucratic. Yesterday, *The Observer*, not known as a right-wing newspaper, carried an article under the heading "Pensions Watchdog Too Costly", suggesting that the costs of regulation could be as high as £80 million a year. I do not want too much regulation. We discussed this in the Social Security Select Committee. Over-regulation could cause many pension funds to close and upset the balance between occupational, private and other pension funds. Such a move would be a major mistake.

I should like next to discuss minimum funding and solvency requirements. As soon as the Bill was published, I lobbied the junior Minister—not because I have a vested interest but because, when I did my sums on the back of an envelope to find out whether there would be any Government gilts in the next century, it became obvious to me that if Governments stick to this Government's anti-inflation policy, there will not be enough gilts around to meet the minimum solvency and funding requirements that were originally included.

Many of us are also worried that the Government will be forced to issue gilts to ensure that pension funds can meet their minimum solvency requirements. I could not support that; I want the Government to stop issuing debt and to start balancing their accounts. The fact is that the bond markets show no great enthusiasm for taking up Government debt these days. We should therefore not be issuing large amounts of it.

I am delighted that the Government have accepted the point about war widows. It is a great tribute to them that they are paying for something that no previous Government have managed to fund. *[Interruption.]* It occurs to me now that I need to truncate my speech, even though I was asked earlier to deliver a slightly longer one by those who dictate—or request—these things. I now find myself being asked to shorten comments that I took the trouble to write out at great length. That is one of the oddities of the operations of this place.

SERPS was based on commitments to be made today for the next century—commitments that no Government could sensibly make. With fewer children being born and fewer people available to pay the bills for the elderly in the next century, we were going to have a shrinking tax

*[Mr. Shaw]*

base with ever greater demands on it. The statistics in the Government Actuary's report are amazing. Sadly, I suspect that it will not prove to be a bestseller; it is called "Pensions Bill 1994: Report by the Government Actuary on the Financial Provisions of the Bill on the National Insurance Fund". Appendix E may prove to be even less widely read, but it informs us that, by the year 2040—without a change in the pension age—there would be 17.4 million pensioners. That compares with about 11 million pensioners today. Even with the proposed changes to the pension age, there will be 15.6 million pensioners. That is a serious problem that must be met and a heavy burden that will have to be borne by taxpayers of the next century. The problem can be dealt with only by the Government's proposed changes. The Opposition are wrong to propose a flexible decade of retirement. We simply cannot afford it.

It is a pity that the hon. Member for Leyton (Mr. Cohen) has had to leave the Chamber, because I welcomed his suggestion to have a probing amendment. If I am chosen to serve on the Committee, I shall join him in tabling such an amendment on divorce reform in this context. The present system is not fair, and something must be done about it. It will not be easy; there are plenty of problems associated with it. We already have a high divorce rate, and it could be argued that the current system encourages it. It encourages husbands to drop their wives and take their pensions with them. I should like to believe that that does not happen, but the fact is that many wives are not aware of their pension rights or of how much pension they are losing—

**Dame Elaine Kellett-Bowman:** Their solicitors should tell them.

**Mr. Shaw:** My hon. Friend, who is a lawyer herself, makes her own suggestion. Sad to say, my experience of the legal profession is that it has not always properly advised wives. The Child Support Agency has shown that wives have taken houses without realising that they have given up pensions. They have been badly advised.

I come finally to an important subject that needs dealing with—low-paid and part-time workers. Although I do not support some of the judgments emerging from Europe, I was rather pleased to learn that part-time workers are to be involved in pensions. Many more people should be brought into the private pension system. For that, we need low-cost private pensions. I am delighted to see that Marks and Spencer and Virgin are looking at this area. I suspect that they will cause a bigger shake-up than the Pensions Bill. I should like many more low-cost schemes for those on lower incomes, to enable them to get into private pensions. The friendly societies have a significant role to play. I hope that the Government will take steps to encourage an expansion of this facility.

I support the Bill's Second Reading. I believe that the Bill will result in better and safer private pensions, and that the public sector will have a much more realistic liability in the next century, so that we as a nation are able to afford it.

8.27 pm

**Mrs. Jane Kennedy** (Liverpool, Broadgreen): I was planning to confine my remarks to the subject of trustees and how their role will change as a result of the Bill, but some of the comments by the hon. Member for Carshalton and Wallington (Mr. Forman) cause me to begin by discussing the equalisation of retirement age. What we are actually talking about is equalising entitlement to state pensions. For many people, the effective date of retirement comes much earlier than that.

It was my privilege to work with Liverpool city council social services staff during the 1980s, when I was an elected representative of the National Union of Public Employees. I spent a lot of time working with home helps. Women who work for local authorities, if lucky enough still to be fit and well and able to continue working, will often keep going until the age of 65. If they have been able to join an occupational pension scheme, they will not receive their benefits from it until they are 65, so many of them continue working, and find it in their financial interests to stay in work until they are 65. Many of those home helps in their 60s would say to me, "Is there nothing you can do about reducing the age of retirement of men to 60 so that I can get my occupational pension at 60, as well as my state pension?" As home helps, the people whom they looked after, for whom they did the shopping and the housework, were often younger than they were. The home helps pointed out the anomalies of that and said that it really was ridiculous.

Many hon. Members may feel that such people should, perhaps, value more the opportunity to work until that age. We talk about the flexible decade of retirement, of people being given the chance to choose when they can retire, but for many women occupational pension schemes have been irrelevant. The majority of women with whom I have had the chance to work have not been able to join such a scheme because they have not worked sufficient hours for it to be of any value to them. The supervisors, I am sad to say, of many women who worked for more than 20 hours a week in their local authority, did not regard them as being "proper" people entitled to join such a scheme. The benefits and value of their joining were never sold to them, and therefore they never joined. So there are many women who have been let down by occupational pension schemes.

The Bill was an opportunity—perhaps we could take this further in Standing Committee—to change the rules of occupational pension schemes to make it much more beneficial for women to join them. I am looking forward to discussing that in Committee, should I be selected for that role.

**Mr. Alan Duncan** (Rutland and Melton): Does the hon. Lady accept that the best way to tackle the problem is to admit that her objective, which is shared on both sides of the House, should be to encourage more women to qualify for, or take up, a pension rather than join a campaign for the state pension age to be brought down to 60, which at the end of the day we all know is something that will not be delivered and is a complete con?

**Mrs. Kennedy:** I do not accept that it is a complete con to argue that the state retirement age should be reduced to 60. I accept that the cost factor involved must be taken into account, but when one takes into account the fact that the value of the state pension is being eroded over time anyway, the actual costs are perhaps not as great as stated. In fact, the hon. Member for Havant (Mr. Willetts) produced an interesting pamphlet on that, which discussed the much-vaunted demographic time-bomb that we were

said to be facing. He said that many people now approaching retirement age are better off than they have ever been, particularly men, who have been able to enjoy a sustained period of employment in one job. They have been able to build up sufficient benefits in an occupational pension scheme, so, for them, the state pension is a small part of their income.

There will increasingly be, in my view, people who will not have the opportunity to work to that age, either because they cannot find employment or because their health breaks down. I see in my surgery many examples of men and women who are not fit to continue to work up to the age of their entitlement to state pension, and therefore I feel that the point made by my hon. Friend the Member for Birkenhead (Mr. Field) needs to be underlined. We need to develop a system of benefits that allows people to face their future with equanimity, not the fear of poverty, which I believe we will face unless we do something to deal with the reducing value of the state pension.

I now deal with trustees. The Select Committee, on which I was fortunate to serve for a short time, said, in response to the Goode report:

"It is important to the well being of pension schemes that the Pensions Bill reserves such powers to the trustees as are necessary to ensure that the scheme is operated in the best interests of its members and is not open to manipulation by the employer."

I accept that it is now established that there are a number of beneficiaries from an occupational pension scheme, including the employer, but the Bill waters down the suggestion in the White Paper that schemes could opt out of the one third requirement of member trustees if the members demonstrate by a referendum that they could do so. The White Paper watered down the Goode committee's suggestion of having a third of the members of trustee boards as elected or member trustees. I am not discussing here what happens to money purchase occupational pension schemes. The White Paper watered that down. The Bill takes it even further. Clause 17 relaxes the White Paper's suggestion further by allowing employers to continue with existing arrangements, and placing the onus on members to take an acting stance of opting in if they want member trustees.

Why is it so important that we have member trustees, or even pensioner trustees, on the boards of the occupational pension funds in Britain? We heard a lot of evidence in the Select Committee, from pensions groups in particular. I remember the pensioners who came to us from BT after it was privatised. The company wished to lose much of its work force, to shed labour. It had a vast surplus in its pension fund, and the employers and employees' representatives—the employee members—on the trustees board conspired to use the surplus to put together a very good package for its current employers, who were active members of the scheme, to take early retirement. For those individuals, it was a very good scheme indeed.

The pensioners from other companies—we heard this time and again—however, felt aggrieved that their assets, the funding that they were relying on to pay their benefits, were being manipulated in a way which they felt unable to influence. That is why I believe that it is important that a number of the trustees, or at least one, should be pensioner trustees.

I accept that there is a continuing inconsistency in the requirement to have members of the trustees board as representatives of a particular group. Once they become trustees, they have effectively to shed that responsibility. I echo the comments that were made by the hon. Member for Gloucester (Mr. French) on the need for properly trained trustees who are able to fulfil their function properly. They will be able to do that and to stop being delegates or representatives only if they have the required training. Failure to train them properly will leave them entirely dependent on the help and support of the group whom they represent.

8.36 pm

**Mr. Tim Smith** (Beaconsfield): I listened with concern to what the hon. Member for Liverpool, Broadgreen (Mrs. Kennedy) had to say about the apparent failure of some local authority employers to encourage their women employees to join occupational pension schemes, because I am an enthusiastic supporter of such schemes and believe that all those who would benefit from them should be encouraged by their employers to join them.

Occupational pension schemes have been hugely successful over the years. The remarkable fact is, as my right hon. Friend the Secretary of State said at the outset of the debate, that today, 70 per cent. of those who retire do so with the security of an occupational pension. It is difficult to exaggerate the importance of that and the increased standard of living that comes with it. They have been hugely successful. I hope that they will continue to be so. They have also provided huge sums of money for investment in British industry, which is equally important. If one compares that with the situation in the rest of Europe, I hope that the whole House accepts just how successful those schemes are.

I support the Second Reading of the Bill because I think that the time has come for a comprehensive review of the legislation. It tended to be rather piecemeal previously. The Occupational Pensions Board was asked to look at this problem or that problem. The Maxwell affair prompted that comprehensive review. The Goode committee did an excellent job in looking at all aspects of schemes and has come up with something that represents a reasonable balance.

The most fundamental point—indeed, the only point—that I want to make in the course of my short remarks is about balance. It is a simple but important point. Different interests are involved in pension schemes. No pension scheme exists without the consent of an employer. They are all voluntary. They have to be funded by the employer, and clearly there is a balance between that and the interests of the members.

It is self-evident that whenever the House makes a regulatory change, that has an effect on the market. It is not possible to make a regulatory change that does not affect or influence market behaviour. What is happening in the market at the moment, even before the Bill has become law, is that most small employers setting up new schemes are choosing money purchase rather than final salary schemes. There are a number of reasons for that, one being low inflation. If there is low inflation, it is less important to give a guarantee of a final salary pension. Another reason is the sheer complexity of the present arrangements, especially the guaranteed minimum pension regulations, which are to be simplified.

*[Mr. Tim Smith]*

It is clear that regulatory burdens and the costs associated with them are important. The cost of funding a final salary scheme is uncertain, compared with the cost of funding a money purchase scheme—and cost is important to employers. That argument arises in discussions about surpluses. It is always the employer who is expected to fund any deficit, but when there is a surplus the members think that they have a right to the whole of it. That is an important point and it is relevant to what is now called the minimum funding requirement. There is a real concern about the additional costs that that will bring for some large, mature, closed schemes. We must consider that point in Committee.

I am also concerned about the effect that the requirement will have on the equity market. One reason—indeed, the main reason—why schemes were so hugely successful in the 1980s was that success was achieved on the back of a rising equity market. If there are regulations that push trustees into investing in gilts, that will be bad for the schemes because they will not be able to achieve the same growth in income, and it will also be bad for British industry, which will be deprived of funds. Therefore, it is important to achieve a sensible balance between the interests.

We all want to achieve the same thing—good occupational pension schemes for as many people as possible. However, we must be sure that in the process of trying to improve the benefits, we do not discourage employers from setting up schemes.

8.42 pm

**Mr. Andrew Miller** (Ellesmere Port and Neston): All sorts of people take risks with other people's money and we are dealing with one aspect of that today. Mention has been made of the Church Commissioners. The most recent report of the Social Security Select Committee uses strong language about one particular investment. It says that the best interpretation that it can put on the Church Commissioners' activities is that they displayed unbelievable naivety. That is very worrying. The spectrum goes from the seemingly responsible Church Commissioners, to the complex trust arrangements that exist in pension schemes, through to the great scandals such as Maxwell.

I do not think that Maxwell is a solitary case. I actually sailed down the river with Mr. Maxwell today, in the company of the Campaign for Pension Fund Democracy. Today's version of Mr. Maxwell was somewhat more inflated than the original and one journalist suggested that we should symbolically throw him over the side. However, as the Port of London authority was present, that was not thought to be a good idea.

I am concerned about some of the issues surrounding Maxwell, which I believe have been entirely missed in the Bill. On several previous occasions, as well as when I introduced a Bill in 1992, I made a point about the importance of takeovers. I understand that within the complexities of the Maxwell empire, the works pension fund represented dozens of companies that merged. The complexities of the merger process actually created an environment in which it was possible for Maxwell to slide off with some of the share certificates. Some of the detail of that is still before the courts.

The process of takeover and the management of funds are remarkably important, but thus far they have been ignored in the Bill. In many cases, concern has been expressed about that issue. The most important case was Hanson *v.* Imperial Tobacco trustees a few years ago. There has been a series of similar court cases. The most significant one in which I was involved was the GEC takeover of Plessey. Some 14 firms of lawyers were appointed, representing all the various interested parties. Enormously large sums of money were spent on issues that should have been determined in statute—something that could have been tackled within the framework of this Bill. There have been many similar cases.

In the first attempted takeover of Plessey by GEC, I was responsible for negotiating on behalf of the staff side of the pension fund. I found myself in the most extraordinary position of receiving a phone call from the then company secretary—now long since deceased—the day before the Monopolies and Mergers Commission report was due to be published. He asked me to come urgently to a meeting because he wanted to settle all the outstanding issues stemming from the last claim submitted by the trade union side in respect of the triennial review.

Of course, from the point of view of the members that was a wonderful arrangement—but it could not be said to be the rational and constructive expenditure of the assets of the pension fund. It should have been dealt with in a much more carefully thought-out way. The whole mechanism revolved around how best to manipulate each side's benefit in the context of the takeover. That cannot be right. I could list nine different cases—but I will not—where the interests of members during the process of takeover have been disadvantaged by the manipulation of one party or another.

Thus in 1992, when I sought to introduce a private Member's Bill, the then Under-Secretary of State for Social Security wrote to me saying:

"I recognise and sympathise with the focus of your Bill to protect the rights of members of occupational pension schemes where a company undergoes a change of ownership. Coming as it does in the wake of the Maxwell affair it addresses the concern shared by us all that within the Maxwell group of companies ownership was changed, and pension scheme members were moved from one scheme to another, without regard to their long term pension security."

The Under-Secretary was exactly right in that paragraph and it is a great pity that that point has not been dealt with in the Bill. I hope that tonight the Government will say that they will take cognisance of that letter and that they will support any relevant amendments tabled in Committee. The relevance to all the schemes with which we are dealing is absolutely clear. It is not simply the Maxwell-type arrangement; it is necessary to protect sums of money in a more positive way.

At the time of my Bill the Government invited me to submit documentation to Goode, which I did. Goode referred to the takeover issue in one small paragraph. However, if we analyse the matter politically we must recognise that many of the issues of the Maxwell scandal could have been avoided. I urge the Government to rethink the matter.

The Government need to reconsider the whole question of member trustees. I accept that it is right for trustees to have a clear responsibility, not simply to the part of the population that elected them, but to the scheme in its entirety. There can be no doubt about that. It is difficult to explain to fund members that that is so. They say, "But

I elected Mr. So-and-So; why can't I expect him to do as I say?" They cannot expect him to do so as he simply has responsibilities that are set out in the trust deed. That relationship is difficult to explain to the ordinary fund member.

What makes it more difficult, however, is that fund members say, "But this collective sum of money is defined by the trust deed, broadly speaking, and that pot of money is ours"—notwithstanding the quirks that give rise to circumstances where employers can partly be the beneficiaries of schemes. They say that European legislation or European Court decisions have decided that the money is part of pay. They ask why they cannot take broad control of that money within the constraints of the trust deed.

The arguments have been set out both by proponents of the 50 per cent. or more proposal tonight, and by supporters of the Government's position. If the numbers do not make any difference because the responsibilities are set out in the trust deed, the answer is that it is symbolic; something that the Government should concede. We should give members a feeling of a great deal more control over investment of the portfolio by increasing that number. It will provide a better basis for trust in schemes.

I could say a lot more, and I hope that some of the points are taken on board by the Government in the spirit that they are intended. We have gone a long way with the Bill. It is not good enough yet. I have set out one of the reasons for that in the context of my 1992 Bill. With some amendments, the Pensions Bill could potentially become an important piece of legislation that could develop support from hon. Members on both sides of the House. It could return us to the position in the early 1970s when the pension legislation was developed on a bipartisan basis. I hope that, in the long term, the House achieves that.

8.51 pm

**Mr. John Greenway** (Ryedale): I begin by declaring my interest of having worked in the insurance and pensions industry for 25 years. Most people tend to associate me with having been a former policeman, but it is 25 years since I left the police. Had I stayed, I could have retired next Wednesday, 3 May, and I would have received a police pension that no one would have funded by creating a pension fund. I can see that my right hon. Friend the Secretary of State for Social Security is amused that one so young could possibly be a pensioner as early as next Wednesday. That probably says more about the police pension age than anything else, but it is a fact.

I want to make some serious points. Unfunded public sector schemes are a problem with which we must deal. The Committee will have to consider them when it debates the Bill's provisions on divorce.

I should declare my interest in the industry. I sit on the Insurance Brokers Registration Council, which is one of the industry's regulatory bodies, and I am a salaried employee of the Institute of Insurance Brokers. None of those interests reflects greatly on what I want to say tonight, but, for good order, I mention them.

In 10 minutes or so, one cannot do justice to a Bill of about 150 clauses. It is probably the most far-reaching Bill affecting pensions for a decade or more. It has been warmly welcomed, both in the House and outside, but the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), who I am glad is in his place, pinched my line because he prayed in aid the Child Support Agency. As I approached the Bill, the one thing that worried me slightly was my recollection of the universal acclaim for the Child Support Act 1991. I am therefore slightly reassured by the fact that the Labour party will vote against the Bill tonight, so we hear, although not for particularly sound reasons.

An important point has been made: that, in the euphoria of the dreadful events surrounding the Maxwell scandal, which has rocked many occupational pension scheme members to the core, and of the Bill, which attempts to deal with those problems, we will not keep a careful and detailed eye on all the issues in the Bill. The Bill's intentions are undoubtedly laudable but the eventual judgment will be based not on its universal acclaim but on whether and to what extent our objectives are realised.

Conflicts exist that we cannot ignore. We want to improve the security and the trusteeship of occupational schemes. I greatly welcome that. We want to secure benefits for pensioners, but the rules must not be so onerous as to discourage either occupational schemes or, if there is an occupational scheme, the choice of the right scheme. Defined benefit or final salary schemes have great advantages, but they require the voluntary agreement of the employer; otherwise, people will go for money purchase, which is less attractive, or more people will go into personal pensions and will not have an occupational scheme.

I carefully followed the Bill's passage in the other place. I warmly welcome the Government's response to it. Some of the changes that have already been made are clear evidence that they are listening to the genuine concerns, and I welcome their aim of getting the measure right.

I want to make two points about occupational schemes, the first of which involves compensation. When my right hon. Friend the Secretary of State made one of his statements about the Goode report—I think that it was the one about the Maxwell scandal—I said that we should not lose sight of the fact that more than half of all occupational pensions are funded not through a self-administered arrangement but are insured schemes. Insured pension schemes have the benefit of the Policyholders Protection Act 1975. We must be careful not to penalise insurance companies that are subject to the provisions of the Act. They should not have to finance a significant part of any levy to fund compensation.

The Government have not adequately responded to the genuine concerns of insurers, particularly those expressed by the Association of British Insurers on behalf of life offices, but that is something for the Committee to consider.

Reference has been made to the vexed issue of the minimum funding requirement. I pay particular tribute to my hon. Friend the Minister for Social Security and Disabled People, who has worked tirelessly on the matter, but I want to disappoint him as well as praise him because we have not got it quite right yet. He will know that a number of major employers with big schemes remain concerned about their commitments if the Bill, as drafted, is passed. British Airways is one of the companies that has expressed those concerns.

*[Mr. John Greenway]*

A number of big companies' schemes are or are about to become closed schemes. They may suddenly find that if the solvency or minimum funding test is wrong on a particular day, they will be required to put more cash into a closed scheme with no facility to get the money out when, at some future date, it becomes clear that the extra money was not needed.

A number of suggestions have been made and, as usual, people go for the belt-and-braces approach whereas what we need is one or the other. Rather than having to invest more cash in such schemes, which have never had any difficulty meeting their obligations, I rather like the idea of either a bank guarantee or some form of subordinated loan. No doubt we shall discuss the matter in detail in Committee, but I nevertheless flag it as one of the issues that still needs some thought.

It has become obvious from the debate that there is a philosophical divide between the Government and the Opposition about how much we should rely on the state to fund pensions well into the next century and how much we can and should rely on the private sector. As the hon. Member for Glasgow, Garscadden (Mr. Dewar) said in his interesting speech, he has grave concerns about the ability of private pensions, especially personal pensions, to deliver what is required. I have no such doubts but I share his concern about mis-selling, which is my final point.

The Bill undoubtedly increases the trend towards personal pensions rather than the state earnings-related pension scheme. I have often said on public platforms that the Government should have been bolder with regard to SERPS five or six years ago. We have ended up with the feeling that SERPS will continue for a number of people, and we did not send a strong enough message as to what we had in mind.

The point is that the work force of the future—I am looking 30 or 50 years hence—cannot afford to fund the commitments being entered into by this generation for future pensioners who have all the time in the world to make their own provision. We have to face the serious problem of the mis-selling of personal pensions that occurred when people transferred from an occupational scheme or, indeed, opted out of an occupational scheme or failed to join when they could have done so. I want to make it clear, as I have done a number of times—most notably at the Chartered Insurance Institute's annual conference in Aberdeen last September—that it is a scandal that we have to put right.

I cannot understand why some of the transfers and opt-outs were ever accepted by life offices. They, of course, would argue that they did not know in every case that there was such an opt-out or that there were a number of non-joiners. However, I am not convinced that we are going about resolving the difficulty in entirely the right way. I should like the issue to be explored in Committee because the Bill endeavours to put right mistakes that have been made on a number of fronts, and this is one issue that we cannot ignore.

The Personal Investment Authority has now set up its pensions unit. It will be run by Miss Joanne Hindle, who is well known to the industry and greatly respected. She faces the formidable difficulty of transfer values. What disturbs me and fellow members of the all-party insurance and financial services group—two of my most able supporters, my hon. Friends the Members for Colchester, North (Mr. Jenkin) and for Gloucester (Mr. French), are here tonight—is how we calculate transfer values.

Some of the evidence given to us concerned a teacher who was given a transfer value of £22,000 on leaving the teachers' scheme but 15 months later the reinstatement cost was £84,000. A staff nurse who was given a transfer value of £5,000 was two years later quoted a reinstatement cost of £53,000. As long as such a problem exists—as long as there is such a difference between the transfer value on leaving a scheme and what it costs to rejoin—there is no doubt that elements within the insurance and pension industry will resist what the Securities and Investments Board and the PIA wish to achieve. That will not help to clear up the matter once and for all, which is what is needed if we are to restore the confidence of ordinary people in private pension provision.

I cannot do other than agree wholly with my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler)—personal pensions are a very good thing. What we have to be sure about is that the right people buy them in the right circumstances, which is something that we should consider before the Bill passes all its stages.

9.4 pm

**Mrs. Helen Liddell** (Monklands, East): I am grateful for the opportunity to speak in this debate; I regret that I missed the opening speeches. I have waited four and a half years for this debate because I am a Maxwell pensioner. There is a sense in which hon. Members on both sides of the House say, "Oh well, at last a lot of the loopholes are about to be closed. We can put the Maxwell experience behind us and a chapter is being closed." For the many people who have been affected by the Maxwell scandal, the chapter will never be closed.

There is an assumption that because of the good efforts of Sir John Cuckney many people have now had their pensions restored and everything is hunky-dory. That is not so. The members of the Maxwell works scheme, to which my hon. Friend the Member for Glasgow, Garscadden (Mr. Dewar) referred, had only 80 per cent. of their pensions paid to them for a long period. Elderly people who had to count the pennies to work out what they would have for the extras in life will not get that money back. Indeed, many pensioners in the Maxwell scheme have not lived to see today.

I make that point with some feeling because one of my misfortunes was that on 2 December 1991, the day that the frauds were discovered, I was taken from the *Daily Record* and *Sunday Mail* subsidiary and seconded to Mirror Group Newspapers for the crisis period. I lived through the Maxwell crisis, so hon. Members should believe me when I say that there are those who still suffer psychologically and financially as a result of what happened.

I regret that many aspects of the Bill do not meet the needs that the crisis revealed. I hope that the Committee of Selection will consider me to serve on the Standing Committee because there are a number of matters that I should like to address.

It is not often that I find an opportunity to agree with the hon. Member for Dover (Mr. Shaw). However, one key point he made this evening was about the need for information for pension fund members. One of the reasons why few people managed to spot that something was

going wrong in the Maxwell scheme was that the pensions department was permanently in chaos. In the four years during which I was a member of the scheme before the frauds were discovered, I received not one item of correspondence from the pensions department telling me either of the state of my pension or of the state of the fund. I was not alone; many thousands of people in the scheme were in exactly the same position.

Much was said earlier about the need for training for trustee members. Training is absolutely crucial, but that lesson has not, I fear, been learnt. An awful lot of people assume that the Maxwell frauds took place because of the strength of Robert Maxwell's personality, but that was only a fraction of the issue. In reality, many pension fund trustees were bamboozled by the fact that Maxwell had set up a network of organisations, not least of which was the Maxwell-owned fund management company. Many distinguished economists and actuaries appeared to give advice to pension fund members, but they were repeatedly bamboozled and had the wool pulled over their eyes. They were not weak or stupid people, but they were not given the opportunity to get the information that they needed.

I pay tribute to the Maxwell pensioners because before the fraud was discovered they were agitating, although not because they felt that there was a fraud. Indeed, it is interesting that they believed that there was not a fraud. The first public evidence that there was a hole in the Maxwell pension funds came when Lord Stevens of Ludgate said to a reporter at a cocktail party that there was a hole in them. The pensioners' representatives were phoned up and their reaction was shared by most people—that it could not be true because it was such an absurd suggestion.

Some weeks later it was found that the suggestion was not absurd and that there was a massive hole in the funds. The pensioners' representatives—elderly people, some of whom were very frail—rallied round and managed to put a strong and convincing case that kept those who could take decisions to protect pensioners very much on their toes.

The Maxwell affair convinces me that there is a strong case for pensioners' representatives serving on the board of trustees. The role of auditors is also relevant. Lay members of pension funds seek the comfort of an audit. With the audit of the Maxwell fund, the auditors—I do not suggest that there was any irregularity—were the auditors to the network of Maxwell companies. Only a few months earlier, they had been the auditors to the verification of the flotation of Mirror Group Newspapers, the detail of which was approved by the stock exchange. To give comfort to pension fund members, we must ensure that auditors are independent of the operation of the company. I would wish to pursue that in Standing Committee should the opportunity arise.

We must also consider the role of the regulator. I noticed the Secretary of State shaking his head when it was suggested that the regulator was under-resourced and underpowered. Believe me, the sums put aside for the regulator pale into insignificance when compared with the fees that have been paid to blue-chip City firms to help untangle the dreadful scam perpetrated by Robert Maxwell. A considerable amount of money has gone to the City. To stop that happening again, we must ensure that the regulator is adequately funded and has the powers to be proactive. A proactive regulator would have stopped the debacle of the Maxwell scheme.

Compensation must be addressed in some detail. If it had been available in the right way and speedily enough, much of the anxiety of pensioners would have been overcome. Indeed, many people would have been able to face the future with much more confidence.

I am glad that we are debating this Bill, but I greatly regret the fact that many of the lessons that should have been learned from the Maxwell debacle have not been learned. I hope that in Committee some of that may be put right.

9.11 pm

**Mr. Bernard Jenkin** (Colchester, North): Obviously the hon. Member for Monklands, East (Mrs. Liddell) has been a doughty fighter on behalf of the Maxwell pensioners. I would that she had been in the House for earlier speeches because she would have heard tributes being paid to the Secretary of State and to Lord Cuckney for their role in the affair in making sure—*[Interruption.]* I beg your pardon, Mr. Deputy Speaker, Sir John Cuckney. Well, it was a suggestion from the Opposition. Hon. Members have paid tribute to their role in bringing about a much more satisfactory resolution to the Maxwell affair than was envisaged at the outset. It would be apposite if the hon. Lady joined in paying those tributes.

I must declare an interest as an adviser to the Legal and General Group plc. Naturally, I am tempted to comment at length on mis-selling, but I guess that the House would think that anything that I said would be coloured by that interest, so I shall refrain from doing so. I shall do no more than endorse thoroughly the comments made by hon. Members of all parties, especially those of my hon. Friend the Member for Ryedale (Mr. Greenway), that, whatever the benefits of personal pensions, mis-selling must be rooted out. Indeed, the entire industry is committed to rooting out mis-selling. If that is not believed by the general public, more must be done by the industry to ensure that that is so.

I very much welcome the Bill. It represents a balanced approach and a balanced response to the Maxwell affair, which started the process. I endorse very much the measured pace at which the Government have proceeded towards the Bill. There was an extensive period of consultation following the Goode inquiry and, of course, a long period during which we have been able to consider the White Paper "Security, Equality, Choice: The Future for Pensions". The riskier form of consultation of sending the Bill to the House of Lords first ensures that, by the time the Bill comes to this House, we are well versed in many of the issues and in a position to decide finally on them.

It would be a great mistake to regard the Bill as the final word on pensions, as a variety of hon. Members have said, especially my hon. Friend the Member for Carshalton and Wallington (Mr. Forman). Indeed, I dare say that the chapter will never be closed on the Maxwell affair, as the hon. Member for Monklands, East said. It would be wrong to think that we could ever close that chapter. It would be wrong to think that any Bill could provide a totally comprehensive answer to every possible fraud that could be committed in any occupational pension scheme. That would be the sledgehammer that completely cracked the nut. We would see a diminution in what employers could provide in terms of benefits for their employees. There is a necessary balance to be struck. There is an inevitable temptation to trammel the possible

*[Mr. Bernard Jenkin]*

consequence of every wrongdoing possible. That would be a mistake. To that extent, there is a shared understanding across the House of the issues which face occupational pensions, although naturally we have to find our areas of disagreement as well.

The watchwords for the Bill are maintaining choice and ensuring security and sustainability. Sustainability is one of the most important aspects. We must sustain the commitment to the public sector and make sure that it is sustainable over the long term. We must ensure that the dramatic and fantastic contribution that the private sector makes to pensions in Britain is also sustained. The success of private provision in Britain must remain a key consideration when we formulate policy. It was the key consideration of the report of the Select Committee, of which I am a member.

We must remember that the vast majority of occupational pension schemes are extremely well run. To tar all occupational schemes with the Maxwell brush is a great mistake. We need to recognise that the vast majority of pension schemes do not require any tighter regulation. The only reason we are regulating in a heavier way than previously is to ensure that we catch the tiny minority of pension schemes that might not obey all the rules.

I hope that the hon. Member for Monklands, East and others who have spoken about the dangers of a recurrence of Maxwell will bear it in mind that what they perceive as weakness in the powers of the regulator might be a weakness if the establishment of the regulator were the only measure that the Bill introduced to improve the regulation of occupational pension schemes. We are creating a plethora of trip wires.

For example, on the points raised about takeovers, any trustee, member trustee, actuary or accountant who gets an uneasy feeling about the complex and opaque structure of a company and overlapping pension arrangements will naturally be the first person to blow the whistle. The hon. Member for Monklands, East failed to receive information as a Maxwell pensioner. Under the new arrangements, she would be able to blow the whistle. In the Maxwell circumstances, one imagines whistles blowing all over the place and the new pensions regulator having a very busy time.

One must remember that the fantastic contribution to the retirement costs of old people in Britain has largely grown out of voluntary arrangements. There is no obligation on companies to provide large occupational pension schemes, as they have been provided. If it becomes too much of a major burden, more and more companies will retire from the fray and go for the simpler schemes outlined by my hon. Friend the Member for Ryedale.

My last point is a criticism of the Opposition amendment. We are told that the Government fail to recognise

"the importance of pensions as a form of deferred pay".

Yet the thrust of other Opposition criticisms, for example, on trustees, fails to recognise pension funds as an asset already owned by the employees. There is a danger that European, less adequate pension schemes will colour the regulation of pension schemes in Britain, to the detriment of pension schemes.

My right hon. Friend the Secretary of State rightly mentioned the judgments of the European courts on the matter with some warnings. I warn him that I doubt whether the European Court of Justice has had its last word on equal treatment, pensions, part-time workers and all the issues involved in article 119.

I hope that we will protect pension and financial schemes from the uncertainties created by litigation in the European Court and from the threat of over-regulation and interference from European Court judgments that will ultimately cost the people in occupational pension schemes, whose benefits will not be so good in the long term.

9.19 pm

**Mr. Adam Ingram** (East Kilbride): The debate has been wide ranging and informative. Most contributions have added to the sum of knowledge on the issue, and it is significant that every contributor expressed reservations about many aspects of the Bill—apart from the Secretary of State, who was without criticism for his own measure. Every other Conservative Member pointed to where improvements could be achieved.

I must comment on the contribution of the hon. Member for Brighton, Kemptown (Sir A. Bowden) and his criticisms of the Bill. It would be good to see him in the Standing Committee, but I suspect that his independence of mind and spirit would preclude that. If he does serve, he will get a warm welcome for many of his comments today.

As we heard from many of the speeches, the Bill is far removed from the events that caused the Government, somewhat reluctantly, to consider the weaknesses in the regulation, monitoring and operation of occupational pension schemes. The Goode report on pension law reform was produced in the wake of the Maxwell scandal. It was undoubtedly a definitive piece of work—not without flaws, but none the less a powerful examination of the key issues arising from the Maxwell scandal, with possible solutions to avoid such events in the future. If the House had been debating the conclusions of the Goode report today, I hazard a guess that not much would be dividing us on the key issues in it.

Of course, the Government had another agenda. As with everything else that the Government do, the presentation belies the reality. We are asked to believe the promotional promise of the Government's White Paper in response to the Goode report—that the justification for the Bill is improving security, equality and choice across a range of pension provision now and in the decades ahead.

Nothing could be further from the truth. Where is the security in a regulatory system that has limited investigative powers and is forced to operate reactively and not proactively? Where is the equality, when the Government are proposing a levelling down of standards and benefits, with both men and women losing out? Where is the choice, when the Government are proposing to create an unlevel playing field in favour of personal pension schemes and against defined benefit schemes, which will provide only minimal protection to the low-paid and other at-risk employees, through reductions in the state earnings-related pension scheme?

The Bill fails to deliver properly on those promises of security, equality and choice. In many ways, the Government are like those personal pension salesmen who have been mis-selling pension schemes to millions of vulnerable people for the past eight years or so and, in effect, saying, "What we promise you, you won't get." In

our consideration and scrutiny of the Bill, it is important that we deal with the reality of the measures involved and that we are not deflected by the Government hype.

We must welcome the good news that the Government have announced on war widows. Although many Conservative Members and the Secretary of State seem to take the credit, it is worth bearing in mind the fact that the measure was vigorously opposed in the Lords and was introduced as a result of a Government defeat. We are grateful that the Government have now accepted that defeat, and I am sure that the measure will be warmly welcomed throughout the country.

As we know from today's debate, the Bill is an amalgamation of three separate issues, all of which are important in their own right and will have major, long-term effects on pension provision. The Bill sets out to modify the law on occupational pensions, although in a much watered-down version of what Goode proposed. It will provide less protection than was set out in the Government's White Paper. It introduces a further reduction in the value of SERPS and will give an additional boost to personal pensions, while failing to tackle the mis-selling of such schemes. The Bill will diminish the pension entitlement of women by raising their retirement age to 65 without providing any worthwhile compensating benefits in return.

Much has been made in the debate of the operation and regulation of occupational pension schemes. Since 48 per cent. of all employees are members of those schemes, it is right that such emphasis has been given to that aspect of the Bill. Despite the Government's encouragement to draw employees away from employer-based schemes to personal pension schemes, the National Association of Pension Funds has revealed that 81 per cent. of new employees eligible to do so join occupational schemes. They make that choice despite the many attractive offers put before them.

Although the numbers in occupational pension schemes are declining, they account for a significant proportion of the British work force and have combined assets of about £500 billion. We therefore welcome the establishment of a framework to oversee the operation of occupational pension schemes, although we significantly differ from the Government on the way in which the new regulatory regime should work in practice. That difference was graphically highlighted by my hon. Friend the Member for Monklands, East (Mrs. Liddell) in her description of her experience of the Maxwell fund.

In Committee, we will try to convince the Government that the provisions laid down for member trustees need to be extended beyond the one third employee-two third employer principle set out in the Bill. It is important that a proper balance is struck between those to whom the scheme belongs—the contributors—and those who act as trustees. The proposal for one third nominated trustees is too cautious and we will push for a 50:50 split between employer and active members.

We also believe that there is a strong case for pensioners to be allowed to have direct trustee representation. That would obviously depend on the overall number of trustees on a particular scheme and the number of pensioners in it. It would be wrong simply to argue that the concept of pensioner trustees should be accepted as a matter of course for a scheme that had just three trustees and represented a small number of pensioners.

**Mr. Forman:** Is the hon. Gentleman not in danger of misunderstanding slightly the concept of a trustee in English law? Does he accept that a trustee is not supposed to be a delegate of any group of people, but is meant to act in the best interests of the whole?

**Mr. Ingram:** Other hon. Members have made a strong argument for pensioner trustees, but no one raised the issue of trustees looking after the interests of deferred pensioners. I accept the hon. Gentleman's point that trustees are not direct delegates and that they should consider the wider interest. Those of us who have been in consultation in recent months with those involved in the pension sector know that a large constituency of pensioners feel that they can offer particular expertise to the management of particular schemes. Many of them are former senior managers of particular companies. The case for pensioner trustees can be made, but it must be set against a number of other factors relating to the way in which particular schemes are established. For example, the number of trustees on a particular scheme and the number of retired members within it should be taken into account.

**Mr. Duncan:** So the hon. Gentleman is against them.

**Mr. Ingram:** If the hon. Gentleman wants to intervene, I would be happy to give way. I have said that the proposal is one for debate in Committee.

**Mr. Duncan:** In the hon. Gentleman's long answer to my hon. Friend the Member for Carshalton and Wallington (Mr. Forman), it struck me that he was equivocal about whether he wants 50 per cent. of pensioner trustees on pension funds. It strikes me that he is halfway between admitting their trustee role and saying that he wants pensioner democracy in the way that a fund is managed.

**Mr. Ingram:** I am sorry that it was a long answer, but I got a nod of agreement from the hon. Member for Carshalton and Wallington (Mr. Forman) as I tried to explain some of the issues involved. There is nothing clear cut in many of the matters involved, which is why the Committee stage is of such benefit. It will help those of us who are trying to better the structure of pension schemes. Obviously the hon. Member for Rutland and Melton (Mr. Duncan) has no interest in achieving that and is simply a yes man for the Government and the Treasury Bench.

It is important that a proper balance exists between the contributors and the trustees. Member trustees must be able to operate in an unfettered way, free from employer pressure. We shall therefore propose amendments to protect member trustees and to promote a better system of training provision for trustees than the system that is set out in the Bill.

As other hon. Members have said, the new occupational pensions regulatory authority falls far short of what is required to ensure complete confidence in the regulation of occupational schemes. In its proposed form, OPRA will have nothing to do with issues of indexation, equal treatment or compensation. As the organisation will be reactive, not proactive, it may prove to be wholly ineffective in preventing illegal plundering of funds. It is not sufficient to leave the whistle-blowing role to fund actuaries and auditors. We shall propose amendments to tighten the functions of the new regulatory body and those of the pension regulator. Conservative Members and

*[Mr. Ingram]*

others made that argument during the debate in relation to the suggestion that auditors and actuaries might be left to carry out their functions without proper protection.

It is equally the case that, to ensure confidence in an occupational scheme, the funds of such schemes must satisfy certain minimum standards of solvency. The Government have now partly recognised that the original proposal in the Bill was misleading and required a different definition. However, the changing of the minimum solvency requirement to the minimum funding requirement provides no comfort; if anything, it exposed the weaknesses of the Bill's provisions in that respect.

We shall therefore explore in Committee the alternative means of ensuring the security of the funds and the solvency guarantees of those funds. The alternative concept, proposed by the Trades Union Congress and others, of a minimum contributions requirement, discussed at length during the Lords stage of the Bill by Lord Eatwell, has strong support in sections of the pension industry. One hopes that the Government are prepared to consider that proposal constructively.

It is known that many contributors to the debate outside the House—experts in the field—strongly criticise what was called a minimum solvency requirement and is now known as a minimum funding requirement. That issue needs further examination and greater consideration.

As my hon. Friend the Member for Glasgow, Garscadden (Mr. Dewar) said in his opening remarks, the issue of what the role of the state should be in pension provision is central to the Bill. It is obvious that the current Government want to disengage from supplementary pension provision in its entirety. We contend that that is the wrong approach.

It is equally wrong that billions of pounds of taxpayers' money—more than £9 billion paid in 1992-93 alone—should be used to bribe people to opt out of the state earnings-related pension scheme and to buy into personal pensions. Experience has shown that those bribes will prove disastrous for 1.5 million people who switched from an occupational pension scheme to a personal pension or chose a personal pension in preference to their company-based scheme. That has proved equally disastrous for the 3 million people who have taken out personal pensions on a SERPS rebate-only basis.

To satisfy the demands of the Treasury in achieving reductions in the public sector borrowing requirement, millions of our fellow citizens are now effectively in receipt of worthless personal pensions. When they retire, they will join the 1.5 million pensioners who currently have to depend on income support to supplement their basic state pension.

The overall changes in SERPS provision are not a small technical change, as Lord Mackay said during consideration of the Bill in the other place. How right he was. As the Government Actuary details in his report relating to the Bill, the effects of the changes to SERPS will effectively halve spending from £19.3 billion in 2050 to £9.9 billion at current prices. That cannot be achieved without losers.

That is one of the most unsatisfactory features of the Bill. It has received little attention to date and it obviously was the Government's intention to seek to obscure what they were up to. It means that, in effect, many people who currently pay into SERPS will receive much smaller benefits for their contributions than they had expected. Women especially will lose out as a result of those changes, as they will lose out as a result of many other aspects of the Bill.

It is an undisputed fact that women receive a raw deal in pensions, primarily as a result of their small and intermittent earnings and their child care and caring responsibilities. Only one woman in four receives income from SERPS; only one woman in five receives some occupational pension and only one woman in six receives a state old-age pension in her own right. That is why the state has to retain an active role in the provision of pensions at all levels. If the state does not do so, pensioner poverty will escalate because those at the bottom of the economic pile will suffer from the Government's intention as set out in the Bill, which will prove disastrous for them in their old age.

The debate has also dealt with the equalisation—

**Sir Norman Fowler:** Before the hon. Gentleman leaves the subject of state provision, will he answer the following question? Over the past decade, the Labour party's policy has been to uprate the basic pension by earnings—is that still the Labour party's policy?

**Mr. Ingram:** I know that my answer will not please the right hon. Gentleman, but he should wait for the general election. I am glad that he intervened, because I had intended in my introductory remarks to mention his contribution to the Bill. It is worth while bearing it in mind that he was Secretary of State when many of the changes relating to SERPS were laid down. They led to the mis-selling of private pensions. The right hon. Gentleman did not apologise to the House about the 4.5 million to 5 million people who have lost out as a result. I think that I have answered the question although the right hon. Gentleman may not like the answer. It is as good as the right hon. Gentleman is going to get.

**Mr. Lilley:** Would the hon. Gentleman advise anyone to buy a personal pension on the sort of information that he proposes to give the electorate?

**Mr. Ingram:** The Secretary of State should talk to the right hon. Member for Sutton Coldfield (Sir N. Fowler) and ask about his responsibility for the 4.5 million to 5 million people who are suffering as a result of the mis-selling of personal pensions. The guilt and responsibility lie on the shoulders of the Government. Many of their fellow citizens will be in poverty in their old age when they retire.

The debate has dealt with the equalisation of the state pension age at 65. There is strong evidence that this country is not facing a demographic time bomb or a financial time bomb in funding the state pension. This country's demographic trends show that over the next 20 years the number of people over 65 will rise by just 700,000 people. By the year 2040, three quarters of the population will be under 65 and we will have the best support ratio bar one in western Europe and within the Organisation for Economic Co-operation and Development. The financial cost of elderly people per person of working age will be the lowest bar one in the OECD by 2010, and thereafter it will be by far the lowest. It has been calculated that the additional cost of aging

during the next 50 years will add less to the social security budget than the rising cost of unemployment during the past five years.

**Mr. French:** Would the hon. Gentleman care to tell the House the source of the information that he has just given?

**Mr. Ingram:** I shall certainly give the House the source of that information. It came from the Equal Opportunities Commission. I hope that the hon. Gentleman will not denigrate that body, which has set out that information in detail.

All that information needs to be properly analysed before we jump to the decision to equalise the pension age at 65. One of the litmus tests of any decent society is how it treats its elderly population. By pushing through the change for a common retirement age of 65 and, at the same time, reducing the level of financial support through changes to SERPS and in other ways, it is clear that the Government are prepared to fail that test, not just for the current generation but for elderly generations to come.

The complexity and scale of the Bill mean that it has not been possible in the time available to cover all its aspects.

**Mr. Churchill:** Will the hon. Gentleman give way?

**Mr. Ingram:** No, I shall not give way.

I have not mentioned the vexed question of divorce and pensions or the importance of retaining the guaranteed minimum pension or the treatment of part-time workers in relation to their pension entitlement. I have not mentioned, in relation to occupational schemes, the strong case that can be made for independent custodianship of funds. All those issues will receive the greatest scrutiny in Committee. No one should underestimate the importance of the measure, which has wide-ranging implications for each and every person in this country. If the Government are serious about their commitment to provide security, equality and choice in pension provision, they must respond positively to the many criticisms made of the Bill inside and outside the House.

The Committee stage will allow the Government every opportunity to address those criticisms. Only by taking them on board will the Government ensure that their pension promise of a choice of scheme—public, private or occupational—in return for an appropriate contribution is not broken and that people's pensions will be both secure and adequate enough to avoid poverty in old age. I ask the House to support the Opposition's reasoned amendment.

9.39 pm

**The Minister for Social Security and Disabled People (Mr. William Hague):** The debate has been a serious one, but it has had its pleasant and encouraging moments—not least being the number of hon. Members who have volunteered or been volunteered to serve on the Standing Committee which will consider the Pensions Bill. A number of hon. Members also made some very pleasant remarks about my right hon. and hon. Friends in the Department of Social Security.

The hon. Member for Glasgow, Garscadden (Mr. Dewar) said that there could be no more reassuring spectacle than that of my hon. Friend the Parliamentary Under-Secretary of State, the Member for Wanstead and Woodford (Mr. Arbuthnot). Therefore, the hon. Gentleman must be reassured about the Bill, which is largely the work of my hon. Friend. The hon. Gentleman also paid tribute to our noble Friend Lord Mackay of Ardbrecknish in the other place, to whom he attributed a skilful retreat. Given that he supplied the information that our noble Friend was also once president of the university Liberal society, one must conclude that he knew how to accomplish a substantial advance. I think that that is a comfort to us all.

More seriously, the hon. Member for Birkenhead (Mr. Field) echoed the remarks of my right hon. Friend the Secretary of State in paying tribute to the work of Sir John Cuckney. It is worth pausing for a moment to note what has happened to the pension funds which gave rise to much of the debate about scheme security.

The position of the Maxwell pension funds in 1992 created much controversy in the House and elsewhere, with a number of calls for the Government to commit very large sums of public money to rescue or underwrite the schemes. Three years on, thanks to the patient work of Sir John Cuckney and others and at a relatively small cost to public funds in securing pension payments in the interim, the position of the Maxwell pensioners has been secured. However, until today it was largely unremarked on in the House. It is important for us to recognise the successful outcome of that work. As the hon. Member for Birkenhead gracefully acknowledged, it totally vindicates the judgment and the actions of my right hon. Friend the Secretary of State in 1992. That fact should be respected across the House.

It will be impossible in the time available to respond to every point that has been raised during the debate, but I will do my best to respond to the largest possible number of them. The hon. Member for Antrim, South (Mr. Forsythe) inquired about the position of Northern Ireland in relation to the Bill—a question with which I am becoming familiar from one Bill to another. I assure the hon. Gentleman that the Bill's provisions will be reflected in a corresponding Order in Council for Northern Ireland. The need to legislate for Northern Ireland in that way arises from the fact that the current legislative framework there is somewhat different.

The hon. Gentleman also expressed the hope that some consideration would be given to early leavers from pension schemes. It is worth noting that the Government have done a lot for early leavers in recent years. Pension rights exist after only two years' service, deferred rights are protected against inflation and there are transfer rights—all of which my right hon. Friend the Member for Sutton Coldfield (Sir N. Fowler) introduced in the Social Security Act 1986. The Bill goes further, notably by extending the statutory right to transfers to most pre-1986 early leavers and by speeding up the payment of transfer sums.

My hon. Friend the Member for Brighton, Kemptown (Sir A. Bowden) asked about clause 36 and the provision of particular documents to scheme members. I assure him that the Bill achieves the effect that he seeks. We intend to make regulations under clause 36 which will require schemes to make available to scheme members and to others the documents mentioned in the clause. The schemes will have to comply with those regulations; it will not be a discretionary matter.

*[Mr. William Hague]*

My hon. Friend also inquired, as did some other hon. Friends—particularly my hon. Friend the Member for Gloucester (Mr. French)—about compulsory trustee training. I agree that trustees should receive appropriate training. The Bill will facilitate that by implementing the Pension Law Review Committee recommendation that trustees who are employees should be entitled to paid time off for training and for undertaking their trustee duties, but the Government are greatly concerned about the practicality of establishing and policing any compulsory training requirements. There would be no point in making a statutory requirement if there were no possibility of monitoring or enforcing compliance. To do that would require someone—presumably the regulator—to specify the level of competence a trustee should have and to find some way of determining the individual training requirements of each and every trustee. That would not be a simple matter and could mean statutory responsibilities and complexities that would be disproportionately expensive. No doubt we will return to that aspect later in the Bill's progress.

I will refer briefly to three matters that sparked particular interest and controversy following debates in the other place. One is pensions and divorce. The hon. Member for Garscadden was worried that Government policy would require contact between a husband and ex-wife many years after their divorce, to divide a pension in payment. That would not be so under the spirit of the amendments made in another place, which we indicated that we intend to accept. Pension schemes could be required by the courts to make payments under deferred maintenance orders direct to the ex-wife. I make it clear that the Government intend to accept the spirit of that provision, so further contact between the parties would not be necessary in most cases.

Some hon. Members argued for pension splitting—such as the hon. Member for Leyton (Mr. Cohen), who has a private Member's Bill on the subject. The Government are extremely concerned about the complexity involved in pension splitting, particularly in relation to SERPS, and the more favourable tax treatment thereby given to people who had divorced as opposed to couples who remain married. We would of course be concerned about the large amount of tax revenue thereby lost, particularly in view of the spending commitments urged on the Government in the debate.

The announcement by my right hon. Friend the Secretary of State regarding war widows was unanimously welcomed in all parts of the House. I noted the additional issues raised by my hon. Friends the Members for Davyhulme (Mr. Churchill) and for Dorset, West (Sir J. Spicer) and by the right hon. Member for Manchester, Wythenshawe (Mr. Morris), but general retrospective changes to occupational pension schemes raise questions of fairness and precedent not necessarily raised by changes to the DSS war widows scheme. They are distinct from questions of obligations to war pensioners, which many people would prefer to discuss.

**Mr. Alfred Morris** *rose—*

**Mr. Churchill** *rose—*

**Mr. Duncan** *rose—*

**Mr. Hague:** I am spoilt for choice, but I will give way to my hon. Friend the Member for Davyhulme.

**Mr. Churchill:** My hon. Friend mistakes me if he imagines that I was particularly pressing any case other than that of expatriate state retirement pensioners. Evidently my hon. Friend misunderstood the point that I was trying to put before him. I was referring to people who, in a lifetime's work, contributed through national insurance contributions to a retirement pension, and who are being cheated by the Government of the entitlement for which they have paid. Will my hon. Friend explain the fairness of denying to people who live across the border in Canada—in Windsor, Ontario—the full pension that they would receive in Detroit?

**Mr. Hague:** I did not misunderstand my hon. Friend. I was referring to points made by my hon. Friend the Member for Dorset, West and by the right hon. Member for Wythenshawe, which I understood my hon. Friend the Member for Davyhulme to be supporting. He is talking about another matter, to which I was about to refer—the payment of state pensions overseas. He was worried that his eloquent and forceful pleas would fall on deaf ears. They do not fall on deaf ears, but they do fall on the ears of Ministers who have to manage a huge budget on which there are constant upward pressures. For now I shall just say that we will have to debate these issues later in more detail. When we come to debate them, I hope that the House will remember that any increase in spending commitments involving sending money to people overseas will of course mean corresponding reductions in our expenditure here at home. Hon. Members should bear that in mind.

My hon. Friend the Member for Ryedale (Mr. Greenway) was worried about the position of large, mature schemes in relation to the minimum funding requirement. As he acknowledged, I am well aware of the concerns. The position of such schemes will have been considerably eased by the decisions that we have made on the operation of the minimum funding requirements, announced on 8 December last year. In particular, my hon. Friend might like to reflect on the fact that if a scheme is found to be less than 90 per cent. funded on a particular day, the sponsoring employer will have a year in which to restore funding to that level, and could do so in part by using bank guarantees or subordinated loans of the kind that my hon. Friend mentioned. There must also be a funding plan to restore 100 per cent. funding within five years, but that could be changed if the fund recovered as a result of market changes during that period. So it seems most unlikely that a properly funded scheme could be seriously affected in the way my hon. Friend has described; but my hon. Friend the Under-Secretary and I will be happy to set out the Government's thinking in more detail in the Committee.

**Mr. Alfred Morris:** The Minister referred to my speech about war widows and service widows. With regard to the Secretary of State's announcement this afternoon of his acceptance of the Lords amendment, questions are being asked about whether the restored entitlement will be automatic and whether it will be subjected in any way to means testing. I raise those points

immediately; there was no reference to them in the DSS press statement about the Minister's announcement this afternoon. Can the hon. Gentleman enlighten us now?

**Mr. Hague:** People will need to apply for the announced changes, but there is no question of their not taking place or of their being means-tested. I hope that that reassures the right hon. Gentleman.

Listening to all today's speeches, I thought that the speech that did most to put things in perspective was that of my right hon. Friend the Member for Sutton Coldfield. He drew attention to the importance of the 1986 Act, which did so much to boost the prospects of occupational pension funds and to protect the accrued rights of people who had left schemes, thereby encouraging job mobility. Those changes permitted and encouraged the growth of occupational pension funds, to the extent that this country now has at least as much funded occupational pension provision as does the whole of the rest of the European Community. Indeed, my hon. Friend the Member for Dover (Mr. Shaw) reminded us of the huge unfunded pension liabilities that have built up across Europe. They mean that other European Governments are extremely puzzled as to how they will meet those liabilities, for which they have not provided.

The interesting thing to note is that if we had continued the policy bequeathed to us by the Labour Government, we would now be joining countries that have large unfunded state pension liabilities. The Opposition like to pose today as the friends of occupational pension provision, but they undertook none of the reforms that were undertaken by my right hon. Friend the Member for Sutton Coldfield and his colleagues. They saddled the future taxpayers of this country with the colossal and unsustainable burden of a state earnings-related pension system which, in the next century, would have cost more than £30 billion a year—and which they had no idea how to pay for. They introduced a pay-as-you-go system which everyone is now willing to criticise, intending people of the future to pay for it long after they had left the scene. It was left to the Government to reform that, to ensure that it was an affordable system. Now, of course, it would be interesting to know whether the Opposition would plan to reintroduce such a scheme. We do not know, because they do not know.

My right hon. Friend the Member for Sutton Coldfield asked whether the Labour party now thought that earnings or prices were the right basis for uprating state pensions in the future. That question has been asked again of the hon. Member for East Kilbride (Mr. Ingram), in the closing moments of his speech. It was one of the Labour party's most important pledges in four general election campaigns. If it had won and implemented that policy, expenditure would now be nearly £9 billion a year higher than it is. We have heard rumours that the Labour party has changed its policy, but they remain rumours and the country remains in the dark because the Labour party has declined the opportunity to confirm it in the House.

If those are not big enough spending commitments on which the Labour party does not know what it is doing, we also find that, on the state pension age, where the arguments are obvious to the Governments of Australia, Austria, Canada, Denmark, Finland, Germany, Greece, Ireland, Iceland, the Netherlands, New Zealand, Portugal, Spain and the United States—all of whom have moved or are moving to a common retirement age of at least 65—only the Labour party remains unaware of the arguments—*[Interruption.]* And the Liberal Democrats. I beg the hon. Gentleman's pardon.

The amendment tabled by the hon. Member for Garscadden said that the Government's policy is rigid. It is not. There will be a 10 per cent. increment for every year in which the taking of the pension is postponed. I hand it to the hon. Gentleman. No one could accuse him of having a rigid policy. He would be lucky to be accused of having a policy at all. Two years ago, the Labour party conference voted that the retirement age for both men and women should be equalised at 60—a policy that sounds very nice but which would cost £12,000 million a year more than that of the Government. Seeing the danger, the Commission on Social Justice, in its report, said:

> "It is quite reasonable to start phasing in a common pension age of 65 in the next century."

That is the policy of the Government. But then the Trades Union Congress announced last year that it had stepped up its campaign to achieve a state pension age for all at 60.

**Mr. Kirkwood** *rose—*

**Mr. Hague:** It is against that background that the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood), who is trying so valiantly to attract my attention, said that major pension changes should take place only if there is a consensus. How long would we have to wait for a consensus if Labour Members cannot even arrive at a consensus with one another on the central question of pensions policy? Faced with the choice between stark reality on the one hand and the demands of the unions on the other, Opposition Front-Bench Members have opted for a fudge—a pivotal age of 63, which splits the difference between the groups but would bring the worst of every world. It would mean that people could claim a reduced pension at 60, topped up by other benefits, leading to an escalating bill for the taxpayer of billions, and a growing number of pensioners dependent for life on income-related benefits.

On these three questions: the right future for SERPS; the basis of pensions uprating; and the equalisation of the state pension age, each of which dwarfs almost every other public expenditure decision taken by the House, the Opposition do not know their policy. It ranges from the largely uncertain on the one hand to the completely unknown on the other. They have clutched at a flexible decade of retirement as a fig leaf form of words to cover the embarrassment of a flexible decade of not having a clue what to say.

That is no basis for government. Governments have to know what they are going to do. Governments have to calculate the costs and benefits of their policies. Governments have to arrive at the right balance, which means that we will have strong, funded occupational pension provision, in this country, thoroughly regulated without killing the goose that lays the golden eggs. That is what we are setting about in this major piece of legislation. It is the right legislation. It will bring security, equality and choice to pension provision. It deserves the support of the House.

*[Mr. Hague]*

*Question put,* That the amendment be made:—
*The House divided:* Ayes 228, Noes 267.

**Division No. 134]** **[9.59 pm**

**AYES**

Abbott, Ms Diane
Adams, Mrs Irene
Ainger, Nick
Allen, Graham
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashton, Joe
Austin-Walker, John
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Beith, Rt Hon A J
Bell, Stuart
Benn, Rt Hon Tony
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blunkett, David
Boateng, Paul
Bradley, Keith
Bray, Dr Jeremy
Brown, N *(N'c'tle upon Tyne E)*
Burden, Richard
Byers, Stephen
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, D N
Cann, Jamie
Chisholm, Malcolm
Church, Judith
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Tom *(Monklands W)*
Clelland, David
Clwyd, Mrs Ann
Cohen, Harry
Connarty, Michael
Cook, Robin *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cunningham, Jim *(Covy SE)*
Cunningham, Rt Hon Dr John
Dafis, Cynog
Dalyell, Tam
Darling, Alistair
Davidson, Ian
Davies, Bryan *(Oldham C'tral)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Ron *(Caerphilly)*
Denham, John
Dewar, Donald
Dobson, Frank
Donohoe, Brian H
Dowd, Jim
Dunwoody, Mrs Gwyneth
Eagle, Ms Angela
Eastham, Ken
Etherington, Bill
Evans, John *(St Helens N)*
Fatchett, Derek
Fisher, Mark
Flynn, Paul
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Fraser, John
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
Garrett, John
George, Bruce
Gerrard, Neil
Gilbert, Rt Hon Dr John
Godman, Dr Norman A
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mildred
Graham, Thomas
Grant, Bernie *(Tottenham)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike
Hanson, David
Hattersley, Rt Hon Roy
Henderson, Doug
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Home Robertson, John
Hoon, Geoffrey
Howarth, George *(Knowsley North)*
Howells, Dr. Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Kevin *(Doncaster N)*
Hughes, Robert *(Aberdeen N)*
Hughes, Simon *(Southwark)*
Hutton, John
Ingram, Adam
Jackson, Glenda *(H'stead)*
Jamieson, David
Janner, Greville
Jones, Barry *(Alyn and D'side)*
Jones, Ieuan Wyn *(Ynys Môn)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jowell, Tessa
Kaufman, Rt Hon Gerald
Keen, Alan
Kennedy, Jane *(Lpool Brdgn)*
Khabra, Piara S
Kilfoyle, Peter
Kirkwood, Archy
Lestor, Joan *(Eccles)*
Lewis, Terry
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Loyden, Eddie
Lynne, Ms Liz
McAllion, John
McCartney, Ian
Macdonald, Calum
McFall, John
McKelvey, William
McLeish, Henry
McMaster, Gordon
McWilliam, John
Maddock, Diana
Mahon, Alice
Mandelson, Peter
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Martlew, Eric
Maxton, John
Meacher, Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Morris, Rt Hon Alfred *(Wy'nshawe)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
Oakes, Rt Hon Gordon
O'Brien, Mike *(N W'kshire)*
O'Neill, Martin
Paisley, The Reverend Ian
Patchett, Terry
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pope, Greg
Powell, Ray *(Ogmore)*
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Quin, Ms Joyce
Radice, Giles
Raynsford, Nick
Reid, Dr John
Rendel, David
Robinson, Geoffrey *(Co'try NW)*
Roche, Mrs Barbara
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruddock, Joan
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Shore, Rt Hon Peter
Short, Clare
Simpson, Alan
Skinner, Dennis
Smith, Andrew *(Oxford E)*
Smith, Chris *(Isl'ton S & F'sbury)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Spellar, John
Steinberg, Gerry
Stevenson, George
Strang, Dr. Gavin
Straw, Jack
Sutcliffe, Gerry
Taylor, Mrs Ann *(Dewsbury)*
Taylor, Matthew *(Truro)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Turner, Dennis
Vaz, Keith
Walker, Rt Hon Sir Harold
Walley, Joan
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Wicks, Malcolm
Wigley, Dafydd
Williams, Rt Hon Alan *(Sw'n W)*
Williams, Alan W *(Carmarthen)*
Wilson, Brian
Winnick, David
Worthington, Tony
Wright, Dr Tony
Young, David *(Bolton SE)*

**Tellers for the Ayes:**
**Ms Estelle Morris and**
**Mr. Jon Owen Jones.**

**NOES**

Ainsworth, Peter *(East Surrey)*
Aitken, Rt Hon Jonathan
Alison, Rt Hon Michael *(Selby)*
Allason, Rupert *(Torbay)*
Amess, David
Arbuthnot, James
Arnold, Sir Thomas *(Hazel Grv)*
Ashby, David
Atkins, Robert
Atkinson, Peter *(Hexham)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Bates, Michael
Batiste, Spencer
Bellingham, Henry
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Body, Sir Richard
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & Cl'thorpes)*
Browning, Mrs Angela
Budgen, Nicholas
Burns, Simon
Burt, Alistair
Butler, Peter
Butterfill, John
Carlisle, John *(Luton North)*
Carlisle, Sir Kenneth *(Lincoln)*
Carrington, Matthew
Carttiss, Michael
Cash, William
Channon, Rt Hon Paul
Churchill, Mr
Clappison, James
Clark, Dr Michael *(Rochford)*
Coe, Sebastian
Colvin, Michael
Congdon, David
Conway, Derek

Coombs, Anthony *(Wyre For'st)*
Cormack, Sir Patrick
Couchman, James
Cran, James
Currie, Mrs Edwina *(S D'by'ire)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Devlin, Tim
Dicks, Terry
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan-Smith, Iain
Dunn, Bob
Eggar, Rt Hon Tim
Emery, Rt Hon Sir Peter
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Faber, David
Fabricant, Michael
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forsythe, Clifford *(S Antrim)*
Forth, Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam *(Woodspring)*
Fox, Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garel-Jones, Rt Hon Tristan
Garnier, Edward
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorst, Sir John
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Gummer, Rt Hon John Selwyn
Hague, William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hannam, Sir John
Hargreaves, Andrew
Haselhurst, Alan
Hawkins, Nick
Hawksley, Warren
Hayes, Jerry
Heald, Oliver
Heath, Rt Hon Sir Edward
Heathcoat-Amory, David
Hendry, Charles
Hicks, Robert
Higgins, Rt Hon Sir Terence
Hogg, Rt Hon Douglas *(G'tham)*
Horam, John
Hordern, Rt Hon Sir Peter
Howard, Rt Hon Michael
Howarth, Alan *(Strat'rd-on-A)*
Howell, Rt Hon David *(G'dford)*
Hughes, Robert G *(Harrow W)*
Hunter, Andrew
Hurd, Rt Hon Douglas
Jack, Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Kellett-Bowman, Dame Elaine
Key, Robert
King, Rt Hon Tom
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Leigh, Edward
Lennox-Boyd, Sir Mark
Lester, Jim *(Broxtowe)*
Lidington, David
Lightbown, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, David
McLoughlin, Patrick
McNair-Wilson, Sir Patrick
Malone, Gerald
Mans, Keith
Marland, Paul
Marshall, John *(Hendon S)*
Martin, David *(Portsmouth S)*
Mates, Michael
Mellor, Rt Hon David
Merchant, Piers
Mills, Iain
Mitchell, Andrew *(Gedling)*
Mitchell, Sir David *(NW Hants)*
Moate, Sir Roger
Molyneaux, Rt Hon James
Monro, Sir Hector
Montgomery, Sir Fergus
Moss, Malcolm
Nelson, Anthony
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Nicholson, Emma *(Devon West)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Patnick, Sir Irvine
Patten, Rt Hon John
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Powell, William *(Corby)*
Redwood, Rt Hon John
Renton, Rt Hon Tim
Richards, Rod
Rifkind, Rt Hon Malcolm
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Londonderry)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Sackville, Tom
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shaw, Sir Giles *(Pudsey)*
Shephard, Rt Hon Gillian
Shersby, Michael
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Spicer, Sir James *(W Dorset)*
Spicer, Michael *(S Worcs)*
Spink, Dr Robert
Spring, Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Steen, Anthony
Stephen, Michael
Stern, Michael
Stewart, Allan
Streeter, Gary
Sumberg, David
Sweeney, Walter
Sykes, John
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Temple-Morris, Peter
Thompson, Patrick *(Norwich N)*
Thurnham, Peter
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Trend, Michael
Trotter, Neville
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Waldegrave, Rt Hon William
Walden, George
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Yeo, Tim
Young, Rt Hon Sir George

**Tellers for the Noes:**
**Mr. Sydney Chapman and**
**Mr. Timothy Wood.**

*Question accordingly negatived.*

*Main Question put forthwith, pursuant to Standing Order No. 60 (Amendment on Second or Third Reading), and agreed to.*

*Bill accordingly read a Second time, and committed to a Standing Committee, pursuant to Standing Order No. 61 (Committal of Bills).*

## PENSIONS BILL [*LORDS*] [*MONEY*]

*Queen's recommendation having been signified—*

*Motion made, and Question put forthwith, pursuant to Order [19 December],*

That, for the purposes of any Act resulting from the Pensions Bill *[Lords]*, it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenses incurred by the Secretary of State in defraying the expenses of the Occupational Pensions Regulatory Authority or the Pensions Compensation Board,

(b) any administrative expenses of the Secretary of State, and

(c) any increase attributable to that Act in the sums payable out of money so provided under any other enactment.—*[Mr. Lightbown.]*

*Question agreed to.*

## PENSIONS BILL [*LORDS*] [*WAYS AND MEANS*]

*Motion made, and Question put forthwith, pursuant to Order [19 December],*

That, for the purposes of any Act resulting from the Pensions Bill *[Lords]*, it is expedient to authorise—

(1) the levying of charges towards expenditure under the Act or the Pension Schemes Act 1993 in connection with provisions relating to—

(a) the compilation and maintenance of a register of occupational and personal pension schemes,

(b) the investigation and determination of complaints and disputes relating to occupational and personal pension schemes,

(c) the making of grants by the Occupational Pensions Regulatory Authority,

(d) the expenses of that authority (including the expenses of establishing the authority), and

(e) the expenses of the Pensions Compensation Board (including the expenses of establishing the Board), and

(2) the making of payments into the Consolidated Fund.—*[Mr. Lightbown.]*

*Question agreed to.*

## Church of England (General Synod) (Measures)

10.15 pm

**Mr. Michael Alison** (Second Church Estates Commissioner, representing the Church Commissioners): I beg to move,

That the Team and Group Ministries Measure, passed by the General Synod of the Church of England, be presented to Her Majesty for her Royal Assent in the form in which the said Measure was laid before Parliament.

The Measure makes a number of amendments to the existing legislation on team and group ministries in the parochial system of the Church of England. It follows the recommendations of two working parties, one of 1982, chaired by Dame Betty Ridley, and one which reported in 1991, chaired by the now Bishop of Ludlow.

Colleagues present this evening may be aware that a team ministry is a collaborative form of ministry established by a pastoral scheme under the Pastoral Measure 1983 or its predecessor the Pastoral Measure 1968, whereby a team of clergy and other ministers work together in a legally constituted partnership, usually in the area of a single benefice. Essentially, it is characterised by parity of team membership rather than by hierarchy. That is to be distinguished from a group ministry, which is an association of adjoining benefices in which each incumbent has authority under the pastoral scheme to officiate throughout the area of the group ministry, although when doing so in a benefice other than his own, he is subject to the directions of the incumbent of the benefice concerned.

The only provision in the Measure concerned with group ministries as opposed to team ministries is clause 5(3), which enables an alteration to an existing group ministry to be made by pastoral order rather then pastoral scheme. It is essentially a limited and marginal provision. All other provisions in the Measure relate to team ministries.

In 1992, there were more than 430 team ministries in the Church of England and the clergy in those team ministries numbered more than 10 per cent. of all stipendiary clergy. The essential point of the Measure is to develop and prove what is now a well-established and well-tried feature of the Church of England's varied forms of ministry. To promote more effective collaboration, the Measure seeks to enhance the status of team vicars and experienced deacons in teams by creating greater parity between team vicars and experienced deacons on the one hand and the presiding team rector on the other.

That aim has been achieved by amendments of the existing legislation in four areas—first, by abolishing the freehold for future appointments of team rectors in clause 1(3).

**Mr. John Marshall** (Hendon, South): I thank my right hon. Friend for giving way on the issue of the parson's freehold. Does he accept that many people welcome the abolition of the freehold in respect of new team ministries and would like the Church of England to re-examine the whole principle of the parson's freehold, which unfortunately acts as an effective encouragement to some vicars not to do as good a job as they might?

**Mr. Alison:** I take note of my hon. Friend's point about the parson's freehold. I know that there have been unsatisfactory cases of over-extended incumbencies, so to

speak, but I stand very close to my hon. Friend the Member for Corby (Mr. Powell), whose father enjoyed the freehold tenure of his parish for 46 years. In that period, my hon. Friend's father rebutted attacks from various powerful episcopal battleships, which threatened to try to sink him. I have to be very careful in trying to maintain a balance that I think is appropriate to the Church of England, between those who feel that the freehold gives too much security of tenure and those, such as my hon. Friend's father, who make good use of the security of tenure to reinforce an acceptable position. I hope that in making those references to my hon. Friend the Member for Corby, I may even have persuaded him not to intervene in the debate.

Secondly, the amendments give experienced deacons a special responsibility for the pastoral care of an area, which is in clause 1(5) of the Measure; thirdly, they give bishops power to grant a fixed-term licence to deaconesses and lay ministers in teams, which is also in clause 1(5); and fourthly, they enhance the standing of team vicars and team members regarding housing, trusteeship of parochial trusts, chairing of parochial church councils and so on.

The proposal that the Ecclesiastical Committee was most anxious about was the one to abolish the freehold for future appointments of team rectors. I return to the intervention of my hon. Friend the Member for Hendon, South (Mr. Marshall). The proposal had been one of the recommendations of the Ridley report of 1982. The later 1991 Saxbee report—named after the current Bishop of Ludlow—endorsed the recommendation on the basis that collaborative ministry depends on the good will and consent of those concerned, so the team rector, the team vicars and experienced deacons in the team should be appointed for the same specified term of years. Under the existing legislation, team vicars can be appointed only for a term of years and a team rector may either have a freehold or a term of years. At the end of 1994, incidentally, 159 team rectors held freehold offices and 294 had a specific term of years.

At the general approval stage in the General Synod in February 1992, the draft Measure contained a clause abolishing the freehold for future team rectors, which would have rung a bell with my hon. Friend the Member for Hendon, South. The Revision Committee of the General Synod then agreed by seven votes to six to remove that abolitionist provision. At the revision stage in Full Synod in November 1993, the General Synod decided by 144 votes to 199 to restore the clause, precluding future freehold appointments of team rectors. That is now clause 1(3) of the Measure.

From the annexe to the report of the Ecclesiastical Committee, hon. Members will have seen the questions raised by the committee and the written answers provided on behalf of the Synod. The main point to bring out from those answers is that it is not envisaged that team ministries will become the normal pattern of ministry. Nor is it envisaged that the parson's freehold will, by that means, be supplanted by the back door, as it were. As has been stated before, the reason for the abolition of the freehold for future team rectors is to enhance the standing of the team vicars and other team members and to give a balance and a sense of equal partnership of parity rather than hierarchy throughout the team. However, that is not in any sense to preclude or determine what is to be the final position, approach or attitude of the Church of England as a whole to the matter of the freehold, which is still very much a matter for consultation. There is no provision before the Synod on that matter at present.

Some members of the Ecclesiastical Committee were also worried that a team rector appointed for a term of years might find that he was not reappointed at the end of that term. The draft code of practice deals with that point in paragraph 51. It has to be a draft code of practice because it cannot be formalised unless and until the House passes the Measure this evening. It recommends a review procedure initiated by the bishop in good time before the term is due to end.

In February 1994, the General Synod gave final approval to the Measure by 326 votes in favour and 25 against. On the basis of that substantial endorsement of the Measure, it would be appropriate to invite colleagues in the House this evening to give it a fair wind and let it proceed to Royal Assent.

10.25 pm

**Mr. Frank Field** (Birkenhead): It is a topsy-turvy world, is it not? In an intervention a moment ago in the speech of the right hon. Member for Selby (Mr. Alison), we heard a plea for the abolition of freehold. In the world in which I grew up, I would have expected people on the Tory Benches to be mindful that organisations, particularly large ones that web through the whole of our history, were immensely complicated and that freedom was not an abstract word taken out of the dictionary, but something built up by a series of checks and balances over the years. One would have expected that message to come clearly from the Tory Benches.

From the Labour Benches, as Michael Oakeshott said, one would have expected the 1940-type rationalistic view of the world, which could not comprehend anything that was not open to sheer, straightforward logic; which recognised only one sort of knowledge, that is, technical knowledge that could be learnt in books; and which held that the wealth of experience of the world built up through ages, which I believe is an equally important form of knowledge, was something to be discarded.

I wish to speak against the Measure, although not necessarily to vote against it, on the very point of the clause that deals with the freehold. No one in his right mind or, I hope, not in his right mind, would ever doubt the word of the right hon. Member for Selby, but over the years we have become accustomed to how Synod presents Measures to the House. We are assured that, even if part of the area of freehold is surrendered tonight, that does not mean that the issue of freehold is up for discussion or up for grabs.

Of course, we know that within a year or so, there will be another Measure that will quote the surrender of freehold in this Measure as a reason for further erosion of that principle. Indeed, we see it in this very Measure. The main reason why we should agree to the abolition of the freehold for those who are newly appointed to the position of rectors is that team vicars do not have it. The rule that team vicars should not have freehold did not come down from Mount Sinai. The journey was much shorter than that. It came over the road from Synod. That is where that particular rule was made.

We are told that a further erosion should occur because the position is inconsistent. We are told that we are all chums together, all mates in the same old boat, and that

*[Mr. Frank Field]*

there should not be any distinctions, so it is important that the person who leads the group should be brought down to the same basis as other members in the team.

The matter of team ministries is largely rubbish. We have one in our area. It would be run more satisfactorily by a vicar with some senior curates and some younger curates. They would all know where they were and would have tasks, and the team rector would have the crucial role of training people so that, at some stage, they would be able to take over their own parishes. The team ministry is part of the nonsense with which we have to indulge ourselves.

In my short contribution, I hope that I have made a case against the further erosion of freeholds. All privileges can be abused and freehold is no exception. If one treasures freedom, sometimes the price is to get terrible old duffers—or young duffers—whom one cannot move out of their parishes, but who are not doing their job and clearly ought to give way to someone else. Freeholds give security to those brave souls who are saying things that are not fashionable and that people do not want to hear.

We should not view this Measure separately from the catastrophe that has overtaken the Church Commissioners' funds. Ever since the Church began in this country—it is a show that has run longer than the nation and the Government, let alone the state—individual parishes have depended on endowments to survive. Now, large tranches of the Church will not gain such additional help from those historic resources, which have been built up over the centuries and were there for the lean times when people were not going to church, or not giving, or to prevent one of the factions of the Church from taking control.

At the moment, a strong evangelical party is in the driving seat. Never before in our history has one party been able to control the whole show, because the Church Commissioners' assets have been too powerful to allow it to do so. Now, those with the numbers, the power and the money come overwhelmingly from one faction and there will be no effective counterbalance from the Church Commissioners' assets, which probably give a capital base that is only half what it was a few years ago, once losses from gambling and the moneys that will at some stage have to be transferred into a new pension fund are taken into consideration.

The Measure will erode the freedom of some parish priests to say what they think and blow the rest of us, and we should view it very seriously. We should not let it go past without registering our disquiet and, in the most friendly terms, telling the Synod that, once it is passed, we know that the Synod will put it in its armoury for the next round of Measures, to erode further the principle of freehold. It will be abolished not by this one Measure, but by the continual dripping away of those institutions and, within them, the aspects that have guaranteed the freedom that English men and women have known and still treasure. For that reason, I am sad that the Synod continues to send us Measures of this nature.

10.33 pm

**Mr. William Powell** (Corby): It is not often that the House has the opportunity to listen to a speech of such unalloyed Toryism as that by the hon. Member for Birkenhead (Mr. Field), to whom we just had the pleasure and privilege of listening. I was unable to disagree with any word. I just wish that those profoundly Tory sentiments, which have been expressed so often in the House down the years, were expressed more often.

We are fortunate indeed that my right hon. Friend the Member for Selby (Mr. Alison) introduced the Measure. His calm and measured introduction will have done much to dissuade the Tory ultras like myself from going into the Lobby against him tonight. I shall not do so, but I will register in the House—as I did in the Ecclesiastical Committee—my total opposition to the Measure. Its effects will be precisely as the hon. Member for Birkenhead has outlined.

There is absolutely no doubt in my mind that, if not my right hon. Friend the Member for Selby, my right hon. Friend's successor will, in due course, come to the House with further Measures to enlarge the team ministry concept. That will increase episcopal patronage and lead to the further destruction of the traditional Church of England, which I know is passing, but in which I was brought up and to which I remain nostalgically extremely attached.

**Sir Timothy Sainsbury** (Hove): As I listen to my hon. Friend's profoundly Tory remarks, after those of the hon. Member for Birkenhead (Mr. Field), I feel that one thing is missing. The Church of England is not an end in itself; it is the care of souls to which it is devoted. In a changing world, the Church must change to deliver its responsibilities to the parishioners who are in its charge.

**Mr. Powell:** My right hon. Friend is absolutely right that the purpose of the Church of England is to administer to souls. Whether the new management structure which the Measure introduces is most likely to deliver that care of souls is something about which I have considerable doubts.

I was born and brought up in the countryside and I live in the countryside today. I have seen the way in which country parishes have first of all been joined to one other parish, then to two, three and, increasingly, to a dozen and sometimes to a dozen and a half. Who knows, we could end up with three dozen parishes joined together, with only the occasional form of divine worship at each parish—perhaps once a month, then once every three months and then perhaps once a year. We see that trend.

The hon. Member for Birkenhead was absolutely correct when he suggested that people—the souls for whom the Church of England exists—find it easiest to identify with a local parson, who is resident in their community and who has perhaps been among them for a long time. That parson may well have baptised them, and married their parents, and they look forward to him doing the same for their children.

Between 1898 and 1989, in two of the three parishes for which my father had responsibility there were only two parsons. I do not expect that record to be replicated often, but it is not a record that should be denigrated merely because my hon. Friend the Member for Hendon, South (Mr. Marshall)—I do not wish to tempt him too far—wishes to introduce managerial structures. Those structures may be appropriate now for the Church Commissioners, because, my goodness me, it certainly looks as though some other structure over and above that of my right hon. Friend the Member for Selby is necessary in that respect.

I fear that the old Church of England, which so many of us knew and loved, will pass even more speedily as a result of the passage of the Measure. I am quite certain that parish life, particularly in the countryside, will not be enriched as a consequence.

I also fear the growing explosion of episcopal patronage. The purpose of bishops in the history of the Church of England of modern centuries has been to attend the House of Lords and to support the Government there.

**Mr. John Marshall:** They do neither.

**Mr. Powell:** There is some truth in that.

The job of looking after the diocese was left to archdeacons and to parsons and their freeholds. From time to time that arrangement was criticised, but let not my hon. Friend the Member for Hendon, South, in his enthusiasm for new managerial structures, imagine that the Measure will not lead to difficulties and unsatisfactory clergy, just as any other human system will. On the other hand, the more bishops take over the control of the management of their dioceses, the worse, I am afraid, the management tends to become. I say that although, if the House will allow me to put it in a slightly facetious way, some of my best friends are bishops. That does not mean that they are necessarily the best people to control the lives of so many and an increasing number of parishes.

I am opposed to the Measure, but I hope that my right hon. Friend the Member for Selby will draw some comfort from the fact that I will not oppose him in the Division Lobby.

10.39 pm

**Mr. Simon Hughes** (Southwark and Bermondsey): I speak in favour of the Measure. I hold the opinion, which I assume that the right hon. Member for Hove (Sir T. Sainsbury) holds, that the Church must respond to the changing pattern of residence, activity and occupation in the country and that its job is to reach people and bring them in.

In that context, there are strong arguments in favour of team and group ministries. They provide a support system for the clergy; one does not leave what is in some cases traditionally one minister or priest, vicar or rector, on their own, unsupported. The Church has developed, and has tried to ensure that there are training parishes in which there is a curate or more than one curate, but some residual parishes continue to be one-person parishes. That can be a very lonely ministry, no matter how good the incumbent is.

The Church has tried to ensure that there is shared responsibility to cover for illness, strain, stress, difficulties and holidays, and to give pastoral, spiritual and practical support. The Church was never intended to be a series of one-man bands. The Church was all about a group of 12 people going out, supporting one another and reinforcing the message in that collegiate style.

**Sir Timothy Sainsbury:** Does the hon. Gentleman agree that another advantage of a team ministry is that some clergy have special gifts with, for instance, the young, which they are able to exercise more effectively in a team ministry, whereas others, regrettably, are perhaps not so good with the young and therefore can be relieved of that responsibility?

**Mr. Hughes:** The right hon. Gentleman is right. Not only is that so, but in teams one can rightfully engage both women and men in appropriate activity. I know that that is more controversial.

One can sometimes bring in people such as hospital chaplains and specific chaplains, who otherwise would not be linked into the parochial structure. There are all types of advantages of team and group ministry to its members.

Another common advantage is that a team or group ministry gives a sense of belonging to the wider Church without necessarily breaking down the parish structure. I shall give an example.

I strongly support the proposition that, even though in many cases there should be teams or groups of clergy, none the less it is very important to people who attend a specific church that a member of the clergy has specific and leading responsibility for that church.

When I went with my family to Herefordshire as a teenager, we moved into a lovely little village called Hampton Bishop, just outside the city of Hereford, with a beautiful old church. A little later, a discussion took place about with which parish we should merge. There was eventually an order which meant that Hampton Bishop was linked with its daughter parish of Tupsley, which is inside the city of Hereford boundary. In many ways that was a good idea although many people argued that the better grouping was with the other rural parishes nearby, outside the city boundary.

It was not satisfactory at the beginning, when the people of Hampton Bishop felt that they were not specifically anyone's responsibility—that the minister who turned up for the 8 o'clock communion was simply whoever happened not to be on duty for the main service in the bigger church with the bigger congregation. When there is a group ministry, it is important that each of the churches in the group of parishes has someone whom members of the congregation know to be their lead person. Whether it is the team rector or the team vicar, or perhaps a curate or even a lay person, they need a person to whom they can attach, so that they can be supported.

The other reason why it is right to go down the road—I say unreservedly that I think that it is right to go down the road which may, I do not say will, follow from the Measure—of ending the freehold, is that sometimes the freehold can be a positive disadvantage to the ministry of the Church. I could name—but I will not—two clergy in the diocese of Southwark who have had freehold and who have been a positive hindrance to the ministry in their parishes. No one else has been able to work those parishes, those clergy have stayed there for a long time and congregations have diminished to a mere handful.

I remember going to one of the churches once. People said to me as I arrived, "We are surprised and honoured to see the Member of Parliament here. We do not think that we have ever had a Member of Parliament in this church." It took all that I was worth not to reveal what I was thinking—that I was not surprised. It was a parish with six souls, of whom three were from outside the parish and no one else would darken the doors. If one is trying to bring people to Christ, one cannot have no-go areas in the Church where one person sits for decades and says that nobody can come in, which is what has happened. The Church has to deal with that in a managerial way.

*[Mr. Hughes]*

Just as we are on fixed-term contracts, and increasingly everyone else in the country is on fixed-term contracts, so the Church should increasingly have fixed-term contracts. That may be true for bishops, archbishops and everyone else. I do not see why the great advantage of the freedom, which of course comes from the independence—which we have given to judges—should mean that people are allowed to continue to have that freedom when they are not doing the job. We are becoming a society in which people, including the judiciary, will be expected to show that they are doing the job properly and where there is a review system. If people do not do the job properly, they should be asked to move so that somebody else can come in—that is true of judges, bishops and the rest. The past system within the Church has been a hindrance. Team and group ministries are a good idea.

I welcome the Measure. We cannot say that the Church has rushed it through; it has been deliberating on the proposal for 13 years. It will have been 13 years from conception to delivery. The Measure has not been passed undebated—the Church has changed its mind on the issue of freehold. There was a marginal vote of seven to six in favour of one view on the freehold. As the right hon. Member for Selby (Mr. Alison) said, there was a change of attitude when the Measure returned to the Synod, and the majority voted to remove the freehold.

The debate has been held; the Church has decided that it is better in the context of team and group ministries not to have one person with a freehold and others without. The structure of the Church should give a sense of commonality. I hope that people welcome the Measure, which will make the Church more flexible in times when human resources may be more difficult to find. It may not be possible to have as many ordained ministers as we have had to minister across the length and breadth of the country. It is better that cover be provided by a range of people. I hope that the Measure gains the support of the House, whether or not another Measure is later introduced to deal with the more thorny issue of freehold which, if it came, I would also support.

10.46 pm

**Mr. Peter Brooke** (City of London and Westminster, South): I did not arrive in the Chamber this evening with the slightest intention of speaking. It is a tribute to those who have spoken that I should have felt inspired and provoked to do so.

I start on a personal note. I lived for 18 years in a 1720 former vicarage that now looks—or certainly did when I resided in it—more like a Royal Ulster Constabulary police station than any other 1720 vicarage in the country. It was immediately adjacent to the church and, in the tradition of the Church of England, I was always the last person into church on any Sunday.

I have moved into a hamlet where there is no church—such church as we had was turned into a private house about 40 years ago. I suspect that it was probably originally of Victorian design. The holy spirit has placed the hamlet on the border between two team ministries—one of five parishes and one of eight parishes. We are situated in a diocese that the Ecclesiastical Committee's report says is one of the three leading dioceses in the country for team ministries. It will not have escaped the attention of anyone in the House that being on the border of 13 churches that form two team ministries allows one the option of attending each one of them once a quarter and each of them four times a year.

The variety of service—from the Eucharist, which was primarily said in my former parish, to matins and evensong—is enormous and the number of rituals, rites and prayer books from which the services are taken is large. As a result, there is the most marvellous opportunity for choice and, on the strength of that and the manner in which the two team ministries are conducted, I support the proposal introduced by my right hon. Friend the Member for Selby (Mr. Alison).

However, I worshipped in the past in a parish where the parson was enormously preoccupied with the parson's freehold. He arrived in the parish at the age of 50 to succeed a man who had been rector for 43 years. He announced in his first week in the parish that he proposed to surpass him; he did so and remained the rector for 44 years, reinforced by the parson's freehold. During that time, he drove my father from the front pew of the parish church with his constant attacks on Parliament for what it was seeking to do to the parson's freehold. He also drove away the church warden, a most distinguished accountant who had been in the habit of regularly giving the parish a large cheque. The parson said that he did not believe in having parish audits, to which the most distinguished accountant replied that an audit did not suggest that there was anything wrong; it was simply the right thing to do. The accountant said that if there was not to be an audit in the parish he would leave as well. He subsequently left, and the last five quinquennial inspections by the diocesan architect also passed by. By the time the parson died, the fabric of the church was in a state of disorder and the congregation was reduced to seven.

Despite that sorry tale, I wholly support the hon. Member for Birkenhead (Mr. Field) in seeking to defend the parson's freehold as one of the remarkable institutions of the Church to which we both belong. I certainly hope that the Measure will not be prayed in aid in the future in order to make a separate point.

The marvellous curate's egg that the Church of England is, and to which all of us subscribe, is such that I disagree—despite his advocacy of the hon. Member for Birkenhead—with what my hon. Friend the Member for Corby (Mr. Powell) said about bishops and archdeacons. I think that we can perhaps carry on that dispute better outside the House and I may misunderstand the roles that are fulfilled by both.

I was brought up by a house master, one of whose Oxford contemporaries was sent to be the archdeacon in Norfolk. My house master sent him a postcard to say that his principal duty would be to detect concubinage in various parishes in the diocese. He received a postcard in return to say that that was of course ridiculous. A fortnight later, he received another postcard which said, "By God, you were right."

I think that my hon. Friend takes a rather distant view of the role and function of bishops. I wholly agree—although from a slightly different quarter—with what the hon. Member for Southwark and Bermondsey (Mr. Hughes) said about the loneliness of individual parishes. I believe that it is a major responsibility of the bishop to reinforce the faith of those who find themselves preaching in that way.

The debate has been thoroughly worth while and I suspect that, as the dodo said, it will end up as a case of all have won and all shall have prizes. We shall not come to blows over the Measure. However, I suspect that, as the hon. Member for Birkenhead said, we will have to take a rather more solid stand on another occasion.

I close with a sermon preached in a rural church at evensong to my father and six rustic members of the congregation by a vicar who began with the words:

"Those of you who have been to Thermopylae will remember . . . "

I suspect that some of us at some stage in the future will find ourselves at Thermopylae with something serious to do.

10.53 pm

**Mr. Andrew Robathan** (Blaby): Like my right hon. Friend the Member for City of London and Westminster, South (Mr. Brooke), I did not intend to speak in the debate and I will not detain the House long.

Sadly, I cannot match my right hon. Friend's anecdotes about parsons who have been in place for 43 or 44 years. However, as someone who has the best interests of the Church of England at heart and who has a great affection for it I express unease about the Measure. I suspect that this country desperately needs decent moral and spiritual leadership, which, sadly, seems to be lacking from all the Churches—but particularly from the Church of England. The state of the Church is not as one would wish—indeed, some might say that it is parlous.

I am uneasy because one wishes to see more spiritual leadership and one wonders whether team ministries will lead to that. A team ministry has just been introduced in my constituency. Although it seems to work reasonably well, the suspicion of the hon. Member for Southwark and Bermondsey (Mr. Hughes) that one may turn up at a Church with no idea who may take the service is well founded. The loss of the relationship between the congregation and the minister is something that happens in team ministries.

I know that there is a shortage of good ordinands and of clergy, but we should not pursue the path that we are taking. As my hon. Friend the Member for Corby (Mr. Powell) said, modern management techniques and structures do not necessarily lend themselves to a Church that is thousands of years old—hundreds if one takes the Church of England.

I rose only to express my unease because although I have great respect for my right hon. Friend the Member for Selby (Mr. Alison), I respect the views expressed by the hon. Member for Birkenhead (Mr. Field) and by my hon. Friend the Member for Corby, who I suspect are more in touch with the congregations of the Church of England than the General Synod seems to be when it speaks.

10.55 pm

**Mr. Alison:** With the leave of the House, I will respond briefly to the debate. I start by warmly congratulating the hon. Member for Birkenhead (Mr. Field)—I am tempted to call him my hon. Friend—on having accepted the substantial office of shadow second Church Estates Commissioner.

**Mr. Frank Field:** When I was sacked by Neil Kinnock for voting against Government policy on GCHQ, I asked whether he wanted me to resign my other post as well. He said, "What other post?" When I mentioned shadow Church Estates Commissioner he said, "No—that is a divine appointment." Whether or not it is divine, I also had the Whip removed from me at some stage and thought of yet another deselection, but I am now back with the Whip and glad to be welcomed.

**Mr. Alison:** I am delighted to learn that Neil Kinnock makes an occasional reference to divinity. I thought that was a dimension of his life that he kept under wraps. He was certainly divinely inspired in appointing the hon. Member for Birkenhead. My only fear is that his status is such that if shadow becomes substance, he is likely to become rather more exalted in any future Administration than second Church Estates Commissioner. He would not then be able to employ his enormously powerful debating skills defending the freehold, which he suggested might be under threat in future.

In the light of the hon. Gentleman's Cassandra-like foreshadowing of the shape of things to come, it is worth remembering that it is probable and possible that the General Synod will be less flexible and less willing to move in the direction of further damage to the freehold notion than might appear from the Measure. The General Synod consists of the House of Clergy as well as the House of Laity, alongside the bishops. I suspect that on the general principle of the freehold, there will be a substantial consensus among clergy and laity to hold on to a lot of the best aspects of the freehold.

Tonight's Measure affects only 10 per cent. of the stipendiary clergy of the Church of England. Team ministry provisions in a particular locality can be rescinded. There is no ratchet effect, because in certain circumstances a team ministry may be wound up in a particular location, with a return to the freehold in an appointment to that benefice. It does not necessarily follow that, for the clergy and laity, the General Synod will be quite so sympathetic as the vote for the Measure seems to imply in relation to the freehold. I hope that reinforces the determination of my hon. Friend the Member for Corby (Mr. Powell) not to vote against the Measure.

The hon. Member for Southwark and Bermondsey (Mr. Hughes)—whom I may also call my hon. Friend—brought a whiff of the pavements of Bermondsey and Southwark to us this evening. It is a parish where, alas, the worst features of the freehold manifest themselves.

It was enormously to the enhancement of our short debate tonight that my right hon. Friend the Member for City of London and Westminster, South (Mr. Brooke) contributed to it. He has now accepted a distinguished official post in the Church of England in respect of our heritage. We are extremely fortunate that he has moved from a Cabinet position of responsibility for heritage matters into what is—in many ways—a much more enduring and even more fundamental responsibility. It will probably be remembered long after many of the duties that he had to perform as Heritage Secretary have been forgotten. It is enormously to our advantage that he has been willing to take on these new responsibilities. He delivered a perfectly balanced exposition of the merits both of the freehold system and of the team ministry Measure before us this evening. Unlike the curate's egg, which was good only in parts, his speech was the perfect balance of everything that is good and wholesome.

*[Mr. Alison]*

It was refreshing to hear from my hon. Friend the Member for Blaby (Mr. Robathan). He referred to the need for the Church of England, whether through the parson's freehold or through a team ministry, to get out and exhort and pursue what it alone can: the promotion of fundamental ethical and moral values, without equivocation, on a firm rock-like foundation. I am glad that he made that point. What we have been discussing this evening in a sense represents only the shell of the process; the kernel, however, to which my hon. Friend referred, is of the essence. We all hope and pray that this Measure will enhance and extend the possibility of successful and fruitful ministry in the Church of England.

*Question put and agreed to.*

*Resolved,*

That the Team and Group Ministries Measure, passed by the General Synod of the Church of England, be presented to Her Majesty for her Royal Assent in the form in which the said Measure was laid before Parliament.

## Chemical Weapons

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Chapman.]*

11.1 pm

**Mr. Mike Gapes** (Ilford, South): I wish to raise the question of the chemical weapons convention and the threat from chemical weapons.

In January 1993, after 20 years of negotiations, the chemical weapons convention was opened for signature. It bans the development, production, possession, transfer and use of chemical weapons. In last year's "Statement on the Defence Estimates", the Ministry of Defence described the chemical weapons convention as

"a major step forward in enhancing world stability".

To date, 159 countries have signed the chemical weapons convention. That shows the depth of international commitment to outlawing such weapons. Thirty-one states had not signed as of the end of March, including Egypt, Angola, Iraq, Libya, North Korea, Syria and Taiwan. They must be persuaded to do so.

This treaty is clearly in our national security interests, because it reduces the risk of British troops being subjected to chemical attack when deployed overseas, whether on national, NATO or United Nations peacekeeping operations.

Recently, the world has seen the awful horrors of terrorist chemical attack on civilians in Japan. That shows the relative ease of making chemical weapons, as well as the problems of preventing their use, but it also demonstrates the need to impose much tighter controls on the trade in chemicals and the purposes to which they are put. That is why Japan is now rushing to pass the legislation necessary for it to ratify the convention.

The chemical weapons convention cannot enter into force until 180 days after the 65th state has deposited its instrument of ratification with the United Nations Secretary-General. The earliest date on which the convention could have entered into force was 13 January this year. It has yet to do so, because, to date, only 27 states have ratified the convention. They include Australia, France, Germany, Norway, Spain, Sweden and Switzerland—all of which are industrialised countries, many of them with significant chemical industries and facilities, which will be greatly affected by the convention.

Surprisingly, given our own proud record in successful negotiation of the chemical weapons convention, and our signature of the treaty at the earliest opportunity in January 1993, this country and Her Majesty's Government have not yet ratified the convention. Why not? Before Britain can ratify the convention, legislation needs to be introduced which, among other things, must provide rights of access for international inspectors to commercial chemical facilities, for verification of compliance. The Department of Trade and Industry is responsible for introducing the necessary legislation.

In a written answer last year, the President of the Board of Trade said:

"Primary legislation is required to enable the United Kingdom to ratify the chemical weapons convention."—[*Official Report*, 8 December 1994; Vol. 251, c. 297.]

BEST COPY

At the Group of Seven economic summit in London, in 1991, the United Kingdom and its G7 partners reaffirmed their

"intention to become original state parties to the convention"—

that is, to be among the first 65 signatories to ratify.

In the 1993 Gracious Speech, the Government said that they would

"work for the effective implementation of the Chemical Weapons Convention, to prevent proliferation of weapons of mass destruction".—[*Official Report*, 18 November 1993; Vol. 233, c. 7.]

Yet, more recently, when asked if it remains Government policy for Britain to become an original state party of the convention, Ministers have avoided restating their earlier commitment.

In a letter to my hon. Friend the Member for South Shields (Dr. Clark), on 26 September 1994, the Secretary of State for Defence said:

"We certainly hope to be among the first 65 states to ratify the convention."

It does not appear to be the Ministry of Defence that is delaying United Kingdom ratification, because, in last year's "Statement on the Defence Estimates," the MOD actually

"expected"—

the CWC—

"to enter into force at the earliest possible date in 1995".

In a written parliamentary answer earlier this year, the Minister of State for the Armed Forces said:

"Once fully implemented it will make a significant contribution to international security."—[*Official Report*, 27 February 1995; Vol. 255, c. *437*.]

At the end of 1993, the Prime Minister confidently asserted:

"The United Kingdom played an active role in the negotiations leading to the opening for signature of the chemical weapons convention . . . The United Kingdom signed the Convention in January 1993 and we intend to ratify the chemical weapons convention at the earliest possible opportunity."—[*Official Report*, 16 December 1993; Vol. 234, c. *795*.]

That was 16 months ago.

Are Her Majesty's Government seriously telling the House that there has not been an opportunity to introduce that legislation since then? Is the Foreign Office responsible? Is it the Foreign Office that is resisting ratification? No. The Foreign and Commonwealth Office is rightly proud of its performance in this field. Its memorandum to the Foreign Affairs Select Committee in February this year stated:

"The chemical weapons convention . . . after 20 years of negotiation, was a landmark for proliferation and arms control in the post-Cold war era. The UK played a major part in its negotiation, and it intends to ratify the CWC as soon as the necessary implementing legislation is in place".

Is it, perhaps, because the legislation is likely to be met with resistance from the civil chemical industry? Again, no; the Chemical Industries Association has been clear in its support for the chemical weapons convention. It wants to ensure that the United Kingdom is an original state party, able to play a full part in shaping the control regime and able to ensure that it will not suffer the trade discrimination that might arise if the UK remained a non-party.

Perhaps there is some other explanation. Might there be some detrimental consequences for Britain's chemical and biological defence establishment at Porton Down? Again, no; on the contrary, it will continue to conduct research into protective measures against chemical attack and will also play a central part in the new arms control regime.

Is it, perhaps, because legislation is likely to prove controversial? Again, no; presumably, on this issue, the Government could expect to carry all their Back Benchers with them, and both Labour Front Benchers and the Liberal Democrats have pledged their broad support for the legislation. During business questions just before Easter, the shadow Leader of the House offered the Labour party's full co-operation in getting legislation through the House.

Is it because the legislation is likely to prove complex and to require a great deal of preparation? I do not think so—not according to the paper presented by the Government to a regional chemical weapons convention seminar in Brno in the Czech Republic in June last year. It stated:

"Our legislation will be quite short and we think its preparation will be quite straightforward."

The President of the Board of Trade has said that the necessary Bill will be introduced

"as soon as parliamentary time and other Government legislative priorities permit."—[*Official Report*, 8 December 1994; Vol. 251, c. *297*.]

The excuse of finding it difficult to fit a Bill into the legislative programme may be a fair one over a short period of a few months, but surely not over a two-year period. That leaves me asking whether it is all about a sense of priorities. In that case, perhaps we should look at the President's words when he was Secretary of State for Defence. On 8 May 1985 he told the Defence Select Committee:

"I can only tell you the priorities we . . . in this Government have—to secure agreement to the limitation and, hopefully, the abolition of chemical weapons."

Yet, 10 years later, when the right hon. Gentleman has the opportunity to carry that legislation through to fruition, he fails to act. Why? Could it be something to do with his aversion to imposing regulations and controls on industry? Surely, in this area that would be misguided and contrary to the security interests of our country.

I would have thought that people in general might think that, following the Post Office fiasco, the right hon. Gentleman would have welcomed the opportunity to introduce a simple piece of legislation that could be relied on to receive widespread support from his Back Benchers and, perhaps, unanimous support from both sides of the House.

At least the right hon. Gentleman's Department has begun work in preparation for the entry into force of the convention and the UK is playing a full part in the preparatory commission in The Hague that has been charged with the task of developing detailed administrative and verification procedures in preparation for the entry into force of the convention.

As I understand it, the British embassy in The Hague has two people at first secretary level playing major roles in the work of the commission and six British citizens have posts in the organisation for the prohibition of chemical weapons, which is the provisional technical secretariat. One of them is its head. After it comes into effect, that organisation will monitor the implementation of the convention.

AVAILABLE

*[Mr. Mike Gapes]*

However, as the Royal Society of Chemistry and others have pointed out, if the UK fails to be among the first 65 countries to ratify the convention, that will have serious detrimental consequences for personnel, for employment and for Britain's influence within the convention. In the words of the Select Committee on Foreign Affairs report entitled "UK Policy on Weapons Proliferation and Arms Control in the Post-Cold War Era",

"a failure to ratify amongst the first 65 member states would mean that few, if any, UK nationals would be employed as inspectors or in the Technical Secretariat, at any rate in the first instance, and might prejudice the UK's right to a seat on the Executive Council."

The Committee said other things that were strongly critical of the Government. It said:

"there is a risk that the UK's diplomatic efforts to promote the Convention may be undermined by its own apparent reluctance to ratify . . . it is clear that a number of detailed points of importance to the UK chemical industry remain to be resolved in relation to the scope of the Convention and it is important that the UK interest is adequately reflected in discussion of these."

At the end of January this year, the Department of Trade and Industry issued its discussion document, and responses should have been returned by 31 March. No doubt, the results will be useful to the Department, but, after the UK signed the convention, why did two years elapse before the consultation document was issued? Surely, the Government conducted consultations before they agreed to sign the convention, and what were they doing between January 1993 and January 1995?

On 18 January this year, the Foreign Secretary told the Select Committee on Foreign Affairs that legislation was not likely in the present Session of Parliament. That would mean that our Government would not intend to introduce the necessary Bill until at least November 1995, nearly three years after we signed the chemical weapons convention.

It looks fairly certain that that convention will not come into force until 1996, but by the end of this year, we are likely to be a lot closer to 65 countries having ratified. By delaying until the next Session of Parliament, the Government risk either not being an original state party or having to scramble to put the Bill through to spare them the embarrassment of being left behind. That is hardly a dignified position to have got Britain into—a leading proponent of the chemical weapons convention being one of the last to ratify.

Why is the DTI prepared to risk tarnishing the country's admirable record in chemical arms control? The reasons still remain obscure. The Foreign and Commonwealth Office wants the treaty ratified as soon as possible. The Ministry of Defence wants it. DTI officials want it and they are preparing for it. The legislation is straightforward and could be passed quickly. The main Opposition parties support the Bill's principles. Even the Chemical Industries Association is quoted as saying that it believes that the

"UK chemical industry is overwhelmingly in favour of ratification. We are not the cause of delay—we need the convention to show that we are not [involved in making clandestine weapons]".

Given all that, why has it been necessary to ask the Minister to come to explain his Department's reluctance to introduce required legislation? One might have expected the DTI to do that months ago and to trumpet the move as proof that our Government were committed to chemical weapons disarmament and to the tremendous achievement of securing the convention.

When it eventually comes before the House, the Bill will need to provide powers for an effective, transparent and properly accountable national authority to oversee the country's compliance with the treaty. It is important that a country such as Britain, which has an excellent record on chemical weapon disarmament and which is not likely to be suspected of building chemical weapons, nevertheless demonstrates that it is taking seriously the job of putting in place effective mechanisms to prove its compliance.

11.18 pm

**The Parliamentary Under-Secretary of State for Trade and Technology (Mr. Ian Taylor):** I congratulate the hon. Member for Ilford, South (Mr. Gapes) on the way in which he has presented his case and, indeed, on securing the Adjournment debate in the first place as it gives me my first opportunity since I became a Minister to speak in the House on this subject. I am delighted to do so and can confirm that the Government fully endorse the convention and have every intention of ratifying it.

The hon. Gentleman made an extended point, so perhaps I can reverse the usual order of ministerial replies in order to avoid running out of time before I get to the key part. I disagree with the official who said to whatever conference it was that this might be only a simple procedure. There are complexities. The Bill covers a subject matter that is more complex than may be widely realised and we discovered some points during the Department of Trade and Industry's consultation period with industry earlier this year which, as the hon. Gentleman said, finished on 31 March. We are now reviewing the conclusions, and I shall deal with them in a moment.

It might help the House and the industry if I were to say that the intention is, at a fairly early date, to publish a draft of the Bill. That will enable those affected by it or those who take an interest in it to comment on the provisions before they are formally introduced. It is a wise precaution and certainly one that I advocate. I am entitled to say on behalf of the Government that that is our intention after consultations across Government Departments. As the hon. Gentleman rightly said, although I am a Minister at the Department of Trade and Industry, other Departments take an interest in the matter, but we are all of one mind in wanting to try to make progress.

Work is going ahead to prepare the necessary legislation and, as I said, we intend to publish a draft of the Bill with a view to introducing it in the 1995-96 Session. I have noted the hon. Gentleman's comments about this not being a matter of controversy between the parties. I welcome that as I can envisage the Bill having a speedy passage. I am sure that that would please him and the other hon. Members who take a considerable interest in the Government's achievement, with support from Opposition Members, in signing the convention in the first place in 1993.

**Mr. Tam Dalyell** (Linlithgow): If we had to wait until the 1995-96 Session, how would the Minister respond to the Royal Society of Chemistry's third cause for concern in relation to parties

"in certain industrial chemicals that are defined in the CWC under Schedule 2 and Schedule 3 as being dual-use compounds"

and the trade in them? Might not it create difficulties if we did not proceed immediately?

**Mr. Taylor:** It would not create difficulties until a period after the coming into force of the whole treaty. We are well aware of that and one of the things that came out of the consultation between January and the end of March was that we should listen to industry's worries. However, I am satisfied that that possibility will not arise thanks to the timetable that I have announced this evening. Indeed, any of the outstanding points touched on by the Select Committee about the way in which the treaty is defined and implemented in this country could be dealt with during consultation on the draft Bill rather than when it is debated in the House. That would then simplify the procedure in the House.

I welcome those parts of the Foreign Affairs Select Committee's report that refer to the chemical weapons convention. Clearly, I am not this evening going to reply formally to the report on behalf of the Government—that must await the normal channels—but I have read the sections that are relevant to this debate.

The hon. Member for Ilford, South gave the correct background to the convention and I do not wish to go over it again. In the time that remains I shall highlight some matters that may be of interest to anyone who may be listening at this early hour of the evening or who is a devotee of *Hansard* because I should like to provoke a much wider debate on the subject.

The chemicals involved fall into different categories. Clearly, schedule 1 contains the most toxic chemicals, including many of the agents themselves. These chemicals have few alternative applications. The UK must not possess on aggregate more than 1 tonne of schedule 1 chemicals and all holdings must be justifiable for research, medical, protective or pharmaceutical purposes. Schedule 2 contains chemicals that, although toxic, have some legitimate industrial uses. Schedule 3 contains chemicals that occur commonly in industry, but which can be used in the production of chemical weapons, such as phosgene which is also used in plastics.

The discrete organic chemicals category covers carbon-based chemicals which are widely used in industry. International discussions in the preparatory commission continue to tighten the definition, which is important for industry as a whole.

In our view, the chemical weapons convention provides an effective and powerful verification regime which we warmly welcome. Declarations are required periodically from companies and others using chemicals of concern. As the hon. Gentleman said, inspection will be undertaken by an international inspectorate based in The Hague, there being two sorts of inspection: a routine inspection which will check declarations of the scheduled chemicals, and challenge inspections which will be undertaken at 12 hours' notice at any site where there are grounds for suspecting that it is in breach of the convention. Challenge inspections can be requested by any state party.

Trade controls will be imposed progressively. Initially, trade in the most toxic chemicals—those in schedule 1—will be controlled. Schedule 2 chemicals will be controlled after three years. I hope that that background is of help.

The hon. Gentleman mentioned the international body which will be set up—the organisation for the prohibition of chemical weapons—and which will be based in The Hague. The main function of its staff will be the inspections to which I have just referred. The preparatory commission working in The Hague on the detailed arrangements for implementation is a commission in which the British Government are playing an active part; we will continue to do so. My announcement tonight about timing underlines the fact that we are confident that we shall have a considerable influence in the discussions that are rolling forward.

The CWC enters into force six months after 65 countries have ratified it. As was mentioned, 27 countries have ratified it so far. The Russian Federation and the United States have not yet moved to ratification. Obviously, we are interested not only in their timetables, but in encouraging as many other countries as possible to move forward. We have been influential in trying to talk both to countries that have signed and are likely to move slowly towards ratification and to countries that have not yet signed the convention, but which might be encouraged so to do.

From my departmental point of view, I mention that the DTI will be the national authority which each state is required to set up as a focal point for the implementation of the convention. It is inevitable that the controls required by the convention will affect industry. The Government have kept in close touch with the representatives of the chemical industry during the negotiation of the convention and continue to work with industry to ensure that, in the compliance process, we keep the burdens on business to the minimum necessary. That is welcome.

We are preparing reporting forms and information for the industry, as far as this can be done on the basis of decisions taken in the preparatory commission. Industry has given us its views in the consultation period, which was designed to let all firms that were affected come forward with their views and to seek industry's views on points in relation to declaration procedures. We have found that industry particularly wants to avoid avoidable burdens and wants other burdens to be minimised. Strict measures are needed to preserve commercial confidentiality. Definitions must be precise and industry will need guidance during inspections. I am confident that as the DTI will be the national authority, the discreet and confidential nature of DTI civil servants will safeguard the interests of industry in relation to confidentiality.

In all the discussions that are going ahead, both in this country and through The Hague, the British Government are doing their job. I do not accept the strictures in the Foreign Affairs Select Committee report, which the hon. Gentleman mentioned, because I believe that the timetable that I have announced will satisfy it and does not in any way undermine our diplomatic efforts to promote the treaty. I am satisfied therefore that we shall continue to be influential and that our voice will be heard on unresolved industry matters. We are a participant in the discussions in The Hague. Indeed, we chair the expert group on industry issues in The Hague.

I do not believe that we shall fail to be part of the first 65 countries. Therefore, I believe that we shall have a seat on the executive council, although I am aware of and shall be watching the rate of progress in the next few months. I can confirm to the hon. Member for Ilford, South that I

*[Mr. Taylor]*

am aware of the consequences of late ratification, which is why, as a new Minister, I have endeavoured to make as speedy progress as possible. Therefore, I think that we shall be a founder state party to the convention.

In the last couple of minutes of the debate, may I mention one area of concern which has been raised with me in correspondence, although the hon. Member for Ilford, South did not raise it tonight? I have been asked whether the ratification of the convention, which is coming into force, will make terrorist attacks impossible. The obvious answer to that, I am sad to say, is no. There is no convention yet invented which can avoid or prevent terrorists from carrying out deeds such as those that we have recently seen in Japan. I must confirm that this convention by itself will not be sufficient to remove the threat of those terrorist activities. Clearly, in as much as certain highly toxic chemicals will be brought under control or destroyed, access to certain chemicals will be made more difficult. On the other hand, some chemicals can be manufactured—in small quantities but nevertheless creating a danger to the public.

Ultimately, it is possible to continue to make certain agents, of which sarin is an example, from chemicals which, because of their wide commercial applications, fall outside the convention's controls. Defence against chemical terrorism depends on good intelligence, vigilance and public support, as does defence against other forms of terrorism. The police and other agencies have served us well, but my right hon. and learned Friend the Home Secretary will be keen to see what we can learn from the experience of others and especially from recent events in Japan. There is contingency planning in existence for responding to a wide range of terrorist attacks, including chemical ones.

I am grateful for the opportunity to reply.

**Mr. Dalyell** *rose—*

**Mr. Taylor:** I am about to run out of time, so I shall not give way. I hope that I have clarified the timetable to the satisfaction of the hon. Member for Ilford, South. I am determined that the Government should be at the forefront of this very important—

*The motion having been made after Ten o'clock, and the debate having continued for half an hour,* MADAM DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

*Adjourned accordingly at twenty-nine minutes to Twelve midnight.*

# House of Commons

*Tuesday 25 April 1995*

*The House met at half-past Two o'clock*

PRAYERS

[MADAM SPEAKER *in the Chair*]

# Oral Answers to Questions

## EDUCATION

### Funding Agency for Schools

1. **Mr. Key:** To ask the Secretary of State for Education if he will make a statement about the relationship between the Funding Agency for Schools and local education authorities. [19168]

**The Parliamentary Under-Secretary of State for Schools (Mr. Robin Squire):** The Funding Agency for Schools now has shared or sole planning responsibility for the supply of school places in 50 local education authorities. It also has regular contact with LEAs about the funding of grant-maintained schools. In my experience, those relationships are generally constructive.

**Mr. Key:** Is my hon. Friend aware that Liberal Democrat-controlled Wiltshire county council told his Department that it had a clear mandate and the agreement of heads to take money out of school budgets when neither of those claims was true? Does the FAS have powers to investigate such deception?

**Mr. Squire:** I know that my hon. Friend has corresponded with the FAS about this matter. I understand that the GM schools were initially consulted about the proposal to which he refers but that they did not respond as a result of a misunderstanding about the document that they were sent. From the evidence that I have so far received, it does not appear that the LEA intended any deception. In the event, as my hon. Friend knows, the proposal to which the GM schools eventually took great exception was at variance with the policy of my right hon. Friend the Secretary of State. It was accordingly modified by her before it was approved, and a ceiling of 0.5 per cent. was imposed on the percentage of the general schools budget.

**Mr. Dafis:** As the grant-maintained schools movement in Wales has run entirely into the sand, despite the constraints on local education funding and the enticements to schools to become grant-maintained, does the Minister agree that there is now no reason to establish a schools funding agency for Wales?

**Mr. Squire:** The hon. Gentleman knows better than to tempt me down the highways and byways of the Principality. However, if the energy of my right hon. Friend the Secretary of State for Wales is as great as I know it is from having worked with him I am sure that he will draw inspiration from, for instance, the fact that, last month alone, eight out of 10 ballots in England resulted in a yes vote to become grant-maintained.

**Mr. Kilfoyle:** I know that it is extremely difficult to obtain a straight answer to a straight question from the Government on education, but the relationship between LEAs and the FAS depends on the number of grant-maintained schools in a given part of the country.

Given all the Government splits—on nursery education or on funding—will the Minister give a straight answer to the rumours that are circulating in Conservative newspapers that the Government intend to make grant-maintained status compulsory for all schools after the next general election: yes or no?

**Mr. Squire:** The whole House enjoyed that one. The answer to the hon. Gentleman's question is, as he has been told many times from the Dispatch Box, that we have no plans to make such a change.

I could not let slip the small side comment that the House heard—something to the effect that the Government were split on education. I say only that, if all Opposition Members who had enjoyed a privileged education, who had sent their children to a privileged education or who simply enjoyed the benefits of grant-maintained status had instructed their councillors and activists throughout the country not to campaign so hard against GM status, the figures would be even better than those that I gave to the hon. Member for Ceredigion and Pembroke, North (Mr. Dafis) a moment ago.

**Mr. Harry Greenway:** Does my hon. Friend agree that teachers who behave like yobboes and hooligans in public, whether they are employed by GM schools or local authority schools, are likely to be unsatisfactory in professional terms? From experience, I know that often they are the people who do least in the classroom and elsewhere in the school.

Will my hon. Friend give the House and the country a guarantee that people who behave unsatisfactorily in professional terms in schools will be properly disciplined, however they behave in public?

**Mr. Squire:** As my hon. Friend knows from his wide experience, those are matters for governing bodies. I doubt whether many governors across the country would have been other than appalled at some of the scenes at the National Union of Teachers' conference, which did no service to the union. There is no place in the classroom for politics; what teachers do in their spare time must be a matter for them. The incident did not assist in the projection of teaching as the honourable and proper profession that we know it to be.

### Teachers' Pay and Conditions

2. **Ms Quin:** To ask the Secretary of State for Education when she last met teachers or their representatives to discuss pay and conditions; and if she will make a statement. [19169]

**The Secretary of State for Education (Mrs. Gillian Shephard):** I discussed pay and conditions with representatives of each of the main professional teacher

associations at meetings held in March. At the end of March, I announced my acceptance of the independent review body's recommendations.

**Ms Quin:** Does the Secretary of State realise that vague promises about possible jam tomorrow are simply not good enough and that parental support for teachers and for a better education service remains strong? What will she do, here and now, to tackle the problems of class sizes and to ensure that the teachers' pay award is fully and properly funded?

**Mrs. Shephard:** Each year local authorities say that funding is insufficient. The settlement is manageable, although it is tough and has a variable impact across the country. The vast majority of local authorities have managed to fund the teachers' pay award in full, many of which are funding other aspects of education in addition. There is no accumulated evidence to link class size with attainment. Class sizes have edged up over the past couple of years and, I am glad to say, standards have risen a great deal.

**Mr. Peter Atkinson:** Is my right hon. Friend aware that Northumberland county council has cut £800,000 from its schools budget amid a well-orchestrated campaign to convince parents that it is the Government's fault? Does he realise that the county council decided, at the same time, to spend £700,000 a year funding road races? Furthermore, a few days ago it decided to award county councillors higher allowances—it will spend a further £400,000 a year on allowances, including a 260 per cent. increase in the basic allowance. Does that not show that Labour local authorities are more concerned with propaganda than with educating children?

**Mrs. Shephard:** It seems extraordinary that a local authority should place greater emphasis on councillors' allowances than on spending in the classroom. That merely goes to prove what we have been saying all along—that the vast majority of authorities are able to identify their priorities and protect front-line services. What a pity it is that Northumberland is not prepared to do so.

**Dr. Marek:** In the light of the right hon. Lady's statement about class sizes, will she tell us why class sizes in public schools are much lower than in state schools?

**Mrs. Shephard:** I find it difficult to understand why Opposition Members so frequently raise the subject of independent education. I should have thought that they might be embarrassed that so many of their colleagues are in the awkward position of wanting to exercise choice for their own children while opposing it for other people's. Conservatives have no such difficulty: we believe in choice, diversity and excellence, and we have the added advantage of practising what we preach.

**Mr. Pawsey:** Does my right hon. Friend agree that the overwhelming majority of the nation's teachers are dedicated to their profession and to the children in their charge? Will he therefore make it clear to teachers that those who argue the case for selective strikes or who seek to introduce a rota under which children are sent home will damage not just the children's education but teachers' standing in the eyes of parents?

**Mrs. Shephard:** Yes, industrial action by teachers, whatever form it takes, can only damage children, children's education and our schools. It will certainly infuriate parents and it will yet again harm teachers' professional reputations, which had begun to recover after the regrettable industrial action of the mid-1980s.

### Teaching Posts

3. **Mr. Ainger:** To ask the Secretary of State for Education what estimate she has made of the number of teachers' posts that will be cut in the current financial year. [19170]

**Mr. Robin Squire:** My right hon. Friend has not made any such estimates.

**Mr. Ainger:** I am extremely surprised by that answer because in a letter to the Chancellor of the Duchy of Lancaster the Secretary of State for Education predicted that a teachers' pay award of between 2 and 3 per cent. would be the resource equivalent of the loss of between 7,000 and 10,000 jobs. She went on to say that that would mean a tightening of pupil-teacher ratios and, to use her words, class sizes would "shoot up". Was she right then, or is the recent research published by the University of Manchester in *The Times Educational Supplement*, which predicted teacher job losses of 14,000 this year, more accurate?

**Mr. Squire:** As the hon. Gentleman knows, Ministers have never commented and will never comment on allegedly leaked documents.

On the substance of the hon. Gentleman's question, on reflection he will understand why, with decisions lying with some 109 local education authorities—some of which, certainly the Conservative-controlled ones, have sought to protect and enhance education while others have not done so—there is a wide variation in any such prediction. When one includes in that equation the 24,000 separate governing bodies, it is obvious that making predictions will be difficult.

The hon. Gentleman will bear in mind the fact that the Manchester university survey was conducted in January and February, before any school knew what its budget would be for the forthcoming year. If one invites people to assume the worst from a position of temporary ignorance, they will no doubt do so.

**Dame Elaine Kellett-Bowman:** Is the Minister aware that 776 schools in Lancashire employ 12,300 teachers to educate 217,000 children? That gives a ratio of 17.64:1, yet when a constituent of mine rang county hall and asked how many teachers were teaching classes of over 30 he was told that three quarters were doing so. He then commented acidly to county hall that that means that between 3,000 and 5,000 teachers are doing absolutely nothing at all.

**Mr. Squire:** Not for the first time, my hon. Friend has put her finger on a very important point. The whole House, and certainly I as a Minister, awaits with interest the next instalment, when we shall hear Lancashire education authority's explanation for that astounding disparity.

**Mr. Don Foster:** Does the Minister personally believe that over the next 12 months teaching posts will be axed and class sizes will rise, and does he believe that rather than attacking local government bureaucracy it would be more appropriate to look at central Government

bureaucracy in education? Does he acknowledge that there has been a significant increase in the administrative costs of quangos from £3 million to £98 million and a significant increase in the cost of departmental publications? Does he accept that, with all that going on, central DFE administrative expenditure has also risen?

**Mr. Squire:** There was a lot of fluff in that question. I am not sure what it adds up to, but I agree that it is correct for Government to look to control their administration, which we certainly do and will continue to do. The hon. Gentleman glosses over not a few Liberal Democrat councils that have deliberately chosen to maintain staffing at county hall or town hall and put teachers' jobs at risk. As for predictions about teachers, I can only say to the hon. Member that over a year ago we heard similar stories about chaos and calamity, yet the net result has been that 1,000 extra teachers have been employed.

### Further and Higher Education

4. **Mr. Fabricant:** To ask the Secretary of State for Education what plans she has to broaden the education base for sixth formers, and others, currently taking A-levels for entry to university; and if she will make a statement. [19171]

**Mrs. Gillian Shephard:** I have asked Sir Ron Dearing to review the qualifications framework to see whether there is scope to achieve greater coherence and breadth of study post-16 without compromising standards.

**Mr. Fabricant:** I am grateful to my right hon. Friend for that reply. With one in three students going into further and higher education, which is a huge contrast to the appalling record of the Opposition under whom fewer than one in eight did so, does my right hon. Friend agree that we need a broader-based curriculum for those studying for A-level and planning to enter university? Does she agree that we need more articulate engineers and more numerate arts graduates and—dare I say it?—Members of Parliament?

**Mrs. Shephard:** I expect that my hon. Friend will dare to say it. I know that he has taken a particular interest in the range of courses available to 16 to 19-year-olds. The new qualifications framework offers the opportunity to mix and match qualifications—A-levels, AS levels, general national vocational qualifications and so on—so that learning programmes can be suited to individual needs. However, we want Sir Ron Dearing to advise on what more we can do to extend the benefits of that framework to make it easier for young people to mix and match so that they will satisfy the needs of admission tutors and employers or be fitted for further training, but, of course, always without compromising standards.

**Mr. Gunnell:** What study has the Secretary of State made of the international baccalaureate, especially two aspects of it that relate directly to this question—the fact that more subjects are studied and that studies are undertaken at two different academic levels, with half the subjects being taken at a higher level than the other half?

**Mrs. Shephard:** I am aware of the nature of the international baccalaureate and of its popularity in certain quarters. There are those who say that the standard A-level course is too narrow but, of course, it is open to young people to enhance A-levels with AS levels or GNVQs. We want Sir Ron to look at ways to extend the benefits of mixing qualifications. I am sure that he will take into account the lessons of the baccalaureate, and I dare say that the hon. Gentleman will draw its advantages to Sir Ron's attention, which he is most welcome to do.

**Mr. Jenkin:** Is my right hon. Friend aware of some public concern that public examinations are not as rigorous as they used to be? What assurance can she give that not only will the A-level remain the gold standard in the education system but that other public examinations, especially GCSEs, will be toughened to ensure that people are tested on what they should be tested on and that we are not aiming simply for large numbers of examination passes?

**Mrs. Shephard:** Perhaps I could reassure my hon. Friend immediately. We certainly have no intention of scrapping A-levels. GCSE A-level standards are of paramount importance and have to be protected. A-levels have been tried and tested and are internationally respected, but a number of questions have to be tackled in Sir Ron's review. One is the 26 per cent. drop-out rate among A-level students. Clearly, that must be examined because it is a waste of young people and resources. Sir Ron will also examine the standard of all the qualifications that have already been studied by the School Curriculum and Assessment Authority and Ofsted, and the effect of increasing modularisation. Given Sir Ron Dearing's reputation, I do not think that my hon. Friend need have any fear.

### Further Education Funding Council (Grants)

6. **Mr. Burden:** To ask the Secretary of State for Education what conditions attach to the release of £50 million grant withheld from the Further Education Funding Council for 1995-96. [19173]

**The Parliamentary Under-Secretary of State for Further and Higher Education (Mr. Tim Boswell):** Grant will be released to the council as colleges certify their commitment that all contracts entered into with lecturers during 1995-96 will be as flexible as their contracts signed with newly appointed lecturers last year.

**Mr. Burden:** Is not the reality that the Government are using cash penalties to force college managements to impose on their staff the conditions that the Government want? Does not that make nonsense of the Government's claim of flexibility, and does not the Minister realise that it is undermining industrial relations, prolonging the dispute in places such as Birmingham and doing nothing to improve relations between college managements and their staff?

**Mr. Boswell:** The Government and the taxpayer have a very strong interest in flexibility and efficiency in the delivery of the further education system, expenditure on which runs to nearly £3 billion of public money and which has targeted an increase of 25 per cent. in student enrolment in a short period. It is imperative that that is delivered in general. The Government have no intention of intervening in the day-to-day or detailed negotiations that take place between individual colleges or, indeed, the colleges employers forum and the respective unions. We said that we would welcome the opportunity for those parties to come together. I have today written to the general secretary of the Association of Teachers and

Lecturers commending him on his readiness to take his union into discussions at the Advisory, Conciliation and Arbitration Service with the colleges employers forum. I hope that the National Association of Teachers in Further and Higher Education will follow suit.

### English Language

7. **Mr. Hawkins:** To ask the Secretary of State for Education what are the aims of her campaign to promote the English language. [19174]

**Mrs. Gillian Shephard:** Raising standards in English has been at the heart of our education reforms.

**Mr. Hawkins:** I welcome my right hon. Friend's answer. Does she agree that, in the interests of children, parents and employers, it is absolutely essential for children to learn to use plain, correct and effective English? Is not one of the great problems with the socialist ideas in education peddled since the 1960s that employers complain that those leaving state education after 11 years are unable to use their own language properly?

**Mrs. Shephard:** Indeed, it is very important that the revised national curriculum puts greater emphasis on the teaching of written and spoken standard English, on grammar, spelling, punctuation and the need for correct English across the curriculum. It is a great sadness that Opposition Members chose to vote against the national curriculum, means of testing it and independent inspections.

**Mr. Tipping:** Will the Secretary of State look specifically at management-speak in education, where better class sizes has come to mean more pupils and fewer teachers? Is not that a perversion of what parents want?

**Mrs. Shephard:** I am not sure that the hon. Gentleman's use of English was entirely correct, but you, Madam Speaker, are in charge of such matters. I have already made my views on class size perfectly clear. Many variables affect how teachers perform in classes of different size, but there is no accumulated research evidence to link class size and attainment.

**Mr. McLoughlin:** When my right hon. Friend looks at the promotion of the English language, will she consider the video that has been released by her Department to commemorate VE day and VJ day? Is she not concerned about some of the criticism levelled at the video by a certain newspaper, or is she satisfied that it will ensure that the right message reaches all our children throughout the country?

**Mrs. Shephard:** The point of the videos and the packs is to help pupils understand the significance of VE and VJ commemorations. They will run alongside the national curriculum. For the sake of reassurance, I am glad to say that my hon. Friend the Minister of State for the Armed Forces has examined the packs in detail, was involved in monitoring them and is delighted with them. Given his relationship to Sir Winston Churchill, the House can also be reassured.

### Teachers' Pay

8. **Mr. Fisher:** To ask the Secretary of State for Education when she last met local authority associations to discuss the funding of teachers' pay. [19175]

**Mrs. Gillian Shephard:** I discussed the funding of the 1995-96 school teachers' pay award at a meeting with representatives of the National Employers' Organisation for School Teachers on Monday 13 March.

**Mr. Fisher:** Does not the Secretary of State understand the frustration of teachers throughout the country at the Government's refusal to fund the teachers' pay review and at their phoney explanations for that refusal? She knows that surplus funds are not evenly distributed or available for that purpose. She knows that LEAs such as mine in Staffordshire have taken effective action to remove surplus places. She knows the damage that the refusal to fund the settlement will do in terms of larger class sizes, fewer resources and lower standards. Why does she not fund it? Is not the answer that her Government neither care nor want to fund the award?

**Mrs. Shephard:** We are spending record amounts on education. I remind the hon. Gentleman that the independent review body took into account the affordability of the teachers' pay award. It took into account the £700 million held in schools' balances, the £500 million held in local authority balances, the £250 million taken up by surplus places, the £500 million being spent on administrative and clerical posts that the Audit Commission said could be done without and, finally, the £1.2 billion in uncollected rates, community charge and council tax. All that confirms the independent review body's view that the pay award was affordable if local authorities identified their priorities—unlike Northumberland.

**Mr. Dunn:** Is the Secretary of State aware that on the day that Lib-Lab controlled Kent county council decided not to fund the teachers' pay settlement it had more than £150 million in reserve? The same county council spends £12,000 per week on conferences and hospitality and £10,000 per week on periodicals and magazines for officials and last year it underspent by £17 million. It is fast becoming one of the worst-run local education authorities in the western world.

**Mrs. Shephard:** My hon. Friend, as ever, gives a cogent illustration of the point that Conservative Members have been making consistently—poor old Kent.

**Dr. Wright:** Is the Secretary of State aware that 20 schools in my constituency will lose 18 teachers between them this year? Does she understand that she adds insult to injury by apologising for the meanness of this year's settlement, which does nothing to help schools? I relay to her a question put to me by the head teacher of one of those schools, which is due to lose three staff this year. He wrote to me this week and asked, "Will the Secretary of State please stop sending me expensive brochures about things I have to do when I do not even have the books and the teachers to do the basics?"

**Mrs. Shephard:** Perhaps I could offer the hon. Gentleman a question to relay to Staffordshire local authority, which I understand has about £68 million in reserve.

**Mr. Haselhurst:** Does my right hon. Friend agree that there is a significant difference between the number of teachers who might lose their posts and the number who

need to lose their posts? When a school with a budget of £1.75 million must make a saving of £20,000 the obvious conclusion is not to make teachers redundant.

**Mrs. Shephard:** Teacher numbers fluctuate each year. There is a turnover in such a large work force of some 30,000 annually. I do not expect large numbers of redundancies this year. Last year we were told that there would be many redundancies, but in fact teacher numbers increased by 1,000. There may have to be some adjustments in some areas, but one would expect that in view of fluctuations in pupil numbers and other organisational changes.

**Mr. Blunkett:** Does the Secretary of State agree that her recent so-called charm offensive would have been a great deal more charming and a great deal less offensive if she had decided to provide the money for children in the coming year rather than salting it away for tax cuts next year?

**Mrs. Shephard:** The hon. Gentleman has been practising that point in his press release. Whatever the Chancellor of the Exchequer may decide about tax policy, firm control of public finances must be at the centre of successful economic policy. I do not think that that lesson has ever been learned by Labour Members.

**Mr. Patrick Thompson:** In any discussions that my right hon. Friend may have with local education authorities or others, will she continue to emphasise the damage that any strike or industrial action could do in our schools? Is she aware that the result of a massive vote was announced yesterday by the Professional Association of Nursery Nurses, which has decided to join with the no-strike Professional Association of Teachers? Is that not an important and welcome development?

**Mrs. Shephard:** I certainly think that the Professional Association of Teachers sets a marvellous professional example to its colleagues. I hope that other organisations will take the message that the number in the Professional Association of Teachers is being enhanced by so many. My hon. Friend, as always, makes a very useful point.

### Grant-maintained Schools

9. **Mr. Morgan:** To ask the Secretary of State for Education what plans she has for amending the law in relation to the holding of financial balances by (a) locally managed and (b) grant-maintained schools. [19176]

**Mr. Robin Squire:** My right hon. Friend has no such plans.

**Mr. Morgan:** Do the Government agree in that case that it is totally two faced to set up a large number of systems for grant-maintained schools, for the local management of schools, for training and enterprise councils and GP fundholders—all of which require these new mini-quangos to hold financial balances—and at the same time criticise them for holding those balances? If the Government did not want them to have to hold balances, why did they set up all those mini-quangos in the first place?

**Mr. Squire:** Within the rules of the House, I might ask the hon. Gentleman to repeat that question, because I think that I lost him a bit when he got on to GP fundholders, which is not something I have previously answered for at the Dispatch Box.

On grant-maintained schools generally, unless things are organised dramatically differently in the Principality, balances are held by grant-maintained schools in roughly the same way as they are by local education authority schools. The majority of schools save for specific projects, but Ofsted and the Audit Commission have commented that a number do not. That is what has attracted comment.

**Sir Malcolm Thornton:** Is not it a fact that many of our schools hold balances for a huge variety of reasons? Is not it also a fact that one of the reasons is the way in which the local funding formula operates, and that some of the questions that have been directed to my right hon. Friend the Secretary of State should more properly be directed to the LEA, questioning why the funding formula can so often disadvantage many schools in that LEA?

**Mr. Squire:** My hon. Friend is, of course, absolutely right that there are a variety of reasons why schools hold balances and, indeed, acquire them. The central issue is that the success of the local management of schools has encouraged governing bodies to take a much greater say in the control over their schools, and a logical extension of that is grant-maintained status, to which earlier comments have been addressed.

**Mr. Jamieson:** Is not the Minister concerned that, because of the liability for grant-maintained schools to pay value added tax in the past financial year, £17 million was spent on tax rather than books?

**Mr. Squire:** The short answer to the hon. Gentleman is, no, I am not concerned. Their VAT treatment follows from the nature and status of grant-maintained schools, and the Government have no plans to change that.

### Drug Abuse

10. **Mr. Butler:** To ask the Secretary of State for Education what action to discourage drug abuse is under way in primary and secondary schools. [19177]

**The Minister of State, Department for Education (Mr. Eric Forth):** My right hon. Friend has committed the Department and the education service to playing a full part in the Government's strategy for drug prevention. The national curriculum requires all primary and secondary schools to teach about the harmful effects of drugs. Following recent consultation, we shall issue next month our circular on drug prevention and schools, with curriculum guidance on teaching about drugs, and a digest of drug education teaching materials. In addition, a range of innovative projects on drug prevention, supported by the Government, started this month.

**Mr. Butler:** Will my hon. Friend take the opportunity to refute the mendacious and malicious misinformation put about by Nigel de Gruchy, which suggests, totally falsely, that the Government recommend that we go soft on the use of drugs in schools? Does my hon. Friend share my regret that, once again, one of the leading teacher

unions has shown itself incapable of properly representing the interests, not of its extreme left wing, but of the pupils whom it is supposed to serve?

**Mr. Forth:** Could that possibly be the same Mr. de Gruchy who was reported in *The Independent* on 22 April as saying:

"is it better for a child to steal a car or to disrupt classes . . . I suppose I would choose kicking a car in."?

I would have thought that the judgment of anyone who makes a statement such as that must be—I shall put it as delicately as possible—somewhat suspect. That same individual has obviously failed to read my right hon. Friend's circular on drugs in schools, which states quite unequivocally that the Secretary of State would normally expect teachers to report matters related to drugs to the police. There is no softness of approach here. My right hon. Friend and I are absolutely determined to tackle the problem of drugs in schools with great vigour.

**Mr. Ronnie Campbell:** Does the Minister agree that in our wish to tackle the drugs problem, especially at primary school level, there is a fine balance to be struck in the way that we teach children about drugs and what they can do to people? It is a thin line because if we teach them too much, they get to know too much and by the time they reach secondary school they are actually taking drugs.

**Mr. Forth:** I well understand the hon. Gentleman's point; it is a concern that is frequently raised. We have to judge whether it is better to tell our young people sensibly and responsibly, and in the right context in schools, about matters such as sex and drugs, or whether to allow them to remain ignorant and to learn, in the wrong places and from the wrong people, the wrong message about those matters. The balance of our judgment—which is widely shared, as has been shown by the wide support for our circular—is that the right way to proceed is to tell young people in the proper way about the dangers of drugs, sex and sexual abuse, rather than leave them in ignorance.

### Truancy

11. **Mr. Ian Bruce:** To ask the Secretary of State for Education what action she is taking to combat truancy. [19178]

**Mr. Forth:** In addition to the publication of pupil absence data, the Department is supporting locally devised projects to a value of £15.4 million in some 90 English local education authorities under the truancy and disaffected pupils programme of the grants for education support and training—GEST—scheme for 1995-96.

**Mr. Bruce:** I thank my hon. Friend for his excellent answer about what the Government are doing. Does he agree that the primary group dealing with truancy must be the schools, working with parents to ensure that we cut down truancy as much as possible? What effect will the spotlight of publicity on recording the level of truancy in every school have on the truancy figures for the coming year?

**Mr. Forth:** I am convinced that, for too long, we have allowed absence from school to go unreported, unrecorded and, to a large extent, unnoticed and not properly dealt with. My firm belief is that in highlighting the problem and bringing out the facts about non-attendance at school, we, working with people involved in education, can tackle the problem and ensure that all our young people are in school or being educated—because if they are not in school, they are at risk.

**Mr. Blunkett:** Will the Minister tell the House what he would think of a head teacher who had a group of disaffected students outside his school, but allowed them back in even though they had not promised to improve their behaviour or to agree to follow school rules? Does he agree that the result would be to undermine the credibility of the head teacher and the discipline of the school?

**Mr. Forth:** Unlike the hon. Gentleman and his right hon. and hon. Friends, I do not query the discretion, judgment or infinite wisdom of head teachers or anyone else in charge of groups of people.

**Mr. Mans:** Does my hon. Friend agree that one way to reduce the truancy level would be to increase the number of teachers in classrooms? Will he comment on what has happened in Lancashire, where there are 12,300 teachers to teach 217,000 pupils, a ratio of less than 18:1—yet the true ratio in three quarters of classes in Lancashire is more than 30:1? That means that 4,000 teachers are not teaching pupils in classes. They are outside schools, when they could be better employed inside schools.

**Mr. Forth:** I hope that, following my hon. Friend's question and a similar question from my hon. Friend the Member for Lancaster (Dame E. Kellett-Bowman) earlier, parents in Lancashire will be asking searching questions about what on earth is happening in their county. It appears that there is a rather odd relationship between the number of pupils, the number of teachers and class sizes. I know that my hon. Friends will help parents to get to the bottom of the matter and sort out education in Lancashire.

### Older Student's Allowance

12. **Mr. Turner:** To ask the Secretary of State for Education what representations she has received regarding the withdrawal of the older student's allowance. [19179]

**Mr. Boswell:** My right hon. Friend has received a number of representations, including those from university administrators and student unions.

**Mr. Turner:** In terms of encouraging older students to enter higher education, the mature student's allowance has been an outstanding success. How can a Minister with responsibility for education justify a Treasury-led cut that will bring such hardship and difficulties to thousands of mature students?

**Mr. Boswell:** Any Minister with responsibility for education must consider all priorities in the context of the huge public expenditure on student support and universities, amounting to £6 billion a year in England alone. It is our view that, given that older students receive the full battery of mandatory award—grants and loan provisions from the access fund—and that many of them initiated a career and built up savings, every chance exists that they will continue to come to university in the numbers that have been expanding so rapidly in recent years. The position of all those already on courses has been safeguarded by my right hon. Friend's proposal.

## PRIME MINISTER

### Engagements

Q1. **Mr. Livingstone:** To ask the Prime Minister if he will list his official engagements for Tuesday 25 April. [19198]

**The Prime Minister (Mr. John Major):** This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

**Mr. Livingstone:** Will the Prime Minister join, I am sure, all Members in the House in condemning the use of the word "nigger" by the comedian Bernard Manning, and endorse the comments of the local chief constable that that was a vile, racist performance, and that he would rather that no one among his force went to further performances by Bernard Manning? Will the Prime Minister write to Bernard Manning and remind him that such views, in the year in which we commemorate the sacrifice that our parents made to defeat Nazism, are particularly offensive?

**The Prime Minister:** I certainly think that everyone should avoid expressions that give offence to those who are on the receiving end of such expressions. That is true of Mr. Manning and everyone else.

**Sir Jim Spicer:** Does my right hon. Friend agree that the open recruitment of homosexuals into the armed forces, and the acceptance of homosexuality in the armed forces would devastate morale within our excellent service?

**The Prime Minister:** I have sympathy with the point put to me by my hon. Friend. I know that it is a concern shared by the chiefs of staff.

**Mr. Blair:** Has the Prime Minister had a chance to see the extraordinary spectacle of the victory parade by his Euro-rebels over the Government on the lunchtime news? Can the Prime Minister therefore tell us whether he has even secured the minimal guarantee from those rebels that, on a future vote of confidence—*[Interruption.]*

**Madam Speaker:** Order. Calm down—all of you.

**Mr. Blair:** Has the Prime Minister secured even the minimal guarantee from the Euro-rebels that, on a future vote of confidence on Europe, they will support him?

**The Prime Minister:** I can sense the concern in the right hon. Gentleman's voice. Perhaps he would like to tell me whether he has received the support of the 50 MPs who defied his Front Bench over Maastricht; of the 40 who defied him over European finance; on a single currency, where the right hon. Member for Copeland (Dr. Cunningham) was in dispute with the deputy leader of the Labour party; and on clause IV, which half his, I think he called them, infantile MEPs want to keep. He does not, and his deputy leader does one day and does not the next. These are party matters. Will the right hon. Gentleman tell us what his position is?

**Mr. Blair:** There is one very big difference—I lead my party, he follows his. *[Interruption.]*

**Madam Speaker:** Order.

**Mr. Blair** *rose—[Interruption.]*

**Madam Speaker:** Order. This is using up very valuable time.

**Mr. Blair:** So the short answer is that the right hon. Gentleman has received no guarantee whatever. So is it not clear therefore that, after all his tough talk at the beginning about no unity through appeasement, he has caved in, his party is still divided and the white flag flies over Downing street?

**The Prime Minister:** I look forward to the right hon. Gentleman leading his hon. Friends below the Gangway. I shall give the right hon. Gentleman a real difference. We have been leading in Europe. He will follow in Europe on every issue. He will follow Europe in undermining our veto, in renegotiating our rebate, in surrendering our opt-out, in signing up to the social chapter, in higher taxes, in more spending and in more red tape. His idea of the red flag is the white flag on every conceivable European issue. If he seriously thinks that he leads his party, he should look at the faces of his colleagues below the Gangway.

**Mr. Alan Howarth:** Does my right hon. Friend agree that the Conservative party has traditionally and rightly been loath to allow power to the state that could be used to limit personal freedom unduly, to harass or intrude on privacy? Does he accept that the alleged benefits of introducing identity cards would not justify the risks to civil liberties? Will he dismiss proposals for a national identity card, whether compulsory or so-called voluntary?

**The Prime Minister:** I am afraid that on this issue I cannot agree with my hon. Friend. I believe that there are significant advantages which identity cards may offer to prevent crime and to prevent fraud. It is for that reason that my right hon. and learned Friend, the Home Secretary, intends to publish a Green Paper setting out the various options that are available. We believe that on such an issue it is only right that there should be full public consultation. No option at the moment is ruled in or ruled out until we have completed that consultation period. I believe that it is right to consult. When we have consulted, we will make a decision on whether to proceed and what nature of card we may then seek to introduce.

Q2. **Mr. Rendel:** To ask the Prime Minister if he will list his official engagements for Tuesday 25 April. [19199]

**The Prime Minister:** I refer the hon. Member to the answer I gave some moments ago.

**Mr. Rendel:** Given that the level of balances held by county councils is already considerably lower than the level that the Government assume in their calculation of grants to those councils, how does the Prime Minister

justify calls by himself and many of his hon. Friends that county councils should further run down their balances to make up for the Government's education cuts?

**The Prime Minister:** As I have indicated to the House before, perhaps when the hon. Gentleman was not here, the levels of expenditure on education have risen, not fallen. Of course, in different counties different priority is given to education. Some education authorities—Conservative Brent, for example—have found it possible to increase their spending on education by 6 per cent. Other councils have done the same. It depends on the choices that councils themselves make. I regret that many Labour councils and many Liberal Democrat councils have chosen not to give the priority to education that I would have preferred.

**Mr. McLoughlin:** Will my right hon. Friend consider today the many changes that the Conservative party has brought about in education policy in the past 16 years, which have widened and diversified choice? Will my right hon. Friend have a word with the Secretary of State for Education about whether it is time to move one stage further to a national funding formula for education? Is he aware that in Derbyshire the local education authority holds back £720 per pupil compared with £570 in Nottinghamshire, and £550 in Staffordshire? If that money went directly to the schools, there would be no need for any cuts in the number of teachers in our schools. Is it not time that we started to show up the money which LEAs spend in county hall rather than in the schools in our constituencies?

**The Prime Minister:** I think that my hon. Friend speaks for many people in what he has just said. Many responsible education authorities are coping with this year's settlement by getting their priorities right and by ensuring that the bulk of resources go to front-line services such as schools. Many Labour education authorities are not doing that. They seem to be in the lead in financing a messy bureaucracy. I do not know the position in Labour-controlled Derbyshire, but no doubt my hon. Friend does and was correct.

Q3. **Mr. Win Griffiths:** To ask the Prime Minister if he will list his official engagements for Tuesday 25 April. [19200]

**The Prime Minister:** I refer the hon. Gentleman to the reply I gave some moments ago.

**Mr. Griffiths:** Does the Prime Minister recall telling the House on 21 March that there were two administrators for every three teachers across the country? Where did he get those fictional figures, when the Department for Education and the Welsh Office have said that it is impossible to calculate a ratio of administrative staff to teachers? When outside experts have tried to calculate a ratio, they put it at about 1:8 rather than 2:3. Will he now apologise for misleading the House inadvertently with his spurious reference to that ratio, which was a feeble effort to divert attention from his miserly decision not to fund the teachers' pay award?

**The Prime Minister:** The hon. Gentleman took a long time to be wrong. *[Interruption]*—Yes, I suggest that he has a look at the figures in "Social Trends".

**Mr. Day:** Does my right hon. Friend agree that there is a new consensus in British politics, which is based very much on Conservative principles? Does not the the Leader of the Opposition pay the Government the greatest compliment by spending most of his time trying to convince the country that when the day comes when he has a policy of his own, it will be a Tory one? Does my right hon. Friend also agree that if the people of this country were to support that new consensus, which was created by the Conservative party, the best thing that they could do is to vote Conservative and not for the vacuous, pale imitation on the Opposition Benches?

**The Prime Minister:** The right hon. Gentleman both criticises our policies and copies our policies whenever he can. I am content for him to do that. I regard imitation as a very sincere form of flattery.

Q4. **Mr. Jim Marshall:** To ask the Prime Minister if he will list his official engagements for Tuesday 25 April. [19201]

**The Prime Minister:** I refer the hon. Gentleman to the reply I gave some moments ago.

**Mr. Marshall:** In response to a previous question, the Prime Minister referred to high taxation. In that context, will he inform the House how much extra taxation the average family in this country is paying compared with the amount paid in April 1992?

**The Prime Minister:** I can tell the hon. Gentleman, and he will be pleased to know, that even after extra tax and inflation, households on average are expected to be about £250 better off this year. I can also tell him that most of the figures used by the Labour party about tax should be divided by two before one gets remotely near accuracy.

**Mr. Luff:** Whatever the rights and wrongs of teaching children in classes of more than 30, does my right hon. Friend agree that it would be repellent for teachers to pick on some children in such classes and expel them from lessons? Is not that an appalling abdication of responsibility for the education of our children?

**The Prime Minister:** I agree with my hon. Friend. I do not think that removing children from classrooms where there are more than 30 pupils will appeal to very many teachers. I know that some people have suggested it. I believe that the common sense of the vast majority of teachers will reject any such notion.

Q5. **Mr. Berry:** To ask the Prime Minister if he will list his official engagements for Tuesday 25 April. [19202]

**The Prime Minister:** I refer the hon. Member to the answer I gave some moments ago.

**Mr. Berry:** In recent debates on the Government's Disability Discrimination Bill, they have suggested that citizens advice bureaux will be important in enforcing the Bill's provisions. Is the Prime Minister aware that the National Association of Citizens Advice Bureaux has just said that it is in no position to do so? How on earth does he expect the provisions of that Bill to be enforced?

**The Prime Minister:** The Bill contains a wide number of provisions. It also contains the provision for the National Disability Council to advise the Government on such issues and we will take whatever advice it chooses to give us on that issue.

**Mr. Gallie:** Has my right hon. Friend seen the excellent report from Scottish Nuclear today, which shows that the cost of generation has been reduced to 2.2p per kWh—without the nuclear levy enjoyed by Nuclear Electric? Does he feel that that suggests that, if the Government ever picked privatisation for the nuclear industry, Scottish Nuclear could do a magnificent job as a single entity?

**The Prime Minister:** We are very close to the completion of the nuclear review and an announcement about its conclusions will be made and a White Paper published as soon as possible. We will present the conclusions to Parliament at that time. Privatisation of the two nuclear generators before the next election is an option that is actively under consideration and so is the future of the fossil fuel levy.

## Points of Order

3.30 pm

**Mrs. Elizabeth Peacock** (Batley and Spen): For the first time in my years in the House I rise on a point of order to seek your help and guidance, Madam Speaker. This is a matter of courtesy between colleagues, about which you have expressed concern. During the past four weeks, three senior Opposition Front-Bench spokesmen have visited my constituency. Not one had the courtesy to send me a note of the visit. They were the hon. Members for Blackburn (Mr. Straw), for Peckham (Ms Harman) and for Sheffield, Brightside (Mr. Blunkett). Of course, I sent them a note to say that I would raise this point of order referring to them. During those visits, two of them visited projects that are up and running only due to my lobbying in the House for Government finance. I seek your help and guidance on how we might prevent that sort of thing from happening in future, as it is a discourtesy.

**Madam Speaker:** I cannot help the hon. Lady, but I can give the House guidance, as I have done on numerous occasions. I expect hon. Members to inform each other when they are visiting other Members' constituencies in a public capacity. I have said so on numerous occasions. As the House knows, I have no authority to ensure that that is carried out.

**Mr. Terry Lewis** (Worsley): On a point of order, Madam Speaker. Last week, when two hon. Members were suspended, you said that they could use their offices provided that they took the direct route. Have you changed the policy, because some of my hon. Friends, who have been expelled for what some of us would consider trivial reasons, have been banished from the premises? What is worse, they have been taken ignominiously to their offices by the Serjeant at Arms and escorted through the gate. Will you clarify the matter for the House?

**Madam Speaker:** The hon. Member obviously wants some explanation. Access to the House is a matter for the Speaker. There is an anomaly between the Standing Order—*[Interruption.]* Just a moment. Let us have a little quiet as this is a serious matter. There is an anomaly between suspensions made under Standing Order No. 43 and suspensions made in other circumstances, as laid down in "Erskine May". When the House suspends a Member under the Standing Order, he or she is not allowed to enter the precincts. According to "Erskine May", when a matter has gone before the Privileges Committee and a Member is suspended from the House, that Member is not excluded from the precincts, unless the order for his suspension expressly provides for that. That is an intolerable situation, which is why I chose the compromise of allowing those Members to have access to their offices, but by the most direct route only. I have referred the matter to the Procedure Committee because I am not satisfied with how it stands. I want a clear ruling from that Committee so that it will be clear for all hon. Members in future.

**Mrs. Alice Mahon** (Halifax): Further to the first point of order, Madam Speaker. Does the same judgment apply to Ministers? Last week, a Minister came to my constituency to visit a crumbling school that desperately needs some money—he did the Labour party good because he said that he would not give us the money. He visited Withinfield school in my constituency and did not inform me. When a local councillor, who was there to meet him, asked where the money would come from, he stayed away for two and a half hours because he did not want to face the flak.

**Madam Speaker:** Yes. My ruling affects everyone.

**Mr. Mike Hall** (Warrington, South) *rose—*

**Madam Speaker:** Is it a me-too-ism?

**Mr. Hall:** Yes, Madam Speaker. Further to that point of order, the Secretaries of State for Education and for the Environment recently visited my constituency, both without the courtesy of informing me that they would do so. Will you pass judgment on that as well?

**Madam Speaker:** I do not exclude Ministers from this ruling. I see that the Leader of the House is on the Treasury Bench. I know how keen he is on this matter and I hope that he will assist me in letting Ministers know that their offices should inform hon. Members when Ministers are to visit an hon. Member's constituency.

**Mr. Iain Duncan Smith** (Chingford): On a point of order, Madam Speaker. I seek your guidance because, during Prime Minister's questions today, I and a number of my colleagues noticed that at least two or three persons who are no longer members of the press but are now advisers to the Leader of the Opposition were in the Press Gallery. Should they be there at all, given that they no longer work for organs of the press with official press passes?

**Madam Speaker:** From where I sit, I can see no one in the Press Gallery. I should like the evidence from the hon. Gentleman and I shall then make a decision about it.

**Mr. Paul Flynn** (Newport, West): On a point of order, Madam Speaker. I am sure that you and the rest of the House would thoroughly agree with the Prime Minister when he said today that we should not use derogatory expressions that give great offence to those against whom they are aimed. Are you aware of the expression being used, as a result of which the person against whom it was used said that he felt like Cardigan at the charge of the Light Brigade, and he does not want to be referred to as a Conservative again?

**Madam Speaker:** Order. That has nothing to do with the Chair. It is one of the usual bogus points of order that I get at this time on a Tuesday.

## Road Traffic Reduction

3.36 pm

**Mr. Cynog Dafis** (Ceredigion and Pembroke, North): I beg to move,

That leave be given to bring in a Bill to establish targets for a reduction in road traffic levels in the United Kingdom; to require local authorities to draw up local road traffic reduction plans; to require the Secretary of State to draw up a national road traffic reduction plan to ensure that the targets are met; and for related purposes.

Some two years ago, I introduced under the ten-minute rule an Energy Conservation Bill. At that time, energy conservation was not a subject of passionate debate in the House but, for a number of reasons, it became so. Following a vigorous campaign and through a tortuous process, and thanks to the fact that it was adopted by the right hon. Member for Berwick-upon-Tweed (Mr. Beith) and the hon. Member for Christchurch (Mrs. Maddock), a Home Energy Conservation Bill based on it has completed its passage through the House and should be on the statute book before long.

The Road Traffic Reduction Bill that I am introducing today is, in many ways, similar. Its starting point is the imperative of moving towards environmental sustainability, but it has important social, economic and health implications. It gives local government a central role, modelled on that in the Energy Conservation Bill. A major difference is the fact that its subject is already a matter of passionate debate.

It is particularly timely that I should be introducing this Bill a few days after the publication of the Environment Select Committee's report on volatile organic compounds, just one of the pollutants produced from road traffic exhausts. That report follows the royal commission report on transport and the environment; the report of the Standing Advisory Committee on Trunk Road Assessment referring to the traffic-generating effect of road building; and the Transport Select Committee's report on road traffic emission.

The health effects of traffic emissions, particularly affecting children, have concentrated our minds on the issue. A cocktail of pollutants—nitrogen oxides, carbon monoxide, polyaromatic hydrocarbons, particulates and volatile organic compounds—are, in all probability, linked to the doubling of asthma among children over the past 10 years and the estimate in a report by Lancaster university that 15 million people in the UK suffer health problems as a result of road traffic near their homes. But that is not all. Increasing road traffic swallows up land, reduces biodiversity and consumes natural resources at a huge rate, causing further environmental and other damage in their extraction and processing. It is a major negative factor in reducing the quality of people's lives and almost certainly in fragmenting communities and informal social networks, leading to alienation and an increasing crime rate.

Nearly 4,000 people die on the roads each year and the lives of thousands more are blighted through injury—children and the elderly are the most affected. Road accidents are the main cause of death in the 10 to 14-year-old age group. Small wonder that only 20 per cent. of schoolchildren walk to school today compared with 80 per cent. 20 years ago. That has exacerbated the problem of road traffic.

The recent conference at Berlin confirmed that climate change as a result of human-induced greenhouse gas emissions is, in all probability, a grave reality. The increase in road transport is a major, growing factor influencing climate change. In the United Kingdom, 24 per cent. of $CO_2$ emissions come from surface transport and of them 80 per cent. come from road transport. Between 1970 and 1990, $CO_2$ emissions from road transport almost doubled. If the Government's prediction of a doubling in the number of vehicles on the road by 2025 is fulfilled, it will more than negate the reductions in $CO_2$ emissions achieved through greater efficiency in other sectors.

The planned increase in private car use in so-called "developing" countries such as China, Indonesia and Malaysia constitutes a global problem of staggering proportions. It serves to emphasise the need for developed countries such as the United Kingdom, with direct experience of the negative effects of what was seen at one time as an unmixed blessing, to seek to influence by setting an example. How do we turn the tide?

Many people would place their faith in technological improvements, new fuels and so on. They are important developments, but they merely address the issue of health-damaging pollutants. I can do no better than offer a quotation from the report published last week by the Environment Select Committee, to illustrate the complexity of the issue. It stated:

"Road traffic is a major source of many significant pollutants . . . and any strategy to reduce emissions must take all of these into account. The 'diesel versus petrol' debate illustrates the danger of looking solely at VOCs: the VOC emissions from diesel engines are far lower than those from petrol, but diesel engines emit higher levels of particulates which are now thought to present a greater risk to health than the typical levels of VOCs from a petrol engine. Looking at the problem from a different angle, VOC emissions could be cut dramatically if all non-catalyst cars were immediately scrapped and replaced with new vehicles. However, the manufacture of new cars uses energy and produces carbon dioxide, which may have a consequence for global warming."

It is worth noting the next sentence in the report:

"It is now widely recognised that the only sustainable long term solution to traffic pollution is a reduction in traffic growth."

I would go further, because I believe that we should talk about a reduction in traffic. How will that be brought about?

The Government are committed to the use of economic instruments to achieve environmental targets, the annual 5 per cent. real terms increase in petrol duty figures prominent among them. I would not deny the validity of such instruments, which need to considered in the context of the vital debate on environmental taxation as against taxation on people and employment. To depend purely and simply on economic instruments would be ineffective, inequitable and damaging to rural areas such as my constituency, where there is currently little alternative to the motor car and where distribution costs are significant.

The Bill, which has been prepared by Friends of the Earth and the Green party, approaches the problem from the other direction. It requires the relevant Secretary of State to draw up a United Kingdom-wide road traffic reduction plan with targets of stabilisation by the year 2000; a 5 per cent. reduction in traffic by 2005; and a 10 per cent. reduction by 2010. Local authorities are required to draw up plans for reducing traffic through measures related to public transport and rail transport, appropriate planning policies, traffic calming, pedestrianisation and

*[Mr. Cynog Dafis]*

public education. The royal commission supports the principle of targets as does the Confederation of British Industry.

The report of the Environment Select Committee also stressed the role of local authorities, which is in keeping with Agenda 21's emphasis on local action through local Agenda 21s, in which traffic reduction should be a crucial component. Local authorities have the expertise and detailed knowledge of their areas to devise measures appropriate to them. They alone could facilitate the widespread public consultation and consciousness building that are the essential preconditions for success. Their task would be enormously challenging and exciting, and they would co-operate with each other, sharing ideas and examples of best practice and drawing on the store of ideas that already exist both here and abroad.

I draw the attention of the House to the excellent document from the Campaign for the Protection of Rural Wales, "Wales Needs Transport, Not Traffic", and to the ideas of the Countryside Council for Wales for promoting green holidays, linking public transport with cycling and walking routes.

In continental Europe, there are numerous examples of cities whose achievements in actually reducing traffic levels have been positively received both by the general public and by the commercial sector. The Bill would provide a useful framework for a progressive traffic reduction policy. I invite hon. Members to support it and I look forward to its further progress.

*Question put and agreed to.*

Bill ordered to be brought in by Mr. Cynog Dafis, Mr. Hugh Bayley, Mr. Dafydd Wigley, Mr. Frank Cook, Mr. Simon Hughes, Mr. Alan Simpson and Mr. Nick Ainger.

ROAD TRAFFIC REDUCTION

Mr. Cynog Dafis accordingly presented a Bill to establish targets for a reduction in road traffic levels in the United Kingdom; to require local authorities to draw up local road traffic reduction plans; to require the Secretary of State to draw up a national road traffic reduction plan to ensure that the targets are met; and for related purposes: And the same was read the First time; and ordered to be read a Second time upon Friday 14 July, and to be printed. [Bill 105.]

## Fiftieth Anniversary of the end of World War II

3.46 pm

**The Prime Minister (Mr. John Major):** I beg to move,

That an humble Address be presented to Her Majesty, as follows:

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Northern Ireland, in Parliament assembled, recalling the humble Addresses presented to His Majesty King George VI on the 17th May and 21st August 1945, beg leave to express to Your Majesty our joy in commemorating the fiftieth anniversary of the end of the Second World War and of the defeat of the forces of evil which it brought, our thanks for the fortitude of the men and women who served with the armed forces or who participated in the war effort in civilian life between 1939 and 1945, our recognition of the sacrifice made on behalf of future generations by those who died or who were disabled in their country's service, and our desire that the constructive work of peace for which our predecessors in 1945 prayed may continue and grow in the years to come.

It has long been a tradition of the House that we mark significant national events by presenting a humble Address to the sovereign. That was the case in May 1945 when Mr. Winston Churchill moved the motion for such an Address to be presented to His Majesty King George VI. The motion on that occasion expressed the gratitude of the nation for the end of the war in Europe, together with a wish to see a speedy conclusion to the war in the east. That wish was met; just three months later the House was able to present another humble Address to His Majesty after the successful conclusion of the war against Japan.

Throughout the war, the royal family symbolised the unity of the nation and of the Commonwealth, and the willingness to make whatever sacrifices were necessary to ensure victory and the preservation of a free way of life. When Britain stood alone, the courage and determination of the King and Queen offered strength to the British people and to countless millions of people beyond our shores.

It is no surprise that Her Majesty Queen Elizabeth the Queen Mother continues to hold such a special place in the affections of the British people. Many remember, and countless millions who were not alive at the time know, the fortitude and resilience that she and the King displayed throughout the war. The then Princess Elizabeth—a teenager when the war began, now Her Majesty the Queen—played her full part in furthering the war effort, and Her Majesty has continued to set an example of duty and service to the nation and to the Commonwealth throughout the 50 years since then.

The commemoration of the end of the war is not a triumphalist occasion, but an occasion to pay proper tribute to the millions of brave men and women whose lives were cruelly, often tragically, disrupted by the demands of the war that had to be won.

Last year marked the 50th anniversary of the Normandy landings. Everyone who took part in the commemorative events was profoundly moved by them. I, for one, will long remember the march-past of the veterans on the sands of Arromanches. There were thousands upon thousands of them—brave men and women in their 70s and 80s now, often with a chestful of medals and a mind full of memories, some with sticks, some pushed in

wheelchairs, some limping, some walking, some marching, but all moving with pride before the Queen, and with their memories of their service to their nation in the last war.

As the House will know, a number of events are planned to commemorate the 50th anniversary of VE day next month and of VJ day in August. It is appropriate that the prelude to those events should be the parliamentary occasion of presenting a humble Address to the Queen.

Here in the Chamber we have a constant reminder of those days 50 years ago. The Churchill Arch, at the entrance from the Members' Lobby, was rebuilt from the original, damaged in the bombing raids of 1941. It poignantly recalls how even the mother of Parliaments made its sacrifice. As Churchill himself said, all of us present here today, who are uniquely privileged to pass through that Arch, should

"look back from time to time upon their forbears who

'—kept the bridge

In the brave days of old.'"—[*Official Report*, 25 January 1945; Vol. 407, c. 1006.]

As our Parliament sat through the war it symbolised the dogged determination of democracy; a determination to overcome tyranny and dictatorship that was shared by countless millions throughout the world. For the price of sacrifice was paid here, too. Twenty-two Members of the House—together with 35 Members of the House of Lords and five members of staff of both Houses—were killed during the war. Eighteen present Members of the House also saw active service in the war and some, perhaps all, are present here in the Chamber on this occasion. Many others now sit along the Corridor in the other place. For them, the commemorations will hold special memories; and to them, we—who inherit the parliamentary freedom that they helped protect—owe special thanks.

When His Majesty King George VI replied to the humble Address 50 years ago, he said:

"It is My most fervent hope that we are entering upon an age of peaceful progress, wherein the natural talent and enterprise of My peoples can be devoted to the advancement of the happiness and prosperity of mankind."—[*Official Report*, 21 August 1945; Vol. 413, c. 417.]

Looking back over the past 50 years, we can see that many of the hopes for peace and reconciliation have been rewarded, but we have not banished conflict and terror throughout the globe. We have troops on peacekeeping and humanitarian duties in many countries. In recent days, there has been the tragic bomb attack in Oklahoma. This House has had direct experience of terrorist attacks, and several hon. Members have been the victims of terrorists.

The successful outcome of the second world war showed the importance of a determined and united effort to defeat military aggression. As we look ahead, we must exercise the same determination as was shown then, to counter the threat from terrorism, not only in the United Kingdom but throughout the world.

Madam Speaker, this is an occasion to look both back and forward. The perils of the last war dwarf the petty rancours of everyday politics today. I believe that our country has many reasons to look forward with hope to the future. I believe that, as we do so, it is right that we should look back thankfully to the sacrifices of the past. The whole House, the whole nation, the whole Commonwealth, will wish to remember and give thanks.

3.53 pm

**Mr. Tony Blair** (Sedgefield): It is my privilege to associate myself entirely with what the Prime Minister has just said and with his sentiments about the royal family. It is a time for our nation to speak with one voice of remembrance, of joy at a victory magnificently won and sadness at the loss of life necessary to achieve it.

We remember a triumph that is all the more unalloyed because it was a victory, not as much of nation over nation, as of good over evil. The fight against Hitler and fascism was, and indeed remains, the moral case for taking up arms.

I was born almost a decade after the war ended and it was my father's generation who fought it. On behalf of my generation, I say to his that we pay tribute to their sacrifice and bravery with humility and gratitude. We recall the courage of the troops who fought and, in their millions, died or were wounded. Some of them bear their wounds to this day.

We commemorate, too, the millions of men and women who never left Britain during the war, but who played such a conclusive part in it—the firefighters, the ambulance men and women, the nurses and the police—and who worked, often through the blitz and in as great danger as those at the front. We remember the factory munitions workers, Bevin's boys down the mines, and the steel and ship workers who placed production at full stretch in the war effort.

We reflect, not just on the great battles fought and the medals of honour granted, but on the countless small acts of heroism, which are often unrecorded and the memory of which may be effaced, but whose spirit won the war. The country at that time worked with one heart and one mind to one end, and succeeded. The solidarity of the nation persisted after the war in rebuilding the towns and the cities, putting people back to work, and creating the modern structures of a national health service and a welfare state capable of offering hope to heroes.

So what, at this distance of half a century, are the lessons of the war that we can learn? We learn about pride in our country—there are few nations, if any, that can claim without exaggeration to have helped save the world from tyranny. We learn about the strength of freedom and democracy as motivators of the human soul because we remember, too, today, not just ourselves but the millions in other countries—particularly perhaps those Jewish people in countries conquered by Hitler—who continued to resist, no matter what the cost. We learn about the fragility of peace and the utter catastrophe of modern warfare, which the years before and during the war amply demonstrate. We learn humankind's deadly potential, amidst progress, for regression to primitive barbarity. We know now that if we choose to appease evil as it grows, we shall in the end be forced to fight it when it is fully grown. We think that with all the knowledge of our modern world, such evil can never happen again, but that generation thought that it would never happen at all.

We fought the war, but we did not do so alone. It is right that we remember our allies, and thank them. One of the most moving stories of statesmanship in the war came in January 1941, when defeat for Britain was certainly possible. We desperately needed the help of

*[Mr. Tony Blair]*

America. Harry Hopkins, the emissary of President Roosevelt, was here. At a dinner in his honour in Scotland, he said:

"I suppose you wish to know what I am going to say to President Roosevelt on my return."

And then, quoting from the Bible, he said:

"whither thou goest, I will go; and where thou lodgest, I will lodge: thy people shall be my people, and thy God my God".

Hopkins then added:

"Even to the end".

That was the spirit of those times.

There was no doubt that this was a war to save civilisation. At the end of the war, as within Britain, so outside it, nation co-operated with nation to set up the institutions of international governance to act as a bulwark against disunity and aggression—the United Nations, the North Atlantic Treaty Organisation and, later, the European Community. Amid all the cynicism about them, we should give thanks that there was the vision to build them and that, by and large, their role has been constructive and positive.

Let us hope that such a time of evil will not arise again, but let us never forget that it did. It confronted us with an intensity and menace unsurpassed in our history. Let us give thanks that we rose up against it, defeated it and so provided a future of hope for this generation and the generations yet unborn.

3.59 pm

**Mr. Paddy Ashdown** (Yeovil): I am privileged and delighted to be able to support the words in the motion moved by the Prime Minister and echoed by the leader of the Labour party.

Of course, it is absolutely right that we should express our pleasure to Her Majesty the Queen in celebrating and commemorating that victory of 50 years ago, a victory in which Her Majesty's father and family played such an extraordinary and very large part, in terms of leadership and symbolism.

Speaking in the debate to which the Prime Minister referred, the then Prime Minister, Winston Churchill, said of the royal family:

"It is the symbol which gathers together and expresses those deep emotions and stirrings of the human heart which make men travel . . . and die together, and cheerfully abandon material possessions and enjoyments for the sake of abstract ideas."—[*Official Report*, 15 May 1945; Vol. 410, c. 2305.]

They may have seemed abstract ideas at the time, although I doubt that they felt them too much, but today they mean to us no less than our freedom, our civilisation, our capacity to have survived such a terrible evil and, of course, above all an expression of our national resolve and national unity. It is therefore right that we should celebrate, but it is right also that we should remember the pain of those without whose sacrifice that victory would not have been possible.

It is impossible for us to measure the debt that we owe to those who gave, all too often, their lives or, frequently, experienced a lifetime of maimed disability to ensure that we have had this half century being able to enjoy freedom, that a great evil was defeated and that the nations of Europe could come together to seek to banish war from our continent for ever. In the shadow of that, we saw a great unity in our nation and we saw the beginnings of the building of international institutions that also seek to tackle the evil of fascism and aggression in the world today. It is a moment to celebrate; it is also a moment to remember; and it is a moment to pray that the peace for which they paid such a high price may continue for us all.

4.1 pm

**Mr. Winston Churchill** (Davyhulme): Does my right hon. Friend the Prime Minister agree that, had it not been for the courage of the British nation around the globe and the steadfastness of the House of Commons and Parliament, the nations of Europe would never have been liberated and that, in such circumstances, it is by no means impossible to imagine that the Nazi swastika would to this day have been flying over the capital cities of Europe?

Will my right hon. Friend make it clear how enormously welcome Her Majesty will be when she comes to the House on 5 May and how appropriate it is that the initial phase of this 50th anniversary commemoration should start here, in the House of Commons?

*Question put and agreed to.*

*Resolved,*

That an humble Address be presented to Her Majesty, as follows:

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Northern Ireland, in Parliament assembled, recalling the humble Addresses presented to His Majesty King George VI on the 17th May and 21st August 1945, beg leave to express to Your Majesty our joy in commemorating the fiftieth anniversary of the end of the Second World War and of the defeat of the forces of evil which it brought, our thanks for the fortitude of the men and women who served with the armed forces or who participated in the war effort in civilian life between 1939 and 1945, our recognition of the sacrifice made on behalf of future generations by those who died or who were disabled in their country's service, and our desire that the constructive work of peace for which our predecessors in 1945 prayed may continue and grow in the years to come.

*Ordered,*

That the said Address be presented to Her Majesty by the whole House.—[*Mr. Newton.*]

*Ordered,*

That such Members of this House as are of Her Majesty's most Honourable Privy Council, do humbly know Her Majesty's Pleasure when she will be attended by the House with the said Address.—[*Mr. Newton.*]

# Orders of the Day

## Medical (Professional Performance) Bill

*Order for Second Reading read.*

4.4 pm

**The Secretary of State for Health (Mrs. Virginia Bottomley):** I beg to move, That the Bill be now read a Second time.

This is an important Bill. Its purpose is to ensure that high-quality, professional performance is maintained by all doctors in the national health service and in private practice. It will help to ensure that patients receive the standard of caring and up-to-date professional practice that they have a right to expect.

The Government stand for first-class public services and the Bill is part of that commitment. The citizens charter and the patients charter have brought a major change in attitude and performance in the NHS, so that it is now a service centred on patients.

**Dr. Norman A. Godman** (Greenock and Port Glasgow): I am extremely grateful to the Secretary of State. Will she confirm here and now that when she talks about all doctors, she includes in that definition hospital consultants? Most of the complaints brought to me by constituents have concerned the negligence of hospital consultants rather than general practitioners.

**Mrs. Bottomley:** I can certainly confirm that the Bill refers to all doctors. If I can make a bit more headway before the next intervention, I shall make that absolutely clear.

The Bill is part of our commitment to ensure that the national health service lives up to the highest standards expected by the public. Already, we have had dramatic improvements in the responsiveness and quality of care available. The changes that I recently announced to the systems for handling complaints, following the Wilson report, is part of that movement. Similarly, the new code on openness is a further example of how we are getting better at responding to the needs of patients and the expectations of the public.

The heart of the health service is its doctors, nurses and other clinical staff. Their dedication, professionalism and quality are rightly a source of national pride. They are respected throughout the world.

All of us in the House acknowledge the tough job that clinicians have to do. That demanding job does not get easier when the expectations of the public rise with demographic changes and, inevitably, there is always a finite budget. Only recently, the case of Child B brought into the full media glare some of the complex ethical decisions that clinicians regularly face in their normal working lives.

Doctors have been at the forefront of the culture change in the NHS. They are now rightly expected to be held accountable for the vast sums of taxpayers' money that they spend, as well as for the care that they provide. Most doctors recognise that as a valid feature of a modern health service, where it is no more acceptable knowingly to misuse its resources than it is to pursue a course of action which is clinically unsound.

The NHS has to be well and strongly managed. Many doctors respond positively to that by becoming involved in the management of the service, whether through GP fundholding, for example, where family doctors are able to back their clinical judgment by direct access to the budget that they control, or through the other many opportunities as medical or clinical directors of the new health authorities, as directors of public health or by offering professional advice. There are now unlimited opportunities for doctors to influence and shape the development of the health service.

Doctors are no longer the unchallenged paragons they once were in the eyes of the public. Patients are better informed, more assertive and more ready to question and complain. That certainly puts pressure on the medical profession, which is held to account in an ever more public atmosphere.

A new climate is spreading, where treatments are analysed on the basis of clinical effectiveness and outcomes. Clinical audit is well established. Our pioneering research and development strategy is spreading on a systematic basis information about the latest state of medical knowledge. Tomorrow my hon. Friend the Minister will be launching the next phase of our movement towards evidence-based medicine with the Cochrane collaboration. All those changes mean that the practice of medicine takes place ever more in the limelight and is subject to increasing scrutiny.

**Mr. William O'Brien** (Normanton): I appreciate the opportunity to intervene on the Secretary of State and I acknowledge the report that she has given about doctors. Will she confirm or deny that she intends to introduce performance indicators for doctors and other clinicians in the health service? How will that system operate if she intends to introduce it?

**Mrs. Bottomley:** I have no such intentions; I am simply describing the atmosphere in which medical practice now takes place. It is subject to scrutiny and evaluation in a way that was inconceivable even 10 years ago and it means that all doctors are under greater pressure to keep up to date with the latest advances in medicine. As medicine becomes more complex, capable and involved, there is a pressure and an obligation on all professionals to ensure that they are protecting their patients and serving them according to the latest knowledge and understanding of care.

In general practice it is now often possible to treat and to manage diseases, such as heart disease, stomach ulcers and asthma, which once required a high degree of hospital care. Doctors, particularly in family health services, used to work in professional isolation. Today fewer general practitioners work alone because there is a much greater emphasis on team working. GPs and specialists increasingly work side by side in modern medical centres, bringing what was once thought of as hospital care closer to patients. Nurses, doctors and other professionals work together in community health teams and there is closer working between GPs and clinicians in hospitals.

That does much to improve the treatment and care of cancer sufferers, for example. Only yesterday, we unveiled our framework for the future of cancer services. That close linking and greater sharing of knowledge between GPs and clinicians in hospitals and the patients and public is a theme of that new framework. All those new developments mean an unprecedented change in the

*[Mrs. Bottomley]*

way in which modern medicine is delivered. A doctor has a clear duty to keep up to date, to know what is appropriate and what is not, and to know when to seek help and advice from colleagues.

To its credit, the profession has recognised those changes and the need that comes with them to assess continually the performance of doctors. I pay tribute to the General Medical Council whose work has resulted in this Bill. The Bill stems from the profession's recognition that, no matter how qualified, dedicated or expert the majority of its members may be, the standards demonstrated by a small number of practitioners will from time to time fall below what patients have a right to expect. In those cases, proper procedures must exist that will enable action to be taken to protect patients and to raise the quality of care.

When doctors are guilty of serious professional misconduct or when a doctor's fitness to practise is seriously impaired by ill health, the powers exist to act. Doctors who are accused of serious misconduct appear before the GMC's professional conduct committee, where the evidence is tested to the criminal standard of proof in adversarial proceedings. Doctors who are found guilty can be struck off. Similarly, the GMC has powers to suspend from the register those doctors who are too ill to perform their duties.

However, no such powers exist to deal with doctors whose performance may be seriously deficient but who, nevertheless, fall short of those extremes. The GMC receives details of a number of cases upon which it cannot take any formal action, even though it may be apparent that the underlying performance of the doctor concerned is very poor. At present, those doctors are beyond the law; they can remain on the register and the council has no power even to require them to address their shortcomings. That is bad for patients and bad for doctors.

The Bill plugs the gap. It is a Government Bill, but the House will be aware that the initiative came from the GMC. I pay a warm tribute to Sir Robert Kilpatrick, president of the GMC, who has been the primary influence behind the changes. He set up a working group to examine the problem and he single-handedly carried through consultations with a wide range of individuals and organisations both within and outside the medical profession. A period of formal consultation followed in 1992, and in November of that year Sir Robert secured the agreement of the GMC to proposals that differ little to those which appear in the present Bill. Indeed, I can say that, on being appointed as Secretary of State three years ago, almost the first invitation that I received was to discuss with Sir Robert these proposals and how we could secure a journey to the legislative Chamber to ensure that they were enacted.

Sir Robert retires at the end of August this year. If enacted, the Bill will be a fitting tribute to his energy, determination and powers of persuasion as well as to an outstanding period as president of the GMC. In large part due to his efforts, the measures in the Bill command the wide support of the medical profession. They also enjoy cross-party support. I am grateful to the right hon. Member for Derby, South (Mrs. Beckett) for the support that she has given to the Bill in principle, and to the Liberal Democrat spokesman similarly. The hon. and learned Member for Montgomery (Mr. Carlile) sits on the GMC, as does the hon. Member for Gower (Mr. Wardell) and, indeed, my hon. Friend the Member for Chislehurst (Mr. Sims), to whom I pay particular tribute, as he is the longest-standing Member of Parliament on the GMC and has been closely involved in the "fitness to practise" proceedings.

It may be of assistance to the House if I speak at this stage about the GMC in a little more detail. The GMC is the self-regulatory body of the medical profession. It consists of 102 members, 89 of whom are qualified doctors, the rest representing different professional and lay interests, including, as I have said, Members of Parliament from each of the main political parties. The House will be aware that, at present, the GMC is taking forward proposals to increase its lay membership—a further example of the need for all professions to ensure that they carry the confidence of the public in the vital work that they do.

The GMC's primary role is to maintain a register of all those who are qualified as medical practitioners. That duty provides an assurance to the public that all registered doctors are qualified to practise. The GMC must assure itself that those admitted to the register are competent. It must also ensure that those on the register remain fit to practise. As the Merrison committee put it in 1975,

"the maintenance of a register of the competent is fundamental to the regulation of a profession".

That remains as true today as it did in 1975, or, indeed, at any time since the passing of the original Medical Act in 1858. In essence, that is the subject of today's debate. How can the GMC ensure that doctors on its register have maintained their competence in a fast-moving medical environment and continue to meet the high standards of performance set by the medical profession?

The Bill does that by making important changes to the professional regulatory powers of the GMC. New professional performance procedures will be introduced; and two new statutory committees—the assessment referral committee and the committee on professional performance—will be created to implement the new procedures. We propose to establish those new procedures in a way that is consistent with the principle that self-regulation is the most appropriate way for the medical profession to be governed and that it is the best way to maintain the high standards that the public rightly expects of its doctors, and which the great majority of doctors achieve. That principle is both long established and cherished by the profession, and it is one which the Government support.

The value of self-regulation has been further demonstrated by the fact that it was, as I have said, the GMC itself that first identified the gaps in its powers and took the initiative in asking the Government to introduce the measures that are now set out in the Bill. The professional performance procedures proposed will go a long way towards plugging the gap. They will do so in a novel way. The procedures are not there to ascertain whether the doctor is guilty of a particular instance of alleged deficiency. They do not offer individual redress for patients' complaints, although patients will receive feedback.

The Bill aims to achieve what many people say that they want when they complain: to see that something is done to stop a similar incident happening again. The purpose of the new procedures is to inquire into the underlying causes of any problems that have been

reported. The GMC will consider whether the matters complained of, particularly where there has been a series of complaints, show a pattern of serious deficiency in the standard of the doctor's professional performance. If that is the case, the doctor will be asked to have his performance assessed by a panel independent of the GMC, which will include two doctors of the same specialty plus one lay doctor. The panel's key role is to identify whether there are any significant weaknesses in the doctor's performance, to discuss those with the doctor and to give advice on what the doctor can do to remedy the position.

What I have described is initially a consensual process. The aim of the Bill overall is remedial. Wherever possible, we want expensively trained doctors to be put on the right track. However, it is important that the procedures work where the doctor does not consent. Therefore, much of the Bill provides for where the co-operation of the doctor is not engaged or where it breaks down for various reasons. It also provides for a doctor's registration to be suspended or for conditions to be attached to registration if that would be in the public interest and would help to protect the doctor's patients.

**Mr. Gareth Wardell** (Gower): I support the Bill and, as the Secretary of State said, I am a member of the GMC. While a doctor is suspended and going through the procedures, will his registration on the GMC's register show that he is suspended, so that the general public can be aware of that?

**Mrs. Bottomley:** I understand that while the inquiry is under way, the register will show the suspension. I well understand the hon. Gentleman's concern that patients' interests should be safeguarded in that way.

**Dr. Charles Goodson-Wickes** (Wimbledon): At the risk of sounding patronising, I wonder whether I could help my right hon. Friend. I imagine that by the time such a position was shown on the register, it would not fall within the cycle of that register's publication.

**Mrs. Bottomley:** That is true, but it is important that the information is available to those who wish to have access to the register.

**Mr. Wardell:** I am grateful to the right hon. Lady for giving way again. I am concerned that under part 3 of the procedures, the doctor could go round and round in a loop, for a period even exceeding three years. Despite what the hon. Member for Wimbledon (Dr. Goodson-Wickes) said, as I understand the procedures it is possible for a doctor to be retrained and continue to be retrained for quite a lengthy period. Would the Secretary of State be happy to put some limit on the period that a doctor can keep going round the loop?

**Mrs. Bottomley:** The hon. Gentleman makes a good point, which can be explored further in Committee when he will no doubt wish to develop his argument.

**Dame Elaine Kellett-Bowman** (Lancaster): What about the engagement of locums? Will people be warned so that they do not inadvertently engage such doctors?

**Mrs. Bottomley:** That is something that the doctor concerned would need to discuss with his employers—either a trust or the family health services authority, depending on the doctor's circumstances. Much would depend on the seriousness of the matters under consideration.

As I have said, it is important that we are prepared not only for cases where there is consent, but for those where the doctor does not consent. The Bill provides for cases where the co-operation of the doctor is not engaged or where it breaks down for various reasons. It also provides for a doctor's registration to be suspended or for conditions to be attached to the registration, if that would be in the public interest and would help to protect the doctor's patients.

I commend to the House a short paper prepared by the GMC on its proposed performance procedures. It explains step by step how the system works. A number of copies have already been placed in the Library. I shall, however, go through the course of a case where the doctor agrees to the process and then explain in more detail how the system will cope with an unco-operative doctor. I am aware that in Committee it will be possible to scrutinise that journey in even greater detail. The GMC will identify doctors whose performance is seriously deficient through information sent to it: for example, through patients' complaints, information from other doctors, or cases referred following NHS service committee hearings. Overall, the GMC expects that the number of doctors subject to assessment under the new procedures will be in the order of 100 to 150, of whom 50 to 75 might be subject to remedial training or sanction.

Anyone can bring information about a doctor's performance to the GMC's attention. The doctor may be working in the NHS or private practice. The informant will not have to be personally involved in the matter. For instance, surgeons who have to rectify the mistakes of another doctor—perhaps of cosmetic surgery—would have a duty to report those matters to the GMC.

I am pleased that the GMC has made the position clear in its Blue Book entitled "Professional Conduct and Discipline: Fitness to Practice". It says:

> "It is any doctor's duty, where the circumstances so warrant, to inform an appropriate person or authority about a colleague whose professional conduct or fitness to practise may be called into question or whose professional performance appears to be in some way deficient."

That is an important message and one that is often difficult to have fully accepted and used throughout the service, but all professionals have an obligation to be alert and vigilant about their colleagues' quality of performance.

Employing authorities and trusts will be aware of poor performance from a variety of sources. It is important that the NHS complaints and disciplinary procedures, based on the Wilson review, which we have only recently announced should be carried out properly. In addition, employers should consider whether to refer the matter to the GMC. The GMC and the employer have separate and complementary roles. Some problems will be dealt with entirely by the employer; in some cases, only the GMC will be able to act, and in a minority of cases both will need to take action.

Patients or other relatives who are concerned that other people may be suffering from the same poor treatment as they experience may wish to report it to the GMC. The information given to it will have to be well founded and

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to give it grounds for considering that the incident is not just a one-off, but an indication of a pattern of poor performance which should be investigated further.

**Mr. Jim Cousins** (Newcastle upon Tyne, Central): Does not the Secretary of State's remark imply that a single incident can never rank as being serious enough to challenge professional performance? Her last remark seems to imply that repetition is the centre of the argument, whereas a single incident, if it were serious enough, could be serious within the terms of the Bill.

**Mrs. Bottomley:** If the incident were serious, it might be considered as part of serious professional misconduct, but we are considering here a one-off incident that is not sufficiently serious for the existing procedures, that is of a lower order, and that therefore may be part of a continuous pattern of poor performance. The aim of the proposal is precisely to fill that gap.

Anyone who has given information to the GMC will be kept informed of the action taken at various stages of the process. They will, of course, be notified of the outcome of any hearings by the committee on professional performance.

Whatever the source of information, the GMC must take the matter seriously. The first step is to consider under which procedure the case should be considered. This relates to the point made by the hon. Member for Gower (Mr. Wardell). Should the case be considered under conduct, health or professional performance? Whatever the case may be, the matter will be considered by a screener who will be a medically qualified member of the GMC. In cases of alleged poor performance, the performance screener will be empowered to investigate the background of the case, and to consider whether a prima facie case exists of serious deficiency in the doctor's professional performance. The informant may be asked to make a sworn statement about the allegation.

The screener may wish to take advice from an expert in the same speciality as the doctor under review before deciding what action needs to be taken. The screener will either invite the doctor to undergo an assessment or conclude that no action should be taken. In that case, a lay screener is also involved in deciding that no action is required.

If further information uncovered by the screener suggested that there were health reasons underlying the doctor's poor performance, the matter could be remitted to the health screener under the health procedures. Where no formal action is proposed under the GMC's fitness to practise procedures, the doctor may be invited to comment informally on the information received. Any reply would then be sent to the informant.

Where formal action is proposed, the screener will advise the doctor of the information received by the GMC and invite the doctor to undergo an assessment. If the doctor does not agree with the screener, the matter will be considered by the assessment referral committee. That committee's role is to provide an appeal forum for the doctor who does not agree with the decision of the screener that he should undergo an assessment. It ensures that contested decisions that may affect the doctor's future are not taken by one GMC member alone.

Once the committee has considered written submissions from the doctor or given the opportunity of a hearing, it may either direct that the doctor undergo an assessment or decide that there is no prima facie case of seriously deficient professional performance and close the matter. If the committee confirms the screener's decision, the screener will arrange for the assessment.

If I may, I shall go into a little more detail of the assessment process. It will be carried out by an assessment panel which will consist of two medical practitioners from the same specialty as the doctor and a lay person. None of these panel members will be members of the GMC. They will be drawn from lists of specialists nominated by the professional bodies, including the royal colleges and the British Medical Association. Lay members will be nominated by non-medical bodies. The procedures to be followed by the panels will be set out in rules made by the GMC, approved by the Privy Council and laid before Parliament. The panel will also be given guidance and training on how to carry out the assessment process.

As the House would expect, the GMC has already started work on some of the details involved. In 1993 it appointed Professor Lesley Southgate, a distinguished professor of general practice, to begin developing the assessment procedures in co-operation with experts from each of the specialties. The assessment programmes will underpin the new procedures in the Bill. To give the House a flavour of what it involved, I shall describe her work in a little more detail.

Professor Southgate has pilot-tested with volunteers on several occasions her system for assessing GPs. The assessment consists of a review of a doctor's records, a written test of his or her knowledge, observing the doctor in practice, discussing performance with selected third parties, a test of clinical skills and a face-to-face interview, which includes a review of one or two of the doctor's recent cases. Those are certainly rigorous procedures which the GMC is looking to extend into the various specialties. Pilots are under way, for example, for assessing the performance of anaesthetists.

In as much as the Government's policies have encouraged those trends, I make no apology. The health service exists for its patients and to provide the latest and the most modern care. However, it is right to recognise the extra pressure that this puts on doctors. Describing how the GPs in the trial had reacted to her grilling, Professor Southgate stated:

"they found it stressful but a great thing once done".

Perhaps that is a fair assessment of many of the changes now taking place in the national health service.

At the end of the assessment process, a report will be prepared by the chairman of the assessment panel and sent to the doctor, who will be invited to take on board its recommendations. The doctor will be asked to confirm his acceptance and compliance with the recommendations. If he does not, the matter will be referred to the committee on professional performance.

If the doctor agrees to take remedial action, a period will be allowed for the necessary training or other remedial action and for it to be put into practice before a second assessment is carried out. After this initial period of remedial action, the assessment panel will assess the doctor's progress. If the doctor's level of performance has been remedied, the case will be concluded. Where there

has been some progress and further action might be productive, the doctor may be allowed to undertake a further period of remedial action.

If the doctor does not appear to have benefited at all from this remedial period, there may be the opportunity to ask for the voluntary removal of his name from the register. If the doctor wishes, the matter will be referred to the committee on professional performance. Alternatively, the screener will either arrange a further assessment or refer the matter to the committee on professional performance.

It is proposed that a doctor should be allowed to go through the remedial process up to three times—this relates to the point made by the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) about how long the matter can be perpetuated—but it is not proposed that the number should be prescribed in the rules. The doctor will have the right to have the matter determined by the committee on professional performance at any time following the first assessment.

The committee on professional performance is, indeed, the committee of last resort. The General Medical Council hopes that most cases will be resolved during the consensual part of the procedures. The matters will come to the committee, however, in a number of ways: first, where the screener on receiving an assessment report considers that the doctor's performance is irremediable and the doctor has not agreed to the voluntary removal of his name from the register; and, secondly, where the doctor has not co-operated right from the start or has indeed withdrawn co-operation during the process. The doctor may, for instance, have been directed to undergo an assessment by the assessment referral committee and refused to do so.

Thirdly, the matter will come before the CPP where the doctor has undergone an assessment but is not prepared to agree to the required conditions. The doctor may refer the case to the committee. If the screener cannot get the doctor to agree to the conditions, the case must be referred to the committee. The final way is following a period of remedial action and reassessment, where there has been no significant improvement in the doctor's performance.

The procedures to be followed by the committee will be set out in rules. If the doctor has not undergone an assessment, the committee may require it. If he refuses or has failed to co-operate in some other way, the committee will be able to impose sanctions. Those include suspension or attachment of conditions to registration as appropriate. Where the committee, however, finds that the doctor's professional performance has been seriously deficient, it will be able to suspend the doctor or attach conditions on registration. For example, the doctor may be required to practise under the supervision of another doctor or refrain from performing a particular clinical procedure.

Where the committee considers it necessary for the protection of the public, it may impose immediate suspension of the doctor. The Bill will ensure that the doctor has appeal rights, which are similar to those which exist under the health procedures.

**Mr. John Gunnell** (Morley and Leeds, South): In the hearings held by the General Medical Council at the moment, which are obviously, in general, about professional misconduct, the press are normally present. I have seen nothing in the Bill to show whether the press should or should not be present or whether the decision at which the committee arrives will be made public. At this stage, is the knowledge of the procedure and the result of the hearings entirely within the remit of the GMC?

**Mrs. Bottomley:** It is the intention that such hearings should be held in private—certainly for the first two years. That is subject to review and, indeed, it is also possible, with agreement, that such matters could be heard in public. Again, the committee may wish to discuss that in more detail. The proposal that for the first two years the procedures are held in private while they are under way has considerable merit.

As the hon. Member for Morley and Leeds, South (Mr. Gunnell) will know, there are always difficulties about how freely, frankly and openly some witnesses are prepared to speak in the full glare of publicity and the press. There is often a tension between wishing matters to be fully open, but knowing that witnesses are somewhat inhibited because they know that every word that they say is likely to be read in the newspapers the following day. The proposal is a considered preliminary response to the new procedures and I am sure that it will be subject to review and careful scrutiny.

If I may turn to the Bill itself, the House will be pleased to know that it is short; it has six clauses. It will give the GMC the necessary powers to make the new procedures work where a doctor is not co-operating and the powers to impose sanctions. Much of it amends the Medical Act 1983. I have placed in the Library a revision of the relevant provisions of the 1983 Act as they would appear on consolidation of the Bill in that Act. The details of the procedures to be followed by the GMC will, as I have said, be in rules.

Clause 1 deals with the powers of the committee on professional performance, which has been described as the sanctions committee. It will be empowered to impose conditions on, or suspend, a doctor's registration. It will do so where the doctor's standard of professional performance is found to have been seriously deficient and the committee considers that sanctions should be applied to protect the public.

It is not the intention that the sanctions should be punitive. They are part of improving the service to patients. Although, in the worst cases, a doctor might be suspended indefinitely, the name will not be erased—doctors will not be struck off. That is a fine, but an importance distinction to make, as the intention of the procedures is remedial. The committee can also impose sanctions if a doctor has failed to co-operate with the assessment process.

Clause 2 covers cases in which a doctor's failings may be considered to be beyond remedial action. The doctor may be asked to consider voluntary removal from the register. Again, the doctor would not be struck off, which has disciplinary overtones. The doctor might be falling behind with the latest medical techniques, which have now become the accepted techniques. The doctor might realise that it is time to call it a day and ask to be removed from the register.

We realise that unscrupulous doctors might use the provisions of voluntary removal to frustrate active consideration of their performance. To minimise the risk of the misuse of the provision, clause 2 also provides for

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the matter to be referred back to the relevant committee for approval, should the doctor apply at a later date for his name to be reinstated on the register.

Much of the meat of the Bill is contained in the schedule, which gives the General Medical Council the power to make rules, to set up the assessment referral committee and the committee on professional performance, and to provide for the constitution and proceedings of the two committees and the assessment panels. The rules will also give the committee on professional performance powers to impose sanctions if a doctor does not co-operate, and to give the doctor a right of appeal to the High Court where such sanctions have been made.

The assessment panel will be given powers to inspect medical records and, where entry to professional premises is likely to be denied, it will be able to apply to a magistrate for a warrant. It will be an offence for a person to obstruct the work of an assessment panel.

The House will appreciate that the procedures introduced by the Bill are somewhat complex. Its aim is simple enough, however. It is a further measure designed to improve the quality of service available to patients from the national health service, and indeed from private practice, and to ensure that they continue to enjoy the highest standards of care from our doctors. It is significant that the Bill has come from the medical profession. It is a sign of how clinicians are responding to the greater expectations made of them and recognising the legitimacy of challenges against the performance of individuals.

There was a time, perhaps, when the profession would not have been so amenable to such a proposition. We can all understand the reasons. The process of scrutiny and review is not always comfortable for doctors, even for those who have nothing to fear from its results. It is, however, an essential part of a service in which we are determined to put the needs of patients first and to maintain their confidence in the service that they receive.

What is important is that the procedures are effective, constructive and fair to staff, as well as to patients. The measures in the Bill fit well with those objectives. They are part of our commitment to a higher-quality health service of which we can all be proud.

The introduction of the Bill to Parliament gives a clear signal to doctors whose performance is not up to standard that the remedy is in their hands—it is a case of physician heal thyself. I commend the Bill to the House.

4.42 pm

**Mr. Nicholas Brown** (Newcastle upon Tyne, East): I congratulate the Secretary of State on coming to the Dispatch box voluntarily—I was beginning to think that she did not like coming here—and so soon after her interview with Mr. Dimbleby.

You will recall, Madam Deputy Speaker, that just before the recess, the House—not just the Opposition, but members of the Government—was demanding time to debate the crisis facing the hospital service, especially in London. I should have thought that, now that the Conservative rebels have come back to the fold, it would be safe for the Government to find time for such a debate, but they tell us that there are pressures on parliamentary time. They have found a whole day to debate this Bill, however.

The principles that underpin the Bill are not controversial between the parties. The parliamentary Labour party supports the Bill, as do the minority parties, I understand. There is a consensus behind the principles that underpin it. My right hon. Friend the Member for Derby, South (Mrs. Beckett) promised it a fair wind through the House in the debate on the Queen's Speech. Indeed, in 1993, my hon. Friends the Members for Newham, South (Mr. Spearing) and for Strathkelvin and Bearsden (Mr. Galbraith), among others, tried to introduce a Bill designed to achieve the same objectives, so the Secretary of State is perhaps making too much of the courage and determination that the Government are showing by bringing this legislation before us.

The Government Whips seemed nervous about exposing the Secretary of State to debate in the House. One of the first—

**Mrs. Virginia Bottomley:** I have no idea what the hon. Gentleman is talking about. On the first day back after the recess, we had a very successful Health Question Time. All the Government spokesmen wiped the floor with the Opposition spokesmen, who were described in the press as hiding like frightened rabbits, devoid of policy. They were simply exposed for their empty cupboard by all the journalists.

**Mr. Brown:** What press?

**Mrs. Bottomley:** *The Guardian*, *The Economist*, the *Observer* and the *Health Service Journal*. I have never known such a slaughter of the Opposition for their lack of policy on the health front—timid, frightened and devoid of policy, Madam Deputy Speaker. I do not think that I need to say more.

**Madam Deputy Speaker (Dame Janet Fookes):** Certainly not. That was quite a long intervention. Before we go any further, perhaps we could turn to the principles of the Bill, which is the business before us.

**Mr. Brown:** I was about to debate the principles of the Bill when I generously, in a bipartisan spirit, gave way to the Secretary of State and allowed her to mislead the House. The truth of the matter is that, when I asked the Minister of State for the estimated cost for local pay bargaining at Health Question Time, he spoke at some length in response, but never gave the House the estimates. No doubt he would describe that as professionalism on his part, but I think that the House understood what he was not telling us.

Let me return to the point that I was going to make before I so generously—but perhaps wrongly in view of your strictures, Madam Deputy Speaker—gave way. One of the first duties that I and my right hon. Friend the Member for Derby, South had when we were appointed to our new Front-Bench responsibilities was to meet representatives from the General Medical Council. They urged this Bill on the parliamentary Opposition and said that the Government had told them two things—that they could have the Bill, but that there was not enough parliamentary time for it and so they had to get the agreement of the Opposition to ensure that it received a fair wind through the House.

How can anyone truthfully say that, in this Parliament, there is not the parliamentary time for a Bill of this nature, Madam Deputy Speaker? We have enough parliamentary time in this Parliament to revise the entire criminal code. One could not possibly truthfully say that there is a lack of parliamentary time. No doubt the reason why we have a full day's debate on this relatively non-controversial matter is that the Government want to avoid debating more controversial matters. The Bill and its underpinning principles are supported by the parliamentary Labour party.

We are being invited to discuss what is effectively professional self-regulation. In the light of some of the decisions that we had to make last week, it is ironic that we are discussing another body's methods of self-regulation. In view of what many people think about the ethics of our profession, it is ironic that we are discussing the ethics of a profession that is held in higher esteem by the general public than ours.

The core of the Bill is self-regulation. Only the General Medical Council has a universal power to restrict a doctor's practice, or bar him or her from practice altogether. No national health authority or trust could prevent a doctor from taking up employment elsewhere, either in the health service or privately.

The General Medical Council is a statutory body. It is independent of Government and receives no public funding. It is financed by a levy on registered doctors and, interestingly, is answerable to the Privy Council, not to the Secretary of State. As the Secretary of State told us, the GMC currently has two sets of disciplinary procedures. The first deals with conduct—doctors whose behaviour suggests that they may be unfit to practise. It can deal only with single acts of serious professional misconduct, which was the point made in the intervention by my hon. Friend the Member for Newcastle, upon Tyne, Central (Mr. Cousins). The second set of disciplinary procedures deals with doctors whose health may affect their fitness to practise.

To date, unless it has been found that a doctor's fitness to practise has been seriously impaired by ill-health, or unless a doctor has been found guilty of serious professional misconduct or convicted of a criminal offence, the GMC has no power to act against an individual practitioner. That is a substantial cause of public disquiet. The profession's failure to regulate itself because it does not have the powers to do so is unfair on complainants and, of course, on those charged with the supervision of the profession.

In 1993-94, the General Medical Council received 1,626 complaints. Of those, only 195 made it beyond the preliminary screeners and only 83 cases were referred to the professional conduct committee for investigation. Clearly, that is unsatisfactory and it is right that we should consider remedial legislation.

The reason for not proceeding with complaints is often that the General Medical Council's powers are too restricted. That is the issue with which the Bill seeks to deal. The Bill will add a third set of procedures, which will provide powers to discipline doctors whose general performance over a period of time is revealed as seriously flawed. The Bill will allow the GMC to exercise discipline

"in those situations where a doctor's pattern of professional performance appears to be 'seriously deficient'—in other words, so blatantly poor that patents are potentially at risk".

Before dealing with some of the issues of detail, which we shall explore in Committee if we cannot get a response from the Minister tonight, may I raise a procedural point? The Order Paper contains a proposition to refer the Bill to a Special Standing Committee and I understand that the question can be put forthwith at the end of the debate. The idea is that, instead of the normal adversarial way of proceeding in Committee, where one side puts its inquiries and it is hoped that the Minister or Secretary of State, if she is to serve on the Committee—it would be nice to see her do so—answers the questions. The alternative procedure is to sit in a forum where specialist witnesses—presumably from the General Medical Council, the British Medical Association and patient groups—can give their informed opinions to the Committee, which, having heard their advice, can then make decisions on the issues.

In principle, that procedure has much to recommend it. When I was a member of the Labour party's Treasury team, I argued that the Finance Bill could be better dealt with if some of the specialist issues were taken in such a forum rather than in Standing Committee. I do not know the Government's attitude to the procedure, but if they decide to adopt it for a Bill that is, in principle, not contentious, in a spirit of consensus and co-operation the Opposition will co-operate fully with it. I hope that, in so saying, I put a persuasive argument to the Minister of State who, I suspect, will take the Bill through its Committee stage.

We shall want to explore issues such as the Bill's structure. It has been argued that it might have been better to adopt a structure that was, essentially, put forward in the Bill introduced by my hon. Friends in 1993, which would have modified the rules for serious professional misconduct in such a way that serious under-performance would be deemed to be serious professional misconduct, rather than to introduce a third new procedure. Although there are arguments on both sides, I prefer to explore the rights and wrongs of the two different ways of proceeding with professionals than to argue it out with Ministers in an adversarial setting in Committee. The Minister will, no doubt, argue that what has been done in the Bill is right and could not possibly be done in any other way. I am not sure that that is true and I should like to listen to professional specialist opinion.

I should also like to explore with the Minister whether it is realistic to think that a doctor whose performance has been so persistently bad that he is putting patients at risk could ever be reformed by retraining. The Bill puts a great deal of emphasis on training and retraining, but there will come a time when no amount of retraining will achieve the required result and, sooner or later, someone will have to say that. I want assurance that the procedures will do so.

The assessment referral panel—the body that can require doctors to undergo assessment—will meet in private. The Secretary of State said that there were good reasons for that, and I understand them. However, it is an important principle that justice, as well as being done, must be seen to be done. Complainants will have no right to ask for a public hearing and I should like to test the arguments on whether that should be so. Obviously, I understand what the Secretary of State said, but countervailing arguments deserve to be explored.

*[Mr. Brown]*

The Secretary of State rightly paid tribute to the three Members of the House who serve on the GMC as lay members. I suspect that it is not widely known that serving in that capacity involves all three of them in a lot of hard work. Their contribution to public service should be commended and I endorse what the Secretary of State said.

The Bill will require an increasing lay involvement in the General Medical Council's affairs. The Patients Association, among other organisations, has properly expressed concerns about the training of lay members of the GMC assessment panels. It is important that lay members are properly trained and have experience in handling patients' complaints. The history of the involvement of the laity under the Conservative party's management of the national health service has not been untainted or unencumbered with criticism. I hope that we can achieve a laity for this function which is absolutely beyond criticism or the suggestion of being tainted with party-political partisanship. That could not be said about the laity in the rest of the national health service.

The Committee will want to explore with the Minister its concerns about the tremendous power of the initial GMC screener to sideline serious complaints, or at least to assess their importance. The screener will have an important role in either accelerating complaints through the complaints procedure or delaying consideration of them. Justice delayed is justice denied, which is precisely the issue that we are trying to remedy. So some attention to the role of the screener acting on behalf of the GMC is important.

The Secretary of State said that the Bill allows voluntary removal from the register. I wonder whether that will allow errant doctors to remove themselves from the register rather than face up to the charges brought against them. If they behave in such a way, will they then be able to request reinstatement later? I should like to explore further with the Minister precisely how voluntary removal will interact with the other proposed procedures.

The Patients Association is not alone in suggesting that a system of regular compulsory reaccreditation should be introduced as an effective means of weeding out incompetent doctors. I shall not give a view on that proposition now, but that idea is worth exploring, alongside the other provisions in the Bill. Whichever arrangements we adopt for the Committee, I hope that we will be able to do just that.

The BMA has expressed concern that, under the new system, general practitioners will have to pay for their own retraining. The Opposition want to explore the cost implications of that with the Minister. I believe that a possible inequity could be created if GPs have to pay for their own retraining while doctors who are employed by hospital trusts, or junior doctors employed by the regional department of the Department of Health—if I understand the Health Authorities Bill aright—will have their retraining paid for them.

**Mr. Gareth Wardell:** I am concerned about equivalence. To what extent does my hon. Friend agree or disagree that doctors are being considered differently in terms of their performance in comparison with the way in which other professional bodies consider the performance of their members? Does my hon. Friend agree that the Bill could be judged overgenerous and to be bending over backwards to the medical profession, given the extent to which the GMC may go to protect doctors from removal from the register? That is at odds with the way in which the performance of teachers, lawyers, accountants and other professionals is dealt with. Is my hon. Friend happy that a even hand has been dealt across the professions?

**Mr. Brown:** My hon. Friend, who speaks from experience as he serves on the GMC, makes an important point. I am absolutely certain that the principle underpinning the Bill is right. We are introducing a new procedure, so only time will tell how it works in practice. I would not want to do the Bill an injustice before giving the provisions contained in it a chance to operate. I accept, however, that the Bill creates an anomaly, given the way in which one professional group is treated as opposed to another.

**The Minister for Health (Mr. Gerald Malone):** In response to the hon. Member for Gower (Mr. Wardell), as I understand it from the GMC, it is not the purpose of the legislation to seek to remove doctors from the register. That is the sanction of final resort. I am sure that the hon. Gentleman is aware that the purpose of the Bill is to provide proper opportunities for retraining so that matters can be put right and people can be put back on the proper professional course. I am not certain whether one can make an analogy across the professions. I know from my own profession—at least when I practised it 10 years ago—that there was a continuing system of post-qualifying education. That example may serve as an analogy, but it need not be the case that the professions are on all fours with each other.

**Mr. Brown:** The Minister seems to have taken the point made by my hon. Friend the Member for Gower (Mr. Wardell) and put it back to him. I shall say something later about the anomalies that the Bill is creating between different professions inside the health service. It should be possible to obtain a commitment in principle from the Government at least about the professions inside the NHS.

**Mr. Gunnell:** The argument put by my hon. Friend the Member for Gower (Mr. Wardell), who serves on the GMC, is strengthened by our call for a general social services council and a general teaching council, which would run on the same lines as the GMC. We believe that the GMC functions well and that it would be to the benefit of other professions and the public if similar arrangements applied to teaching and social work.

**Mr. Brown:** My hon. Friend is undoubtedly right. The Bill is underpinned by the concept of professional self-regulation. The Bill places emphasis on retraining rather than immediate disciplinary sanctions. The Secretary of State and I have expressed some concern, however, about whether the emphasis on retraining, further retraining and yet more retraining might not be overgenerous to the medical profession. It would be better to wait to see how the Bill works in practice rather than fail to give it the fair wind it was promised in the Queen's Speech.

The Minister spoke about the internal arrangements governing his own profession. As I understand it, an allowance is paid for the postgraduate education of GPs. They receive £2,000 a year for undertaking 30 hours or

more of approved study a year. Some concern has been expressed about how that system operates in practice, and whether there are any sanctions against doctors who do not undertake that 30 hours of study. I should like to explore that in Committee, because I do not expect the Minister to offer an opinion on that on Second Reading.

The United Kingdom Central Council for Nursing, Midwifery and Health Visiting investigates cases of misconduct. The GMC, however, only investigates cases of serious professional misconduct. The Bill will allow it to consider cases of seriously poor performance. The nurses' professional body will, therefore, still have a wider remit than the GMC. As my hon. Friend the Member for Gower has said, the Bill creates an anomaly between the powers of the GMC and the powers of other health care professional registration bodies.

The GMC currently investigates cases according to the key test of serious professional misconduct—to be amended by the Bill—as do the General Optical Council and the General Dental Council. The nurses council investigates cases of misconduct, so it obviously adopts a wider criterion than that adopted by the GMC. The Council for Professions Supplementary to Medicine investigates cases according to its test of infamous conduct in a professional respect. I suspect that it is difficult to prove that and that that test is overdue for review. The osteopathic and chiropractic organisations investigate cases of unacceptable professional conduct. I understand that the Royal Pharmaceutical Society investigates cases of misconduct, but I may be wrong about that. I am, however, fairly certain about the other bodies that I have mentioned.

The practice adopted by the respective councils is anomalous, so when the Minister replies to the debate perhaps he can tell us whether it is the Government's intention to introduce legislation so that the procedures governing other health care professional registration bodies are brought into line with those now proposed for the GMC. It seems anomalous that one professional body should decide to launch an investigation according to one test, while other professional bodies that deal with related health care functions act according to a more serious test. I am sure that the Minister has given that matter extensive consideration, or at least someone has, and that the hon. Gentleman will have a response ready for the end of the debate.

Perhaps it is right to give the last word to the chairman of the BMA; after all, he represents health care professionals. In September 1993 he said:

"We need to retain the full confidence and trust of our patients. But we must remember that the Government can play a significant part in all this by reducing stress, raising morale, instilling realistic patient expectations, listening to the profession's concerns about the reforms and ensuring a consensus approach to the problems facing us."

I endorse every word of that.

It is ironic that on a day when the BMA, representing junior doctors, wins a case in the courts concerning the stress connected with junior doctors' hours of work, we are considering legislation on professional standards. It does not sit easily for the House to expect doctors, especially junior doctors, to work very long hours and still, at the end of those long hours, perform to the highest professional standards. The fact that on the whole they do so is a great credit to the profession.

The ethical base of the national health service is its foundation and its enduring strength. It is its ethical base that has enabled it at least to come through, if not wholly to survive, the Government's health reform agenda. I support the Bill, but perhaps not quite in the same spirit as the Secretary of State.

5.11 pm

**Dame Jill Knight** (Birmingham, Edgbaston): I have read the Bill, and the papers pertaining to it, with great care, and I have several questions in my mind about the effects of the legislation. We all rely on the excellent service that we receive from the research department of the Library, and I turned with great interest to the research paper on the Bill that that Department produced.

On page 4 of the paper I saw encapsulated the reason for the Bill:

"To date, unless it has been found that a doctor's fitness to practise has been seriously impaired by ill health, or unless a doctor has been found guilty of serious professional misconduct or convicted of a criminal offence, then the General Medical Council has no power to act against an individual practitioner. In particular, the GMC is not at present able to act either where a doctor's professional competence in general is shown to be inadequate, but no single act has been committed which could constitute 'serious professional misconduct', or where a single act has indeed been committed, but is not judged to constitute 'serious professional misconduct'".

"So," thought I, "that is what the Bill is about, is it? I see. That is very interesting." I agreed that there was clearly a need for the Bill. However, when I turned to the Bill itself, twice in the first two paragraphs of the explanatory and financial memorandum I saw the phrase "seriously deficient". So the measure refers not to a slight problem but to practice that is seriously deficient.

As every Member of the House with any experience knows, the nub of a Bill is always in clause 1—and in the first few lines of clause 1 the term "seriously deficient" appears again. So I come to my first question: how is it to be decided whether a performance is "seriously deficient", and is not such practice covered to some extent by the GMC already? If so, does the Bill not seek to do something that will not happen?

The hon. Member for Newham, South (Mr. Spearing) deserves great credit for consistency, in that he has worried about the problem for a long time and has introduced no fewer than six private Members' Bills on the subject. The hon. Gentleman has highlighted one instance that made him anxious—the case of a child in his constituency who had died of meningitis after his GP could not be bothered to examine him. Apparently the GMC found the facts to be proven but, amazingly to me, it felt that the charges did not amount to serious professional misconduct. If that is not serious professional misconduct, it is difficult to think what would be.

There is clearly a case to be made that we should go wider than the present powers of the GMC. No doubt we shall hear later the views of my hon. Friend the Member for Chislehurst (Mr. Sims) and of the hon. Member for Gower (Mr. Wardell); they are both members of that body. But there is certainly a case that we should go further than the GMC can go at present.

However, I am worried because the Bill confines its attention to "seriously deficient" performance, and we still have to ask whether it is considered seriously deficient if

*[Dame Jill Knight]*

a doctor feels too busy and cannot be bothered to examine a patient, who subsequently dies. My first question is: on what ground do we decide what is seriously deficient?

Would the doctor's behaviour have to result in death? Bearing in mind the case that I have described, perhaps that criterion would not be enough. Or, as some of the community health councils would have it, are there many lesser evils being perpetrated by doctors that should be dealt with at once? Not long ago, a questionnaire was sent to patients of a practice asking whether the magazines in the waiting room were up to date or whether they were dog-eared and had been used too much, and also whether the car park was sufficient for all the patients. I would not call failings in that respect seriously deficient, and I am sure that they are not what the Bill is intended to address. One sometimes needs to watch what the community health councils get up to with the money that they are allocated.

I wonder whether language inability would count as seriously deficient. A great many doctors have come to us from other countries, and there is no doubt that they serve the health service well. But patients often need to describe their condition using nuances of language that a doctor insufficiently competent in the English language cannot comprehend. Will that come under the same heading?

Page 7 of the Library research document tells us that the procedures

"will not be confrontational like the conduct procedures, but will rather resemble the health procedures, in which only cases where a doctor has refused help actually go before the formal Committee."

I should like to know what that means, and how cases will come before the committee.

We have heard a lot about retraining, and I understand that to mean retraining for doctors who are providing a seriously deficient service. But I am not sure whether retraining will help in the cases that some of us have in mind. Suppose, for instance, that a doctor were, as we describe it in the House, "tired and emotional". Suppose that he did not treat his patient properly because of his weariness and his emotional state—helped, perhaps, by gazing upon the wine when it was a little too red. How could one retrain someone in a case such as that?

**Mr. Sam Galbraith** (Strathkelvin and Bearsden): It might help the hon. Lady if I said that perhaps such a case would be referred to the health committee, not the professional competence committee.

**Dame Jill Knight:** I am grateful to the hon. Gentleman, who knows, as a medical man, some of the problems that confront us here. However, I am trying to find out precisely what the Bill will do, precisely which cases it will affect and the precise way in which those cases will be handled.

When I first read the Bill, I wondered—and I hope that I may be right about this—whether, if the object of the Bill was achieved, it would avoid, or at least lessen, the ruinous and expensive business of litigation involving doctors. That is growing, without any doubt, and the implications are extremely serious. One has only to consider the United States to be aware of how very damaging it is for members of the medical profession. It is damaging because of the huge costs of medical insurance. I understand from friends of mine in the medical profession that that is now beginning in earnest in Britain. Let no one here suppose that I am over-emphasising that.

I am assured that American doctors must set aside an enormous sum in insurance payments to indemnify themselves, and things are already moving in that direction in Britain. Slick lawyers in America actually follow ambulances, or comb the sensational press for horror stories of patients, who may perhaps be used to start litigation.

In addition to cost, there is an extra burden of worry for the doctor when the threat of litigation hangs over him. Does the call in the middle of the night really involve a serious condition? Mrs. Jones has phoned for no real reason on numerous occasions. Will she sue me if I do not get up, get dressed and go and see her now? How am I to know how bad her condition is?

It is in the interests of good doctors, who make up the overwhelming majority of the profession, that machinery should be in place whereby the tiny minority of bad doctors may be brought to book for wider reasons than those that are available at present. After all, doctors have an immense power over people's lives, and we should not forget that. We should recognise that what they say to their patients and the way in which they treat their patients can have a wide effect on patients' lives.

Subsection (9) of clause 1 states:

"While a person's registration in the register is suspended by virtue of this section he shall be treated as not being registered in the register notwithstanding that his name still appears in it."

I read that two or three times, with increasing puzzlement. The name will not be removed from the register, but one will have to pretend that it is not there. How will people know that it is invisible when it is visible? That is a trick that I have not yet managed to solve.

I realise that it might be jolly expensive to remove names and replace them after a time, but surely we could have little stickers or something. Let us suppose that a doctor has been removed from the register technically, but not actually, and that he goes away and applies for a job as a locum, hundreds of miles away. When the doctors who are considering employing him consult the register and find that his name appears on it, how will they know that he is not really there, if he does not tell them?

I do not understand how that will work.

**Mr. Gareth Wardell:** I believe that the hon. Lady and I share anxieties regarding clause 1(9), because it is strange that it says:

"While a person's registration in the register is suspended by virtue of this section he shall be treated as not being registered in the register notwithstanding that his name still appears in it."

As the hon. Lady rightly says, unless some sign is given that will be understood by anyone who has access to the register, it may be difficult to know the status of that doctor.

**Mr. Galbraith** *rose—*

**Dame Jill Knight:** Does the hon. Gentleman wish to intervene?

**Mr. Galbraith:** I understand that, when one seeks a job, one must oneself provide evidence of one's registration. It is not checked up on. That would not be

provided to one by the General Medical Council if one was not registered, even though one's name was on the register.

**Dame Jill Knight:** That may be the case. Nevertheless, I do not quite understand how it would work in the case of a doctor who wanted temporary employment while perhaps he was debarred from practice in his own part of the country. I am still by no means sure that that subsection quite makes sense. I want to know a little more about the way in which it will work.

I also want to know whether the patient would make the complaint. If not, who would it be? That does not appear to be mentioned. If the doctor were on a practice list, would he be barred from practising or would he receive retraining only? I am not sure about that. How long would he or she have to wait for a verdict?

I confess, I would much prefer that something were done in the Bill to speed up what I consider to be a terrible way of conducting a specific part of the disciplinary procedure, when a surgeon or doctor is accused of a serious offence. No fewer than three such cases have been brought to my knowledge, one by a constituent. He was an anaesthetist who was accused of misconduct during an operation, and he waited for three solid years for the verdict to be reached. All that time, he was paid his full salary and stayed at home, doing absolutely nothing.

I am worried about that. I have mentioned the subject in the House previously, and I regard it as a matter of immense concern, not least because of the money wasted to the health service by that type of thing.

It is also devastating for the accused person, such as the constituent whom I mentioned. Granted, he received his full pay—which he did not want to take because he said, "I am not earning this." However, the matter worried his wife so much that she subsequently became ill and died. In the end, he was found not guilty. How in heaven's name can we deny quick justice and a quick verdict in cases such as that?

I know that it must be a difficult matter for my right hon. Friend the Secretary of State, but because of the waste of money as well as the waste of a man's work and the effect on that man and his family, I should dearly have liked to read in the Bill about a speed-up of the means by which a verdict could be reached in cases of that nature.

The aim of the Bill is excellent. I understand exactly why it came into being. I am sure that it is meant to be, and will be when it has been through Committee, one more improving step for the health service.

Since I have been in the House—in fairly recent years—the patients charter has come into force. In my region, there has been an incredible reduction in waiting lists, which has served my constituents and the people of my area brilliantly. The health service that we see around us has never been so good and has never treated so many people so well, with so many complicated operations, treatments and drugs. We should be thankful for that.

However, I know that my right hon. Friend's constant anxiety is to improve, improve, improve, all the time. That is the intention behind the Bill. I know that my right hon. Friend will not mind that I asked her questions which I feel must be answered if the Bill is to achieve its aim.

5.29 pm

**Mr. Jim Cousins** (Newcastle upon Tyne, Central): It was that wise old Scot, Adam Smith, who said that when two or three were gathered together a conspiracy was waiting to happen. I take a more pessimistic view of the Bill and of the idea of self-regulation than my hon. Friend the Member for Newcastle upon Tyne, East (Mr. Brown). Self-regulation is nothing more than institutionalised conspiracy. That is not a specific point in relation to doctors, but a general point that we have to wrestle with in the Bill and elsewhere. Any system of rules must be capable of clear and robust implementation. The terms used to support the system of rules must be capable of being clearly understood, both by those who use the rules for their benefit and by those who apply the rules.

Rules cannot be adequately measured by the kilo or the cubic metre. The Bill lays down complex procedures. It provides a tangled framework which will create yet more conventions and practices, but it does not give us the clear definitions that the hon. Member for Birmingham, Edgbaston (Dame J. Knight) was rightly trying to establish. What is "serious"? The Bill takes us no further forward: it simply repeats the entirely inadequate terms of the existing structure of rules. It compounds the uncertainty by this time attaching the word "serious", not to misconduct, but to deficient performance. That will confuse the issue still further.

There is no focus behind the system of rules because there is no clarity on the definition of "serious". What is a serious failure of professional performance? The Bill simply does not tell us. It uses the phrase and introduces the concept into our procedures, but it provides no clarity about what it means. In that respect, it is a classic product of self-regulation. Self-regulation will always seek to multiply and mystify. When we add to the idea of serious professional misconduct the concept of a seriously deficient performance, the result is precisely that multiplication and mystification.

The Bill does not offer openness: it offers the promise of openness, which is entirely different. The seven potential stages of inquiry, assessment and counselling before the professional performance committee even meets provide further grounds for multiplication, mystification and uncertainty for everyone involved. That provides the maximum opportunity for old-boy networks—or, indeed, old-girl networks—to come into force.

Lest anyone should think that I am being unduly pessimistic, I shall quote at length—because it is powerful stuff—an article in the *British Medical Journal* which was written by the chief executive of the Northern and Yorkshire regional health authority. Professor Liam Donaldson, who is a distinguished doctor—

**Mr. Malone:** Before the hon. Gentleman moves on to the article, I cannot let pass without comment the assertion that phrases such as "serious deficiency" show that there is a conspiracy. Which tests in any legislation governing the law of England, Scotland or Wales are not capable of a number of interpretations? The hon. Gentleman suggests that such standards are unusual, but I suggest that they are not. There is nothing unusual in including such a test, which has to be subject to interpretation, in a Bill of this kind.

**Mr. Cousins:** The Minister makes a proper and fair point. To guide us as to what constitutes serious

*[Mr. Cousins]*

professional misconduct under the existing disciplinary procedures, the General Medical Council's blue book advances several different tests. Some of them, such as not advertising doctors' services, are happily practical. That is the sort of wonderfully practical and specific measure that one always finds in such cases. The 39 articles of the Church of England contain the marvellous phrase, "Cursed be he who moves his neighbour's landmark." Among the greatest mystifications, practical matters can intervene. But the main test in the blue book is as follows:

"Neglect or disregard by doctors of their professional responsibilities to patients for their care and treatment".

I invite the Minister to consider how that can be clearly distinguished as a test from any definition which could be given of seriously deficient professional performance. There is a problem.

Let us return to the thoughts of Professor Donaldson. I shall quote from his article extensively because it is so illuminating. One section of the article is called, "Closing Ranks". It states:

"Among managers I found general resentment arising from the perception that doctors are so heavily protected and that they seem to be privileged compared with other groups of staff . . . doctors' colleagues were often willing to report concerns confidentially and informally"

but

"they were extremely reluctant to go on the record. Some considered that this would amount to disloyalty"

and others feared legal action. He continues:

"The most difficult and time consuming cases to resolve were those in which a doctor's attitude and behaviour were disruptive or highly unreasonable. So serious did this become in some of the cases I describe that clinical departments were almost brought to a standstill. The resulting poor communication, the absence of teamwork, the atmosphere of hostility, and the poor morale could not, in my view, have been other than detrimental to patient care."

Those are the words of a regional chief executive, who has used the procedures available to him and been entirely unable to resolve those problems.

Professor Donaldson continues:

"Judgments about poor attitude and unreasonable behaviour are difficult to convert into evidence which could sustain an action for professional misconduct or incompetence."

He continues in a way that is relevant to the procedures advanced in the Bill. He states:

"In several cases the problems remained and were little improved by the process of investigation and counselling."

That is the authoritative voice of a man who has sought to examine many cases in which precisely the issues to be covered by the Bill would have been involved.

Professor Donaldson concludes:

"My experience of dealing with problem doctors"—

that is the regional chief executive's phrase, not mine—

"over many years leads me to reflect that it is difficult, distasteful, time consuming, and acrimonious work. For these reasons the temptation to avert one's gaze from these problems is at times very great. Add to this the nature of the present NHS disciplinary procedures and I have no doubt that many employers do look away when they should not."

He goes on to throw some doubt on whether the terms of the Bill will be adequate to deal with the problems that he recognises. His summary is that the procedures within the NHS are inadequate to deal with serious professional problems of that kind.

I do not want to take up the time of the House unduly, but in order to throw some light on the matter and to see, not how the rules can be laid down, but how they can be policed, I wish to share with the House one of my own experiences. I tried to discover whether a particular surgical procedure used in relation to an unpleasant sort of cancer affecting women could be carried out without the benefit of histological confirmation by biopsy. The treatment involves radical surgery and its effects are mutilating.

In my attempts to investigate the matter, it took me six months to extract a letter from the Royal College of Obstetricians and Gynaecologists. The letter states:

"All clearly state that"—

the particular sort of cancer which I do not want to name—

"should be confirmed by biopsy prior to surgical treatment. Whilst the College Council have not discussed this topic, on a personal basis I would not do"—

the procedure—

"without histological confirmation of the cancer."

However, such treatment could possibly be given because the royal college has no policing mechanisms in place.

I put the same point to the Royal College of Surgeons. Sir Norman Browse, the president of the Royal College of Surgeons, replied:

"The view of this College and of myself personally is that no treatment should be offered a patient—especially any form of mutilating surgery—without full knowledge of the diagnosis. This implies that histological diagnosis should be obtained in all cases, whenever possible, before proceeding to surgery. I do not think there are any surgeons in the UK who would perform"—

the procedure is then named—

"without histological confirmation of the diagnosis."

Again, there is no acceptance of responsibility for policing.

I then contacted the General Medical Council to discover whether, within the terms of its disciplinary procedures, it is responsible for policing. It replied that it did not fall

"to the GMC to advise doctors on matters of clinical practice in specific situations. This is a function of the Royal Colleges".

But the royal colleges themselves say that they are not prepared to exercise that policing function.

It is a grim and sorry state of affairs when we cannot establish whether such radical, potentially mutilating surgery can be carried out on women only when confirmed by biopsy or achieve a situation in which such a procedure can be established. That must rank—potentially, if it were proved—as a matter of serious concern.

Indeed, the matter raises serious issues of patients' rights in terms of informed consent because the NHS management executive's rules, which I wholly support and endorse, indicate that patients should have such rights. Unfortunately, the responsibility for informing patients of the procedures to be carried out on them lies with the doctors and surgeons themselves. We are going around in circles because there is no procedure in the NHS which can fulfil that requirement.

I understand that a case involving precisely that issue has been laid before the GMC, and there it has remained for many months. I accept that that is not the Minister's responsibility, but it is an important test of the concepts of serious misconduct and serious deficiencies in

professional performance. If we are to discover what "serious" really means, issues such as the one that I have raised should themselves be taken seriously.

I hope that the Bill will advance a new channel for clarifying those issues and I look forward to the proceedings of the Committee.

**Mr. Malone:** Before the hon. Gentleman finishes, I should make it clear that the GMC has made it public that it will look at the definition of "serious" and will set that matter out in clearer guidance.

The hon. Gentleman is making a bit much of the suggestion that we are engaged in some sort of conspiracy. When three are gathered together, it might be a conspiracy. Is the hon. Gentleman suggesting that the GMC is some sort of conspiracy? When 102 are gathered together and 54 of them are doctors appointed by the royal college and 13 are lay people nominated by the Privy Council, I suggest that that would be quite a conspiracy. I do not think that the hon. Gentleman's theory holds.

**Mr. Cousins:** I am grateful to the Minister, but I remind him of the news bulletins this morning. Adam Smith was probably rather cynical and pessimistic. Two or three might be thought to be a pessimistic view of a conspiracy, but seven or nine is clearly sufficient.

These are matters which cannot be overlooked. If the Minister is right that the bedrock concept behind the existing procedures and the new ones advanced in the Bill is the concept of "serious", a definition should be available to the House now and should form and guide part of the discussions on the Bill itself. The same request has been made by the hon. Member for Edgbaston and it goes to the heart of the matter.

I do not say that hon. Members are involved in a conspiracy, although presumably in other parts of our lives we can be, but unless the concept of "serious" is clarified for the Bill and for the existing concept of serious professional misconduct, we are no further forward in establishing the clarity, robustness and openness necessary to enable people to be clear about their rights, responsibilities and duties and for those rights, responsibilities and duties to be properly policed and enforced.

5.45 pm

**Mr. Roger Sims** (Chislehurst): I listened with interest to the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) who raised a number of points with which I have some sympathy. Indeed, in the past year, I have had some correspondence and discussions on minimal invasive surgery and the relationship between the General Medical Council and the royal colleges, but I am not sure how far those issues impinge on this relatively narrow Bill. No doubt we will have the opportunity to explore them on another occasion.

Before I go any further, I should declare an interest as a member of the General Medical Council. I thank my right hon. Friend the Secretary of State for her kind remarks earlier in the debate, but I must also declare an interest in the conventional House of Commons sense in that, as is recorded in the Register of Members' Interests, I receive an honorarium from the GMC in recognition of my work as a lay screener, to which I shall refer later.

I suspect that most of our constituents are pretty hazy as to exactly what the GMC is, what it does and what the difference is between the GMC and the British Medical Association. As recently as last Thursday in the privileges debate, a distinguished and senior hon. Member, while floating the idea of professional self-regulation among Members of Parliament, twice referred to the BMA and its control over doctors.

Of course, the BMA is a trade union of professional people, which doctors are free to join or not as they wish. It is not comparable with the GMC, which was, as we have heard, set up by statute. If I may just correct the figures that my hon. Friend the Minister for Health inadvertently gave a few moments ago, I think that I am correct in saying that, of its 102 members, 54 are elected by their fellow doctors, 35 are appointed by the royal colleges and universities and there are 13 nominated lay members.

As we have heard, there are proposals in the pipeline to increase the lay membership. Those lay members include the hon. and learned Member for Montgomery (Mr. Carlile), who was appointed with me to the GMC in 1989. I know that he would have wished to be here today if other commitments had not precluded that. At that time, no Labour Member was appointed, but we were pleased to be joined last autumn by the hon. Member for Gower (Mr. Wardell) who has already intervened in our debate.

The key to understanding the role of the GMC is that the person who in other organisations might be described as general secretary or chief executive bears the title of registrar, for the very good reason that he is responsible for the register. It is he who keeps it, and no doctor can practise unless his name appears on that register.

The General Medical Council lays down the curriculum for medical training and monitors the work of medical schools. It satisfies itself as to the quality of medical education and it accepts on its register only men and women with the appropriate qualifications. It also has other duties. It recognises—or refuses to recognise—medical training in some places overseas and decides whether doctors trained overseas can practise in Britain with or without conditions. Those are matters outside the Bill, but I can assure my hon. Friend the Member for Birmingham, Edgbaston (Dame J. Knight) that a test known as the PLAB—Professional and Linguistic Assessment Board—test would normally ensure that doctors from overseas have a reasonable command of the English language.

The GMC not only decides the established standards that doctors must reach before practising but is responsible for maintaining those standards. It has to deal with doctors who are brought to the council's attention because it appears that they may have fallen below the standards required.

Cases normally reach the GMC through three routes. First, if a doctor is convicted before the courts, it is virtually automatic that the GMC will be notified, regardless of whether the charge is a fairly simple one of being drunk and disorderly, whether it is shoplifting or a murder. The second route is through the findings of local medical services committees. A doctor who is found not to have kept to the terms of his contract will be reported to the GMC.

It is important to understand the distinction between the relationship between a doctor and his local employing hospital or health authority and the relationship between a doctor and the General Medical Council. A doctor may have been found to have broken the terms of his contract and he will have been dealt with by a local medical

*[Mr. Roger Sims]*

services committee. Ultimately, when the decision has been confirmed by the Secretary of State, that doctor may suffer a withholding of his salary—in effect, a fine—but the circumstances in which he has broken his contract may or may not be relevant to his registration with the General Medical Council.

**Dame Jill Knight:** I am most grateful to my hon. Friend, because we have a unique opportunity to acquire a great deal of information that is not always easily available to us. My hon. Friend referred to language. He may not be aware that there are quite a lot of complaints about difficulties with language. From what I have just heard, if a patient feels that a doctor has not understood him correctly, that patient cannot complain to the GMC because it has already been decided that the doctor can speak perfectly adequate English.

**Mr. Sims:** The patient could go to the local family health services authority and say he or she is not happy with the doctor and wishes to change to a doctor with whom he or she would feel more comfortable. That would be the solution in that particular case.

I said that there were three ways in which cases could come to the GMC—through a conviction, through the findings of a local medical services committee and through straightforward complaints from the public, from patients or their relatives. Virtually all the conviction cases and medical service committee cases and many of the complaints from the public are passed on for consideration to the preliminary proceedings committee—a committee of the council consisting of nine medical members and two lay members, of whom I am one. One of the two lay members must be present for any matters or cases to be considered.

We examine a range of cases, including those that involve sex and, therefore, hit the headlines, but they are a minority. An enormous range of cases comes before us. They include irresponsible prescribing, abuse of drugs, breach of confidence, inappropriate treatment and falsifying the outcome of clinical trials. It is a long list. Each case is considered most carefully by the preliminary proceedings committee. If hon. Members sometimes see me during a late sitting in the Library with a large pile of paperwork, they will know that a PPC is pending. I can assure hon. Members that great consideration is given to each case.

When we consider a case, we can decide that it calls for no action at all. If the matter that has been raised is admitted by the doctor, we can decide that a warning or a cautionary letter in appropriate terms is appropriate, but if there is a prima facie case of serious misconduct, it is passed to the professional conduct committee, a body whose proceedings, though of a civil nature, are very much akin to the criminal courts, with similar standards of proof required.

Anyone appearing before that committee has been charged with serious professional misconduct. There have been several queries as to what exactly that means and attempts to define it. Quite a useful definition is conduct of such a nature as to call into question whether that doctor should be allowed to continue to practise without restriction. The professional conduct committee considers all the evidence and the parties involved appear before it and are examined or cross-examined. The process is similar to court procedures. The committee can decide to dismiss the case, that the doctor should be admonished or that the doctor should continue to practise subject to certain conditions. It can suspend the doctor for a specified period or it can erase his name from the register altogether so that he may no longer practise.

When the preliminary proceedings committee is examining a case, it may consider that the account it has had of the events that led to that consideration brings into question the doctor's health. The doctor will then be subject to the health procedures to which reference has been made. Under those procedures, the doctor will be invited to undergo examination by other doctors who may suggest a course of treatment or certain restrictions on how he practises, the work he does, and so on. Only if he refuses those conditions or proposals will he then be subject to disciplinary procedures.

Perhaps I could interpolate in my narrative of my work on the GMC a couple of comments. First, contrary to the general perception and the view expressed a few minutes ago, my experience is that almost without exception, doctors tend to be far harder on their own profession than I and my fellow lay members would be. Quite frequently, having examined a case, I have in mind a certain course of action and find that the doctors themselves want to take a stronger line; so it is certainly not a case of doctors protecting themselves.

Secondly, the House is often anxious to protect people against double jeopardy. It is a matter about which we are necessarily concerned. Hon. Members will realise from what I have said that doctors constantly face a double jeopardy situation. A doctor may have been convicted and sentenced by the courts or he may be brought before a medical committee which may then find that he has breached the terms of his contract and his salary is withheld. However, that is not the end of the matter for that doctor. His activities must then be considered by the General Medical Council and his livelihood could be at risk.

The weakness in the procedures which I have described, and of which I have been a part for the past five or six years, lies in the fact that, at the end of the day, the GMC can deal only with single incidents of serious professional misconduct. It is virtually powerless to deal with doctors who appear to be deficient in their knowledge of medicine or in their knowledge of the correct procedures for diagnosing and treating patients. The GMC cannot deal with doctors who show a lack of sensitivity or courtesy to their patients—that does not constitute serious professional misconduct.

The Bill proposes that, when such deficiencies are revealed, there should not be formal disciplinary procedures but that steps should be taken to help to rehabilitate doctors so that, in due course, they may resume full medical practice. To that extent, the procedures proposed are akin to the health procedures which I explained briefly.

The Bill's provisions will offer an opportunity for the doctor to consider and analyse his shortcomings and to discuss and agree with fellow professionals and a lay person a course of action that he could take to remedy those deficiencies. In most cases, he would wish to take such action in his own interests and those of his patients. The question of sanctions would arise only if the doctor concerned refused to take the steps proposed.

I have no doubt that those powers are needed. Cases have come before the preliminary proceedings committee that do not involve serious professional misconduct but suggest that the doctor is below standard. For example, in 1993 the GMC received information from a hospital expressing concern about Dr. N's level of clinical competence. The concerns were such that the hospital decided to dismiss the doctor in question, but, in the event, he tendered his resignation and sought employment elsewhere.

The GMC requested further information about the specific incidents that had caused doubts about the doctor's competence. Although the inquiries revealed a disturbing pattern of clinical deficiencies on the part of the doctor, no specific incident was considered to amount to serious professional misconduct. Similar inquiries were made about an earlier appointment held by the doctor and about the circumstances in which he had left that post. Here, too, there was evidence of a pattern of poor performance as well as evidence that the doctor lacked insight into his deficiencies. Again, however, there was no specific evidence of behaviour by the doctor which amounted to serious professional misconduct, so the GMC was unable to intervene.

In another case, the council received details in March 1993 of a medical service committee report involving Dr. S, who was a general practitioner. He had made a diagnosis over the telephone and he did not visit the patient at home. The patient's condition subsequently deteriorated and he was admitted to hospital where he underwent an operation for an ulcer. The medical services committee considered that the doctor had not placed himself in a position to diagnose the patient's condition properly and to treat him appropriately.

The case was then passed to the GMC because it raised questions as to whether the doctor had been guilty of serious professional misconduct. On the basis of the evidence before it—the GMC bases its decisions only on such evidence—it was decided that it would be sufficient to send the doctor a letter of warning and advice regarding the standard of medical care which patients are entitled to expect.

**Mr. Cousins:** The hon. Gentleman's example brings us to the heart of the matter: why was it not decided that serious professional misconduct had occurred in that instance? If the case was serious enough to warrant sending a warning letter, why was it not sufficiently serious to be regarded as professional misconduct?

**Mr. Sims:** I do not have all the details of the case before me, but I have explained that serious professional misconduct involves the question of whether a doctor should continue to practise. In that case it was felt that, although he had fallen short of the standards that could be reasonably expected, the question of suspending him or removing him from the register did not arise.

**Mr. Cousins:** I do not wish to pursue the hon. Gentleman on this point, and I am grateful to him for giving way a second time. Does he not see that that means that the evaluation of the case was determined not according to the nature of events but by the severity of the sanction? That is precisely the kind of institutionalised self-regulation that is so dangerous in such matters.

**Mr. Sims:** I do not accept that view. The case was considered carefully in the way that I have suggested and that was the decision reached in that case. But the narrative continues, because shortly after that incident there was another medical service inquiry about the doctor's surgery hours and his provision of services to patients. In that instance, it was found that he had not complied with his contractual responsibilities but that was not serious professional misconduct.

Shortly after that, the family health services authority wrote to the council expressing general concern about the standards of service provided by the doctor. It referred to the disorganised running of his practice and it mentioned his bad record keeping. The FHSA expressed particular concern about those matters because the doctor had persistently resisted the authority's attempts to improve his performance and to rectify his deficiencies.

The difficulty for the council is that its disciplinary procedures are designed to deal principally with specific allegations that a doctor has behaved towards patients in a manner that may amount to serious professional misconduct. Therefore, it was not able to pursue the case. I accept that, if it had taken a different course in the first instance, things may have been different. However, the doctor's pattern of performance certainly justified intervention by the GMC, but it did not have the power to do so.

**Mr. David Congdon** (Croydon, North-East): I think that I understand my hon. Friend's point about the new powers in the legislation and how they will enable the council to investigate a doctor's pattern of performance and behaviour. I wonder whether he can help me on another point. When a single act is committed which falls short of serious professional misconduct but which nevertheless deserves some form of sanction, will the new powers in the Bill enable it to be investigated?

**Mr. Sims:** I understand that they will not because the Bill is specifically intended to deal with cases where there has been a pattern of performance. That is the whole point of the legislation.

**Mr. Malone:** Let me clarify the matter. If one specific incident showed a deficiency—it would be unlikely to be isolated, as it is more likely to be part of a pattern—it would be possible in certain circumstances for it to come within the procedures that are proposed in the Bill.

**Mr. Sims:** I am obliged to my hon. Friend.

I shall quote one further case, as it is a graphic example. Two years ago, a surgeon in Yorkshire made errors in his surgical practice that were so extensive that the complaints about him were subject to inquiry by the regional health authority. In its report, that RHA categorised faults, and described a minor fault as being an error which

"although falling foul of the Bolam test is readily understandable, in the context of a busy surgical practice, and which is unlikely to be repeated."

It went on to describe an intermediate fault as being an error

"of serious proportions, which warrants disciplinary action, or appropriate retraining but which is not sufficient to call into question the fitness of the surgeon to continue in surgical practice, in that appropriate retraining is likely to eliminate the risk of repetition."

It referred to a major fault as being an error

"of such substantial proportions as to cast doubt upon the fitness of the surgeon to continue in surgical practice."

*[Mr. Sims]*

In that particular inquiry, the report found intermediate fault in the case of five patients and minor fault in four, but in none of the nine did it find major fault. The case was reported to the GMC, but it was unable to act because, in the light of that classification and the report following a detailed inquiry, there was no single incident of serious professional misconduct. Quite clearly, that surgeon should not have continued to operate. In fact, he retained his position after giving an undertaking to his employers to undergo retraining and to work for a time under supervision. But he could have chosen to leave and go elsewhere—if not practising in the NHS, then privately, without any hindrance whatever. The GMC would have been helpless. He seems to me to be a perfect candidate for the performance review procedures that we are discussing.

Not all the complaints that come to the GMC go before the preliminary proceedings committee. Indeed, if they did, we would be overwhelmed. There is, as we have heard, a screening procedure. A medical screener—one of the doctor members of the council—considers each complaint and whether action should be called for, or whether the complaint should go forward to the preliminary proceedings committee for consideration, or he can decide that it calls for no action. Until a few years ago, a letter in those terms was then sent out.

The president of the GMC, to whom my right hon. Friend the Secretary of State quite rightly paid tribute for the energetic and dedicated manner in which he has led the GMC for a number of years, felt that, if people were to receive a letter telling them that the GMC was taking no action over their complaint, that decision should be not only taken by a medical member but endorsed by a lay member. He asked me, therefore, whether I would accept the office of lay screener, with the task of looking at all the cases on which the council said that it was taking no action. That I did, and I looked at some 40 cases a month. Indeed, after a year or two, the president, realising the burden, appointed a second lay screener. Hon. Members who have noticed the size of their postbags in the past few years may not be surprised to hear that, although there are two of us, I still deal with some 40 cases a month.

Of course, some of the complaints are trivial and, inevitably, some of the letters are from people who—perhaps one could kindly refer to them as such—are eccentric. There are matters that the GMC cannot deal with. People write in to complain that their doctor has knocked them off the list. He is perfectly entitled to do that, just as—as I explained earlier to my hon. Friend the Member for Edgbaston—one can knock oneself off the doctor's list. People write in to complain that the man next door is throwing rubbish over the fence. They say, "He's a doctor. I want you to do something about it." I am afraid that that is outside the GMC's purview, as are arguments between patients and doctors about fees for private medicine.

But some of the cases that I have seen on which the GMC cannot act—I have to agree that it cannot act—leave me uneasy, and they are about doctors who are not up to the standard that patients should reasonably expect. Misdiagnosis is one area. It is easy to misdiagnose symptoms. Doctors are human. They can make mistakes. Medicine is not an exact science. Various symptoms can be interpreted in a number of different ways. Misdiagnosis is not serious professional misconduct. But if one finds several similar cases of misdiagnosis on the part of the same doctor, perhaps that suggests that he has fallen behind with keeping up to date with medical knowledge, and that the GMC should be able to act. I have to agree to a letter saying, "We are sorry, but the GMC cannot act."

I see complaints about a doctor's attitude. The classic one, sometimes quoted by the president of the GMC, is of the patient who walked into the doctor's surgery, to find him bending over his desk, writing, completely ignoring the patient. As she got nearer, she realised that he was writing out invitations to a drinks party, or whatever. After an interval, without looking up, he said, "Yes." That is not really quite the way in which one expects to be received by a doctor.

I recently saw a complaint from a 20-year-old girl who, with her mother, went to consult her doctor. He sent the mother out of the room, with no explanation, and asked the daughter to undress. He stood watching while she did so. His subsequent treatment of her, the way in which he sought to find out what was the matter, asked questions, touched her in various parts of her anatomy, was generally insensitive. Far from being reassured, that young lady left the surgery in distress. That is clearly not a case of serious professional misconduct. Restricting the way in which that doctor can practise may not be the answer. In fact he may be a rather good doctor, medically, but he needs to be pulled up about his attitude to patients.

We are talking about doctors who have fallen foul of the GMC. Let us be quite clear that most doctors, be they GPs or hospital doctors, are competent, conscientious and caring. But there are some who are simply incompetent. There is a particular problem with locums, who work for a short time, either in general practice or a hospital. Before very long, their shortcomings begin to come to light. By that time, nobody can do anything about it—the locum may be nearing the end of his stay, he may have already moved on or he may been rumbled and resigned. Neither the family health services authority nor the hospital, whichever employed the locum, can take any action because it is no longer that doctor's employer. Often, the hospital or doctor's practice is glad to see the back of that locum and so will do nothing about the problem. However, sometimes the GMC receives an account of the series of incidents that have caused concern about the locum. However, as no one incident could be described as serious professional misconduct, the GMC can do nothing.

I hope that I have clearly shown that in such cases the GMC should be able to act. It needs the powers in the Bill to do the job that Parliament and the nation expect it to do. I hope that the Bill will make rapid passage through both Houses.

Before I resume my seat, I want to refer to the motion on the Order Paper that the Bill be committed to a Special Standing Committee. I have always been an advocate of Special Standing Committees. Indeed, I have sat on one or two of the relatively few such Committees that there have been. I do not think that the procedure is used enough. Hon. Members will be aware that it is a cross between a Standing Committee and a Select Committee. As the hon. Member for Newcastle upon Tyne, East (Mr. Brown) said, it provides an opportunity for people affected by a Bill or with views on it to express those views directly to the Committee, without the need to find

a sympathetic Member of Parliament to do so on their behalf. It is also useful when there has been little opportunity for consultation before a Bill is published.

However, none of that applies in this case. The proposals were first published two years ago and very wide consultation has taken place. At the back of the original proposals are two pages listing all the organisations and individuals that have been consulted. The president of the GMC spent a great deal of time meeting a wide range of organisations and individuals, seeking views that he then took into account in the formulation of the Bill, which has wide support. Therefore, I have to say that whatever the merits of the Special Standing Committee procedure, it is not appropriate or necessary for this Bill. Indeed, it would simply delay our proceedings. I urge support of the Bill, but ask the House to reject the committal motion.

6.23 pm

**Mrs. Diana Maddock** (Christchurch): Few subjects are capable of stirring up such anger and emotion as complaints against doctors. Those whom we tend to regard as saintly while all is going well are too easily cast in the role of devil when treatment begins to go wrong. Of course, most doctors are well trained, careful and competent. To sustain that high standard can be very difficult, which is why we need a comprehensive and thorough system of complaint investigation—to ensure not only that those who fall below acceptable standards can be identified, but that they are brought to account, retrained where appropriate and disciplined where necessary.

The GMC is an historic body, but despite its long history it is often misunderstood. Examples of that have been cited this afternoon. It is not a trade union for doctors, although some of our correspondents seem to think that it is. It does not even deal with breaches of contract by doctors; that is the role of doctors' employers. Its statutory and historic role is to deal with the registration of doctors. That means that it has a duty to register doctors who have reached the requisite level of qualification. It also has the duty to affect a doctor's registration by attaching conditions to it or by the ultimate sanction of erasure from the register if the protection of the public so requires.

During recent years the GMC has changed a great deal. We have already heard that under the leadership of its current president, Sir Robert Kilpatrick, it has modernised itself and is moving towards simplification of some of its registration procedures. It is determined to increase the proportion of lay membership to ensure that the non-medic has a full role in its deliberations. I believe that the measures that we are discussing today would not be before us had it not been for the energetic efforts of many of those lay members, including the hon. Members for Chislehurst (Mr. Sims) and for Gower (Mr. Wardell) and my hon. and learned Friend the Member for Montgomery (Mr. Carlile). My hon. and learned Friend very much regrets that he is unavoidably unable to be present for today's debate. He strongly supports the Bill, as do I and my other colleagues. I believe that increasing lay membership is of great importance for the future credibility of the GMC.

Until now, apart from special procedures to deal with sick doctors, which have already been mentioned, the GMC has been able to affect the registration only of doctors found guilty of serious professional misconduct, something that we have discussed at length today. Despite the apparent relaxation of the standard of proof permitted by the Privy Council as a result of the McAllister case, the standard of proof remains high and the quality of misconduct amounting to "serious" is unsatisfactorily limited.

Many cases of sheer bad doctoring have slipped through the net. There is a clear need to provide a procedure to deal with the doctor who is sloppy, who is rude, who is persistently inefficient or who is the source of constant complaint from patients, without any particular incident that could be described as serious misconduct. Unfortunately, some doctors are an accident waiting to happen. The procedures introduced by the Bill will enable the GMC to deal with such circumstances. I believe that the intention is not to introduce a new punitive procedure; the emphasis will be on advice and retraining, although the ultimate sanction of erasure will be available for those whose deficiency of performance cannot, in the end, be remedied.

The cost of remedial training has been estimated at £530,000, according to the Bill's financial memorandum. That may be an underestimate, especially if the introduction of the new procedures brings forward a flurry of cases. I hope that the Minister will confirm that should the cost be greater, public interest demands that it should be met in full, save in so far as it is reasonable for the cost to be met by the doctor himself.

The Bill represents a step forward in the consumer's interests and I hope that the House will support it.

6.28 pm

**Mr. Anthony Coombs** (Wyre Forest): Like a number of hon. Members who have spoken, particularly the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins), I support the principle of the Bill, which can only be good for patients and for the reputation of doctors. At the same time, however, I have some reservations about how exactly it will work out in practice, and about whether the definitions of seriously deficient performance will allow the public's aroused expectation—I am sure that it will be aroused as a result of Bill—to be met in practice.

A danger exists in the Bill. The public will feel that, in relation to a range of performance, if they are not satisfied on a local basis, they will be able to report their doctors to the General Medical Council. When they find that it is not prepared to entertain such complaints, I am concerned that they will be disappointed and that, therefore, we will not have taken any steps forward in improving credibility in or the quality of the medical profession's care for patients.

In the medical service, not just in Britain, but in the rest of the western and industrialised world, the power of the consumer is far greater than it used to be, through both the patients charter and league performance tables, which have been suggested by hon. Members on both sides of the House at various times. The population's deference for doctors has fallen. Previously, doctor always used to be right; now doctor is someone whose judgment can often be questioned. Given that sociological or even emotional change in attitudes to the medical profession in the past few years, it is inevitable that people will demand not only higher standards from doctors, but more specific accountability from them.

*[Mr. Anthony Coombs]*

The hon. Member for Newcastle upon Tyne, Central quoted Adam Smith in putting forward his ideas about a committee.

**Mr. Cousins:** I thought that the hon. Gentleman would like that.

**Mr. Coombs:** Very good. I shall quote an article in *The Sunday Telegraph* which appeared at the end of last year by Dr. James Le Fanu. He quoted Robert Louis Stevenson talking about some of the virtues that people expected from doctors, apart from professional competence. They included generosity, discretion, tact, heraclean—whatever that is—cheerfulness and courage, which, the article states, brings

"air and cheer into the sick room and often enough, though not as often as he wishes, brings healing."

Dr. Le Fanu went on to talk about the seven sins of medicine as described by the late and distinguished Sir Richard Asher. They are obscurity, cruelty—both physical and mental—bad manners, over-specialisation, love of the rare, common stupidity and sloth.

I do not know whether many of those points would come within the definition of seriously deficient performance as set out in the Bill, but I am sure that a significant number of members of the public will expect that they will be able to report any of their doctors who do not exhibit those virtues and who consistently or otherwise exhibit some of the deadly sins to the GMC, and that, as a result of this new consumer-friendly Bill, which we all so avidly welcome today, those doctors should be able to be brought to account. That is dangerous. The public's perception and that of the GMC, which, as our excellent brief from the Library states, anticipates only about 100 to 150 cases per year, may be considerably out of kilter in relation to the credibility problems that I have described.

I have a particular interest in the matter, as, I am sure, every hon. Member does. It so happened that Dr. Carol Starkie, who is quoted as being one of the doctors who could be assisted by the new procedures involving the committee on professional performance, was a constituent of mine—certainly her parents were, and she grew up in my constituency. Hon. Members may recall that, a couple of years ago, she was a consultant based at the Royal Orthopaedic hospital in Selly Oak, Birmingham, and that she was found to have misdiagnosed no less than 42 potentially cancerous tissue samples.

That aroused enormous public concern, including, obviously, among the people directly affected and their families. Five years ago, a family in my constituency—I have not asked whether I may quote them today, although they have been upfront in their complaints—lost a son aged 18 as a result of what they believed to be the professional incompetence of a locum and a local general practitioner. The boy was diagnosed as having a temperature for about four days. It gradually went up from 102 to 104 to 105 deg F. On the Thursday evening, a doctor insisted that he merely had flu symptoms, that the windows should be opened, and that he should be allowed to cool down.

The next day, the boy was admitted to Kidderminster general hospital, where he died the same day. One can understand the devastating effect that that episode has had on my constituents' lives, and how concerned they are to ensure, not that the people involved should be compensated, but that such incidents should not happen to other people, and that those responsible should be brought to book—not necessarily in the court but through an effective General Medical Council—as being guilty of seriously deficient performance.

As I said, I happen to agree with the principles of the Bill. It would be difficult to do otherwise. Obviously, it is right that the purview of the GMC should be extended from merely considering professional conduct and health to wider terms of professional performance. I can understand the arguments, again very well put in the research paper that we have, that the proposals should apply to every sort of doctor, whether he works in a private practice or hospital, or whether he is a locum.

Nowadays, given the fact that medical practice is changing at an exponential rate as a result of new technology and new techniques, it is all the more important that some grip is kept on professional standards. Like my hon. Friend the Member for Birmingham, Edgbaston (Dame J. Knight), and the hon. Member for Newcastle upon Tyne, Central, who ably set out his case, I have some serious concerns about the definition of seriously deficient performance. I have considered part 2 of the GMC's regulations. It refers to conduct and talks about convictions and forms of professional misconduct that may lead to disciplinary procedures. It mentions

"neglect or disregard by doctors of professional responsibilities to patients for their care and treatment"

and

"responsibility for standards of medical care".

Paragraph 36 states:

"The public are entitled to expect that a registered medical practitioner will afford and maintain a good standard"—

not the best standard—

"of medical care. This includes: conscientious assessment of the history, symptoms and signs of a patient's condition; sufficiently thorough professional attention, examination and, where necessary, diagnostic investigation; competent and considerate professional management".

All those would appear to be related to medical duties. They are not related to misconduct whereby one is doing unmentionable things to one's female patients. They are directly related to the standard of one's medical duties. If we are saying that the new committee on professional performance can consider only seriously deficient standards of medical performance, we should take account of the fact that such standards are already accounted for in the conditions on conduct laid down by the GMC.

Therefore, if we are genuinely to extend the purview of the GMC to medical competence, we should do so not just for the most serious cases but for cases further down the scale. That was what the hon. Member for Newham, South (Mr. Spearing) wanted to do when he introduced his Bill. As my hon. Friend the Member for Edgbaston said, he has attempted to introduce such a Bill several times in the past six years.

My difficulty is that, although we had the word of the Minister when he intervened in the speech of my hon. Friend the Member for Chislehurst (Mr. Sims), we do not have anything in the Bill. It is significant that the schedule says several times:

"The General Council may make rules".

It also says:

"The Committee on Professional Performance shall be constituted as provided by the General Council by rules under this paragraph."

I am worried not so much about what we see in the Bill as about what is unseen and what will be decided by the GMC and determined in regulations.

The Library briefing says that the General Medical Council, when proposing a third jurisdiction, emphasised that

"there should be an 'equivalence of gravity' between this offence and those of serious professional misconduct and fitness to practice being seriously impaired by ill health."

It said that they should be judged on the same standard. Either the Bill duplicates what is available at present, as I demonstrated a few moments ago, or it does not deal precisely with the type of problems further down the scale that many of our constituents would expect it to deal with, if competence and the GMC's ability to examine it was genuinely being extended.

Nor does the Bill tell us—it is left to the schedule—how cumbersome in practice the proceedings under the Bill will be; how quickly, for example, the concerns of someone who makes a reference to the GMC which goes to the committee on professional performance will be met. Justice delayed is justice denied. My constituents to whom I referred a few moments ago have been trying for eight years to find a reason why their son died and who was responsible. They still have not been able to do so under the existing procedures. If there is to be a significant improvement and if the system is to be effective, there has to be more speed.

Equally, I hope that access will be easier than it is under the professional conduct proceedings. When I investigated my constituents' case I found that only 9.5 per cent. of complaints ever got anywhere near the professional conduct committee, even though in many cases people had been through the gamut of complaints procedures at local and regional level. I have some worries, which the Minister cannot answer now, about exactly how the Bill will work out in practice. Those matters will be left to representations to the GMC on how it interprets its responsibilities under the schedule.

I believe that the Bill will arouse the expectations of the public as to their ability to make effective complaints against what they see as deficient procedures and standards on the part of their doctors. Indeed, it is happening already. Action for Victims of Medical Accidents, which is the leading voluntary body in examining medical negligence cases, tells me that up to last year it had 14,000 cases on its books. I would suspect that it is very much more now. The patients charter, in emphasising patients' rights rather than patients' responsibilities, is all the time pushing people into a position in which their expectations are rising and, therefore, their potentially litigious feelings are being aroused.

We have performance indicators for different consultants or GPs. GPs are in a more competitive position through fundholding or total purchasing and are providing more and more services to their patients. So I should have thought that expectations would be aroused and that the number of complaints which will potentially go through the system outlined in the Bill will significantly increase—certainly way beyond the 100 or 150 mentioned by the GMC. That raises concerns about how complaints in the health service are dealt with before they ever reach the GMC.

It is likely that a complaint to the GMC will be at the top end of people's aspirations. Complaint to the GMC will be their ultimate deterrent when they find that the performance of their doctor is not what they would like it to be. I know that the Government have examined the existing plethora of complaints avenues. The Wilson committee has written a document called "Being Heard" which referred precisely to the plethora of complaints procedures—what AVMA called a labyrinth of complaints procedures available to the public.

Although complaints procedures may be available, if there is a labyrinth, one cannot get through it quickly. If people think that there is a labyrinth, they do not go into it in the first place. Therefore, some people who would like to make a complaint—probably a legitimate one—about their doctor may be deterred from doing so.

Existing complaints procedures include formal and informal procedures for family health services authorities, hospital administrative review, the hospital clinical complaints procedure and the health services commissioner. Only then does one get through to the civil courts. So there is a variety of complaints procedures. It is no wonder that AVMA has become more and more popular with patients. They need someone to guide them through the labyrinth.

The Government have produced a document called "Acting on Complaints" only within the last month, in response to the Wilson committee document. It proposes that, where possible, the resolution of disputes in the health service should be local, speedy and far more easily accessible and streamlined than the present procedures. If that comes about, it could have one of two effects. Either there will be more satisfied complainants at the lower end who will not go to the GMC or, as I suspect, there will be more complainants and, as a result, potentially more people will complain to the GMC. So if the system outlined in the Bill is to work effectively and not weigh down the GMC in a huge maelstrom of complaints, the Government must get local level complaint resolution procedures absolutely right.

When one talks about quality in the health service and avoiding problems of defensive medicine—matters which AVMA referred to recently—the more one emphasises quality-led outcomes and the more there is the opportunity for subjectivity about what is an acceptable quality-led outcome. Therefore, there is more potential for making a complaint against a particular doctor who does not come up to that quality-led criterion.

It is not merely a question now of saying, "I had my operation. I was in and out and I got better eventually." People consider what treatment they received before going into hospital, how long they had to wait, what their post-hospital treatment was like, whether they went into the appropriate nursing home or whether they had the appropriate home treatment. All those quality-led outcomes, which are rightly demanded by the public, will lead to greater opportunity for people to complain about doctors, whom they believe should manage their treatment in a particular way.

I was somewhat surprised to read in the briefing paper compiled by the Library that the GMC did not see the new powers as in any way directly related to medical audit procedures in the NHS. The powers may not be directly

*[Mr. Coombs]*

linked to medical audit procedures in the national health service, but I cannot see how they can be anything but indirectly linked with medical audit. After all, medical audit is about the quality of outcomes and assessing that quality. As I said, if we raise people's expectations of the quality of outcomes and those outcomes are not effectively delivered in every case, people will be more likely to complain about the conduct of their doctors.

In the main I support the Bill, but I am very concerned that the devil, as they say, is in the detail and that what the GMC puts into place, when it looks at the schedules, may not meet the kind of expectations that have been aroused in patients. The problem about arousing—legitimately—expectations of improved service in patients and giving them more rights in the health service is that for every right there is a responsibility. The health service has a responsibility to come up with a particular level of service.

Equally, the public have a responsibility to ensure that they treat their health service appropriately. It is not appropriate—my local doctors have told me of such behaviour—to turn up at the surgery to have a plaster put on, or to ask for a prescription for a medicine which is perfectly easily and cheaply available over the counter, or to ask for advice about nettle rash. Patients should have some cognisance of such activity when they consider their responsibilities to the health service.

Although the Bill rightly makes people aware of their rights and the improved quality of the health service—indeed, they are getting that improved quality from our national health service, which is operating more effectively than ever before—it equally diverts their attention in the long term from their responsibilities in the health service. Only by emphasising people's responsibilities in the health service will we in the long term be able to manage demand for health services which the taxpayer can afford.

6.51 pm

**Mr. Sam Galbraith** (Strathkelvin and Bearsden): For five years in the late 1980s I was an elected member of the General Medical Council. I was an anti-establishment elected member. The British Medical Association used to run slates. I was not on that slate. I was the only non-slate, anti-establishment, pro-patient representative, as it was termed, from Scotland on that GMC elected body. Therefore I hope that my comments will be regarded in the light of the position that I achieved. I was not there to take part in a conspiracy, as has been suggested, or to be part of some coterie to protect other individuals. I was there to ensure the representation of the rights of patients against the establishment.

When we consider the General Medical Council, it is important to realise—I am not sure that we have quite grasped it yet—that it is not just a disciplinary or sanction body but the final disciplinary and sanction body. Other avenues are open to punish or deal with doctors, some of which the hon. Member for Wyre Forest (Mr. Coombs) read out, including the criminal courts, the civil courts and various disciplinary procedures. What is different about the GMC and therefore why there are many complaints about it, although they are not justified, is that it is the body which removes from a doctor the power to practise.

The GMC removes the power to practise not only in the United Kingdom, whether in the national health service or private health care, but virtually everywhere else in the world. If one graduates from this country and wishes to practise elsewhere, even for a temporary period, one is asked for a certificate from the GMC confirming registration and good conduct. That power is a very important sanction. The GMC is not just some disciplinary body which tells one that one has been a naughty boy and not to do it again; it can finally erase one's name from the register and deny one's fitness to practise.

While I was on the General Medical Council, I did not serve on the professional conduct committee but on the ethical committee, which is totally different and concerned with such things as ethical positions, in vitro fertilisation, disclosure of information, and so on. I did not have much desire to sit in judgment over my peers and some of their naughty antics. It was, however, clear to me that there was a problem in dealing with clinical competence, within which I would also include the attitudes of doctors to patients: rude, offensive, unacceptable attitudes and bad practice over and over again. While a single instance would not often reach the charge of serious professional misconduct, repeated episodes certainly did and we needed a procedure for that.

When I came to the House I therefore co-sponsored the private Member's Bill of my hon. Friend the Member for Newham, South (Mr. Spearing), which sought to deal with such problems with a lesser charge. I have sponsored such proposals for some time and the House will appreciate that I make my comments against that background.

The proposals in the Bill go some way to deal with the problem as I have perceived it over the years. It was a little demeaning of the Secretary of State to try to pretend that the Bill was all a function of and related to the recent changes. We have been seeking a solution to this problem for as long as I have been in medicine, certainly well before the present Government came to power and long before the current changes. Imperfect as it is, the Bill is probably the best answer available so far, but it is one on which we can improve, so a Bill such as that promoted by my hon. Friend the Member for Newham, South is no longer necessary.

This Bill is about good practice, and there are many ways in which we can ensure good practice. It starts off by the selection of medical students. Selection is difficult because it may be based on academic qualifications, interviews and, headmasters' reports. I do not know the exact answer to that problem and many people who will not make good doctors and who will be professionally incompetent will slip through, even with best practice. Good medical education and training is very important, but still people will slip through.

Good advice is also important. Anyone can be a surgeon; with a little competence it is not hard. Just now and again, however, for reasons of personality, attitude or sometimes dexterity, the odd person who so wants to be a surgeon is not up to it. In the past, some such people were allowed to slip through, but that is no longer the case because strong advice must be taken. Doctors have a duty through training to advise people if they think that they are not up to becoming a surgeon, for example, and they are told to change their specialty. Despite all those

attempts to ensure good practice, however, some slip through and some, in fact, were always bad. The Bill deals with those cases and that is why I welcome it.

Nevertheless, I have a number of worries about the Bill, some of which have already been raised. I therefore hope that the General Medical Council—I am sure that it will do this—will monitor the Bill and how it works and that it will report back to the House very soon. I shall now deal with my main concerns about the Bill.

It seems to be assumed that dealing with incompetent doctors is like dealing with sick doctors and therefore the first-rate health procedures in place are very similar. I am not sure that that is all that good a parallel. There are trivial differences to begin with. Most sick doctors at least were well at one time and became sick, whereas some doctors have always been incompetent. Although that may be a trivial difference, it has practical implications and therefore the method of dealing with a sick doctor is not necessarily the same.

Perhaps different grades of doctors should be taken into account. I would be happy if the Minister would explain in Committee who is referred to the various committees. Who is referred to the health committee? Is it drunken, alcoholic consultants or junior doctors? Will junior doctors be referred for incompetence or will it be consultants? Again, that will reflect on public confidence in what is happening and how we can manage the problem.

Another way in which the problem is different from dealing with sick doctors is that patients, health authorities and employers of various sorts are more sympathetic to sick doctors. If a doctor is shown to be sick and has to be sorted out, he or she is given time, help and consideration. But if doctors are just no good and incompetent, should the employer be understanding, retain them as employees and have them in the hospital? The decision will have serious implications for the doctor's contract, how they are dealt with and whether they are retrained. Again, the case is not quite the same as that of a sick doctor.

The hon. Member for Birmingham, Edgbaston (Dame J. Knight) mentioned referral, which also worries me. Contrary to what was said by the hon. Member for Chislehurst (Mr. Sims), who is also a member of the General Medical Council, anyone can refer a case; but again, there is a difference between sickness and incompetence.

If one's problem is alcoholism one might be referred to the GMC via a route that does not affect one's contractual obligations and the employing authority could not question that. For example, one might have been done for drunk driving for a second time—one drunk driving offence results in automatic referral—but one can be treated as a sick doctor without it involving one's contract with the employing authority. If one is an incompetent doctor, however, I see no secondary position. The case must be referred in relation to one's practice and it will be more likely that the contract will be terminated. A hospital has no obligation to retain an incompetent doctor.

There are important differences in the way in which we deal with sick doctors and incompetent doctors, for example, in relation to retraining and who pays for it and their future in the service. If a patient refers a doctor because of incompetence, the case goes to the GMC, but not to the employing authority. If the doctor is found to be incompetent, but is still employed, who will pay for retraining? If the hospital has found a doctor incompetent and sacks him, he is in a different position from a doctor whom a patient has alleged to be incompetent.

What do we mean by incompetence? I hope that the Minister of State will deal with that. One might be an incompetent orthopaedic surgeon, but not an incompetent doctor. One might make a good doctor in some other specialty. Will one be paid to retrain? What of the consultant orthopaedic surgeon who is found to be incompetent? Will he be retrained as a neurosurgeon, a physician or a radiologist? And who will pay? If one is incompetent in one specialty, must one's name be struck off? Or will one be registered for all practice except, for example, neurosurgery? That is an interesting development and it will be interesting for the GMC to consider whether there will have to be different types of registration, with registration of competence but only within certain specialties.

Those are some of my worries about the idea that dealing with incompetent doctors is similar to dealing with those suffering from ill health.

It is right that the method should not be directly related to audit, which the hon. Member for Wyre Forest mentioned. There can be an indirect link, but audit is a slightly different practice. In an audit, a doctor considers areas of practice in which it is not known how he or she is performing and if it is found that there are discrepancies, the matters are dealt with. One might not be good at one procedure, but be better at others. It might be a case of the numbers of such procedures with which one has dealt. If one is not good at something, it will be necessary to change one's practice.

A case might come before the GMC if one was shown to be poor at a procedure but continued to practise in the same way. That would be grounds for referral and it is indirectly related to audit. I hope that the hon. Member for Wyre Forest sees the distinction. It is not that I do not think that audit is important. Its purpose is to detect poor performance, but the action that is taken following that procedure is what matters. If a doctor is bad at one procedure, that does not make him or her incompetent.

The area that worries me, which is in the blue book and is what professional competence is all about, is not competence in a specialty or one area of it, but how one relates to, treats and manages patients. Rude, offensive and bad behaviour must be a basis for referral to the GMC and for being considered under the procedures in the Bill. Such behaviour is bad enough to be considered professional misconduct. In other words, doctors must treat patients with respect and some sort of dignity. Patients must be able to have confidence. They must be able to expect proper clinical history taking, examination, the appropriate diagnostic tests and, if necessary, treatment. Taken as a whole, that is the area with which the Bill probably deals best, and that is why it is not appropriate to deal with it under the heading of serious professional misconduct.

I do not think that there is a conspiracy to protect doctors. That is why I am not worried about the initial stages taking place in private. Anyone who has served on any disciplinary body, as the hon. Member for Chislehurst and I have, will know that there is no attempt to cover up or to protect. Doctors are concerned, first and foremost, to protect patients; secondly, to protect the profession; and, thirdly, to protect the hospital in which they work.

*[Mr. Sam Galbraith]*

Although I have those reservations, which I hope that we shall be able to explore in Committee, I believe that the Bill is an important step forward. It in part solves a problem that we have been trying to solve for many years and I very much welcome it.

7.7 pm

**Mr. David Congdon** (Croydon, North-East): First, I thank the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith) for his thoughtful speech. I have listened carefully to the debate. Before I came into the Chamber, I had no reservations about the Bill, but various contributions have highlighted some of my concerns.

To put some of the issues in context, we heard from the hon. Member for Newcastle upon Tyne, East (Mr. Brown), the Opposition spokesman, and from my hon. Friend the Member for Chislehurst (Mr. Sims) about the vast range of cases that are referred to the General Medical Council and how few result in a decision of serious misconduct for a variety of understandable reasons.

The hon. Member for Newcastle upon Tyne, East also mentioned consistency between the procedures for dealing with doctors and those for other health professionals. I have some sympathy with that approach. The Standing Committee should bear it in mind.

We must also consider the Bill in relation to other complaints against doctors and the recent White Paper on the subject. I echo the concerns of my hon. Friend the Member for Birmingham, Edgbaston (Dame J. Knight), who reminded us of the number of complaints against doctors, which are leading to a rise in professional medical insurance. There is a danger that that will lead to doctors not only prescribing defensively, but practising medicine defensively, which is not always in the best interests of the patient.

I pay tribute to my hon. Friend the Member for Chislehurst (Mr. Sims) for his work on the General Medical Council. It is too easy to assume that, when a colleague is appointed to such a body, it involves just the odd meeting. He referred to occasions when he has been in the Library with volumes of reports. I have seen him burdened with those volumes of reports and appreciate his difficult role. He deserves our respect and support.

Whatever we might say about doctors who perform badly or do not deliver the right quality of medical service to their patients, they are in the minority. The majority of doctors do an excellent professional job and I hope that anything that I say subsequently will be put in that context. In discussing complaints, we are in danger of creating the impression that all doctors perform badly, which is not the case.

However, there is a problem with the GMC's current powers. My hon. Friend the Member for Chislehurst said that the cases highlighted in the press usually involve sexual matters and the public have the impression that those are the only cases that are investigated. That does a great disservice to the medical profession because such cases are only a small percentage of those that are investigated. I hope that the new powers will go some way towards changing that perception.

As the powers currently available to the GMC enable it to deal only with serious professional misconduct, the Bill limits the sort of cases that it can investigate. Earlier this afternoon, we had an interesting exchange of views about exactly what are the powers in the Bill. I confess that that aspect worried me as I listened to the debate and I decided to take a further look at the Bill. Frankly, it does not tell me a great deal. I realise that a lot of work has gone on behind the scenes to bring forward these proposals and I do not dispute the work that the GMC and others have done, but I am not sure exactly what the Bill, to which the House is being asked to give a Second Reading, really means. That does not stop me supporting it in principle because there are clearly gaps in the current legislation, but I hope that the Committee will examine the Bill in detail and try to deal with some of the concerns that have been raised today.

As my hon. Friend the Member for Chislehurst explained excellently, the gap in the current provision means that, although the GMC may be concerned about a doctor's performance, that performance falls short of serious professional misconduct. At the same time, it may be aware of a pattern of similar occasions on which the doctor has been deficient. As matters stand, the GMC does not have the power to deal with such a case because it can deal only with a single act. I understand that the Bill is designed to deal with that problem.

The interesting exchange this afternoon was about whether the Bill, in addition to giving the GMC the power to deal with serious deficiency based on a pattern of behaviour, provides the power to deal with a single act. The Bill is not clear in that respect.

I was struck by the Library research paper, which said that the hon. Member for Newham, South (Mr. Spearing) had introduced a private Member's Bill in six different Sessions of Parliament to try to deal with that specific issue. He said that a child in his constituency died of meningitis after his GP had said that he could not be bothered to examine him. I have difficulty with such a case because, while the doctor had clearly not performed to the standard that we would expect of him, the question is: how adequately would the Bill deal with such a case? Could the GMC take action only if there were other examples of similar behaviour by that doctor?

I hope that the Committee deals with that issue because in many cases in the health service doctors might not perform at the level that we would expect of them. Some cases will be comparatively trivial but others will be serious and fall within the GMC's current powers. There will be other examples where action should be taken and I urge that the matter be considered carefully, because it might be a single act that falls short of serious professional misconduct, as evidenced by the hon. Member for Newham, South in a previous debate.

No one is in the business of trying to hound doctors and make them behave more defensively than they are sometimes forced to behave now. Rather, it is a question of having procedures in place to deal with a variety of under-performance, whether it is a serious act under the current powers or a less serious act, so that those matters can be dealt with.

It is not entirely clear, particularly as a result of proposals that the Government recently brought forward, what the relationship will be in terms of powers of complaint to family health services authorities and, conversely, powers of complaint to the GMC. I appreciate

that the FHSA case is more akin to the employer-employee relationship because it is not direct, whereas the GMC is much more concerned with the professional aspect and has the ability to deregister. I agree with my hon. Friend the Member for Chislehurst that that is crucial, particularly in relation to local doctors. It is no good someone saying that a doctor is not up to standard if that doctor is merrily practising as a locum all over the place and employers are pleased to get shot of him or her. It is important to deal with that issue, too.

Despite what I have said, I support the principles of the Bill because it fills a gap in current legislation. My only concern is whether it goes far enough. If the Minister cannot expand on his earlier intervention when he said that the Bill could deal also with single acts where a doctor fell short of professional performance, I hope that that matter will be dealt with properly in Committee.

7.17 pm

**Dr. Tony Wright** (Cannock and Burntwood): Although all hon. Members who have spoken so far support the Bill in principle, it is interesting that a critique has developed during the course of the debate about some of the problems and deficiencies in the Bill. The Bill deals with "serious deficiency of performance" yet the issue that we are all trying to address, and think that the Bill should address, is what we might call "consistent incompetence". Although we may think that the Bill is designed to deal with consistent incompetence, if it is concerned only with serious deficiency of performance, as defined in normal GMC criteria, we shall ultimately find that it has not solved the problem which we thought we had set out to solve in the first place. That is the heart of the problem with the measure before us.

As Members of Parliament, we must proceed a little gingerly in the realm of self-regulatory activity as we can hardly offer other professions a shining example of how they should conduct themselves. A little humility might even be in order. Although I agree with other hon. Members that the majority of medical practitioners are exemplary in their skill and their commitment, we know that we have a problem that must be addressed. If we do not get it right this time, we will make things worse, not better, because we will have pretended to solve the problem.

One of our initial difficulties is even deciding the scale of the problem involved. The Secretary of State used the same words as the president of the GMC when she spoke about a small number of consistently poorly performing doctors. What on earth is "a small number"? We do not know because it has never been investigated, but it is a crucial question.

On 4 December 1994, the health correspondent of *The Observer* wrote an article with the headline:

"Medical Mafia covers up Errors".

He reported that a study of poorly performing doctors was about to be published by the Open University Press in a book entitled, "The Incompetent Doctor". That study revealed that of the 95,000 doctors in practice in the United Kingdom, up to 10 per cent. were estimated by some of those interviewed to be a potential danger to their patients. One professor of surgery said:

"In Britain we tend to turn our backs on these things. It is not easy to recall where people were willing to confront incompetence."

The study also quoted the manager of a family health services authority who estimated that 10 per cent. of local GPs were "impaired". He confided:

"It is almost impossible to force a resignation. It just has to be horrendous for anything to happen."

**Mr. Malone:** Before we embark on a route of what I might describe as overestimation, it might be sensible to point out that the GMC has had a certain amount of correspondence about the people likely to be subject to the new rules. Based on its knowledge of the matter, it has estimated that perhaps some 150 or so cases might come before it each year, of which 50 may proceed to further stages. The hon. Gentleman should put that estimate in the context of what we expect from the Bill, which is clearly distinct from the exciting pieces of literature to which he is referring, and which offer estimates of a considerably greater number.

**Dr. Wright:** I am bound to say that I was about to make the same point to reach a different conclusion.

One of the consistent problems highlighted in the responses to the consultation exercise from some of the interested organisations was that they did not know the numbers involved. The Open university study—the figures may be too large—reveals that we have a serious problem that may affect one in 10 doctors. If that is so, we are talking about nearly 10,000 doctors. That is a rather alarming prospect. Let us hope that it is not true, but there is a huge mismatch—the point of the Minister's intervention—between the scale of that problem and the figure of between 100 and 150 cases that the GMC says might come before it as a result of the new procedures.

We should take some care to investigate as far as we can the scale of the problem. We know, however, that we have a problem that has not been addressed. Everyone who knows about it has sought for a long time for something to be done, but response has been consistent inaction. The BMA, in a masterly understatement, has said that the Bill is a long overdue measure. It is, because the problem of poorly performing doctors has been with us for a long time. We all know that the system has not managed to deal with it.

I endorse many of the plaudits bestowed on the GMC, but we should ask why, over the years, the GMC machinery has not managed to bring within its definition of serious professional misconduct all those things that normal people would consider to be serious professional incompetence. That indictment of the system should be put alongside any plaudits and congratulations that might be offered to the GMC today.

The way in which people try to raise queries about the performance of doctors or try to complain as patients or the relatives of patients is a profoundly unsatisfactory business. One of the matters about which I feel consistently most dissatisfied is how constituents who try to raise questions and make complaints about the service they have received from the health service are treated. I am sure that other hon. Members share that feeling. Those constituents are left totally dissatisfied by the outcome of any inquiries made. That is part of the problem that we must address now.

I should like to give four examples of the type of behaviour that I am talking about. Two of them came to my attention simply from my work on the Parliamentary Commissioner for Administration Select Committee, which deals with the health service ombudsman. That

*[Dr. Wright]*

Committee has heard evidence from a succession of health service personnel, including doctors, who have come before it because they have been judged deficient in some way by the health service commissioner.

One case from 1992, which was referred to the Committee, involved a consultant at the Royal Free hospital at Hampstead, who behaved quite improperly in a case of child abuse. In fact, it was not a case of child abuse, but he told the mother that he thought that it was. His behaviour was contrary to the guidelines that the Government had just issued in the wake of the Butler-Sloss inquiry following the Cleveland affair. It was a most alarming case and the Select Committee stated:

"We consider it extraordinary that a consultant charged with revising the procedures in connection with child abuse should disagree with management on the nature of those guidelines."

The consultant told the Committee that he did not feel that the guidelines issued by the Department applied to him because, as a consultant, he knew better. We should ask what happened to that consultant. The answer is that he is still consulting away. I am sure that the GMC has not actively intervened in the matter.

The second case before the Committee was even more appalling and involved a consultant at the Manor hospital in Walsall, which deals with many of my constituents. Not only did the consultant fail to tell the relatives of a patient that he was suffering from cancer, but he just happened never to get round to telling that patient the diagnosis. Such behaviour is unbelievable. When the patient's family subsequently complained, the consultant said that he never answered letters from patients and certainly never answered those from solicitors. The Select Committee of the House stated:

"It was the consultant's responsibility to ensure that effective communication of suspected diagnosis took place; something he signally failed to do on this occasion, not, it appears, for the first time."

In other words, that consultant's behaviour followed a consistent pattern, confirmed by the chief executive of the trust. The Committee also said of that case:

"We see the need for a culture change in the minds of many of the consultants who appear before us."

Whatever the GMC and the new proposed procedures may do, they will not bring about a culture change on the part of such consultants.

Another case involves my constituent, Mrs. Ashley, who died leaving her husband in despair at his inability to get her condition taken seriously. His wife suffered from ever-worsening back pain and he had taken her on a number of occasions to the accident and emergency departments, which could not help. When we finally obtained an independent clinical review, the general practitioners did not even deign to give evidence. The consultant to whom my constituent wrote in despair at his wife's condition did not even bother to answer his letter. The independent clinical review said that that was indefensible. Has such a case been near the GMC? Of course not.

My final example is a case involving one of the consultants that I have already mentioned, at the Manor hospital in Walsall. He treated a case as constipation when it turned out to be cancer. One might say that that was simply a misdiagnosis, but the independent clinical review concluded that it was not; it was poor clinical performance, because the man never carried out the obvious tests that would have established what the condition was. So there was never any proper terminal care for the person involved—who therefore lived and died in agony—or any proper care for the family.

Indeed, the independent clinical review said that there should be a surgical audit of all the procedures carried out by that consultant at that hospital. Yet, has that case been near the GMC? Of course it has not. I had a letter from the chief executive of the trust, who told me that Mr. So-and-So, the consultant—I shall not give the man's name—"acted properly". That was written before the independent clinical review.

Rightly, the family has written to tell me that the consultant is still practising on my constituents, and to ask what is to be done about him. The answer is that nothing has been done, and the chances are that nothing will be done. Whatever the numbers may be, whether small or large, that man should certainly be counted as one of them, and on behalf of my constituents I want something done about that. I hope that we all do.

We all hope that the Bill will produce improvements but I, like other hon. Members, have some worries. I am worried about the definition of what is serious and what is not serious, and about the inconsistency of definition in that area as opposed to other professional areas, such as that governed by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting. I think that the general rubric of professional misconduct could well be extended to include the kind of routine incompetence that has been discussed today.

I am also worried about the resolute way in which the GMC tells us that it will get into the business of being proactive. It will do nothing to initiate any investigation into whether people are performing properly, but will wait for cases to come to it. No doubt that explains why it says that it expects to deal with so few cases.

In many ways that is the key issue—the general lack of effective clinical monitoring within the system. Somehow we seem to expect the Bill to solve that larger problem, but I do not think that it will. Indeed, I feel rather sorry for the GMC in that respect, because if the GMC cannot play that role, who will? Which part of the system will carry out consistent clinical monitoring?

Another example of a particular worry concerns the clinical performance of many single-handed general practitioners—a worry endorsed by much of the research that has been carried out. Having recently discovered that in my part of the world there are many single-handed practitioners who carry large lists and seem to refer people to hospital at a high rate, I asked my family health services authority what it intended to do about the indicators that suggested that we had a problem with the quality of primary care. The answer was that it could do nothing.

All that the FHSA was doing was to examine prescribing patterns, because that is an initiative designed, quite properly, to cut costs and to achieve uniformity in prescribing. But it does not address the issues of quality and of clinical performance. It should do so, and I worry about that.

The Secretary of State said earlier that doctors had a duty under the internal guidance in the blue books to let it be known if they thought that any colleague was

professionally incompetent. Yet clearly that is not happening. If it were, the figures and the evidence that we have discussed would not be there.

I should like there to be a requirement in the Bill to ensure that, as a matter of professional conduct, if a medical practitioner comes across professional misconduct and consistently poor performance he or she has a duty as a doctor to inform the professional body concerned.

Although there is a broad consensus that something needs to be done, worries have been expressed, not only in the House but by the Patients Association, by the Association of Community Health Councils for England and Wales and by consumer groups, about whether the Bill has got it right yet or whether there are areas that still need to be tightened.

I was alarmed to see in yesterday's edition of *The Independent* an article about the Bill that said:

"The Bill has been introduced only on condition that the Opposition will facilitate its passage and not try to alter it".

I am all in favour of facilitating its passage, but—

**Mr. Nicholas Brown:** Before that idea gets going I shall kill it stone dead here and now. Nobody has said anything about not trying to alter the Bill; we merely said that we would facilitate its passage. Of course we can still try to amend the Bill, but we shall do so crisply.

**Dr. Wright:** I expected my hon. Friend to respond if I gave him a cue, and he did so admirably. Obviously it is the duty of the House to consider measures that come before it critically—and, I hope with a measure such as this, in a bipartisan way. I know that the Opposition will help in that process.

Finally, as several hon. Members have said before, the Bill must be seen in the context of a whole range of measures designed to improve matters in general. The new national health service complaints system, the attempts by the royal colleges to think about recertification and re-accreditation, and the clinical performance initiative are all most important.

I do not want to get distracted, but if only the Government had not been so crazed in their determination to make organisational changes in the health service and to set up a quasi-market for their own ideological reasons, but had simply devoted themselves to the quality agenda all those years, we could have made serious progress on the fronts that impact directly upon the quality of care that patients receive.

We are talking about the oversight of a profession, and one of the arguments that has emerged from the debate, concerning the inconsistency between how things are done in this area and in other areas, might even suggest that the time has come for one body to have oversight of all the professions, so as to ensure consistency. Having listened to the debate I am more persuaded of that case than I was before.

We have come to the end of a road. In another context concerning self-regulation, we were once told that it was last-chance saloon time. Perhaps it is now last-chance surgery time. We must get the balance between professional interests and the public interest right now. I am not yet persuaded that the Bill does that, and we must ensure that it does.

Finally, I shall mention the procedural point. In a motion on the Order Paper some of us have suggested that it would be entirely appropriate for the Bill to go to a Special Standing Committee. The more I have heard of the critique that has developed during the day, the more I have felt that to be right.

It is essential that we spend some time exploring the rationale for the Bill in a bipartisan way, teasing out some of the issues, before we start the usual, line by line, ministerial defence of the Bill that is the disabling feature of so much legislation that is created in this place.

Few measures have passed through the Special Standing Committee procedure since it started in 1980—the Mental Health (Amendment) Bill in the 1981-82 Session, the Matrimonial and Family Proceedings Bill in the 1983-84 Session and now the Children (Scotland) Bill. Those are similar measures to the one before us, in that they needed thorough, bipartisan scrutiny.

I shall conclude by quoting what the distinguished then Leader of the House, Norman St. John Stevas, said when introducing that raft of procedural changes, including the Special Standing Committee arrangements. Speaking about Special Standing Committees, he said that

"Government Bills which raise substantial issues, not of acute party controversy".—[*Official Report*, 30 October 1980; Vol. 991, c. 725.]

should be subject to that type of arrangement.

The case for that has been made in today's debate. We need a few sessions in which Members who are interested in all that can explore further the aspects that we have begun to discuss today, before we start the usual progress of the Bill. It will be appropriate and helpful if, when the Minister replies, he brings us good news on that front.

7.40 pm

**Mr. Nigel Evans** (Ribble Valley): I am grateful for the opportunity to make a contribution to the debate.

I believe that all of us, as Members of Parliament, are interested in the health service, especially the national health service. We wish to ensure that the high standards that have been reached in the national health service are maintained and improved. The Bill will help to do exactly that.

Many sectors make up the health care industry, in both the private sector and the national health service. I use the national health service; I am a customer of the national health service, and I find it to be excellent.

There are many good news stories in the national health service, which do not receive the coverage that they deserve. My hon. Friend the Member for Croydon—

**Mr. Congdon:** North-East.

**Mr. Evans:** As my hon. Friend the Member for Croydon, North-East (Mr. Congdon) said, although some cases cause anxiety and improvements need to be made, that does not detract from the fact that the vast majority of people who work in the national health service at all levels do so to the highest possible standards. However, that fact does not prevent us from drawing attention to cases where they fall below those standards.

The bad news stories always catch the headlines. I have appeared on "Kilroy" a couple of times when the national health service has been mentioned, and the programme makers appear to be able to pack an audience full of people who have gripes about the national health service, when we know that the vast majority who use the national health service regard it highly.

**Dr. Robert Spink** (Castle Point): Is my hon. Friend aware that in my local hospital, the Southend Health Care

*[Dr. Robert Spink]*

NHS trust, the director has done a survey of the letters of thanks that he has received versus the letters of complaint, and that the letters of thanks, which generally go straight to the ward, are pinned on the notice board and are seen by the nurses and staff, far outnumber the letters of complaint that come in from time to time?

**Mr. Evans:** I am extremely grateful to my hon. Friend for making that argument. The vast majority of people—in excess of 90 per cent. of those who take part in polls and have used the national health service—speak highly of it. Yet a small number of those who use it and who find that the service falls below the standards that they expect, make the newspapers. My hon. Friend has just spoken about the letters of thanks. Would it not be wonderful if we could read some of those good news stories in our newspapers from time to time?

**Mr. Cousins:** I am puzzled about what happens to the letters of complaint. We have heard about what happens to the letters of thanks. What happens to the letters of complaint? Can the hon. Gentleman throw any light on that?

**Mr. Evans:** Those letters of complaint are investigated, in the main, but unfortunately most of them receive all the publicity, whereas letters that compliment the dedication of those who work in the national health service do not receive the airing that they deserve. Unfortunately, that is the case in many sectors, not only in the national health service.

I have anxieties about one aspect of the national health service—ageism. A constituent, Arthur Hornby of Janice drive in Fulwood, has a specific problem. For two years, we have been fighting that case in connection with the bad treatment that he received at Hull royal infirmary. We have not received satisfaction on that issue. My constituent's GP referred him to Hull royal infirmary. It was felt that he should have gone to a cardiac ward there, but he was placed on a general ward. Only after a further heart attack was he referred to the ward where he should have gone in the first place.

We suspect that there has been a blatant case of ageism in that case. We have taken that complaint to several levels. We are still not receiving satisfaction and we shall continue to pursue that case until we can ensure that any examples of ageism are stamped out of the national health service.

**Mr. Cousins:** May I assume that that problem, which concerns the hon. Gentleman, has been handled modestly and without undue publicity?

**Mr. Evans:** Arthur Hornby has himself ensured that that case is receiving the right publicity. In some cases it is the publicity—

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** Order. That is all very interesting, but the hon. Gentleman is straying from the subject of the debate. Will he get back to the debate, which is on the Medical (Professional Performance) Bill?

**Mr. Evans:** Thank you, Mr. Deputy Speaker. Mr. Arthur Hornby would wish me to mention the performance in that specific case. I know that it may fall outside the parameters of the specifics of this particular—

**Mr. Deputy Speaker:** Order. Whoever wants the hon. Gentleman to raise that matter, if it is outside the debate, he cannot raise it.

**Mr. Evans:** Thank you, Mr. Deputy Speaker.

There are other examples of good news about the national health service that do not make the newspapers. On Friday, I spent all day visiting district nurses in the Clitheroe practice. I also visited Lancashire Ambulance trust and saw some superb news going on there. In the evening, at an award ceremony in my constituency, I met more district nurses operating in my constituency.

I have also visited GPs in the Clitheroe practice and discussed the concerns that GPs have in Longbridge and Whalley. One cannot discount the fact that far more pressure is placed on GPs these days than was the case in the past. The expectations of patients are exerting more pressure on the GPs. GPs are now given more freedom to take more power to help their patients, to prevent them from going into or being referred to hospital. I believe that, in some cases, that pressure and the expectations of their patients lead some of the patients to believe that they are not receiving the due care and attention that they would wish to have. They wish to ensure that the highest standards are met, especially by GPs.

Millions of patients are treated by GPs every year. The vast majority of people who are treated by the 26,000 GPs receive excellent treatment. Not all of that practice will be consistently high, and I believe that that, in some cases, is where the Bill will come in and ensure that standards are raised. The Bill aims to meet that challenge.

That does not mean that, in every case when patients write letters, they have good cause to write. It is simply that the expectations are much greater. People are now given more information about how to complain about the service that they receive. People know how to complain and are doing so, which is good. Patients and customers of the national health service will also want to know that their concerns are being dealt with properly, and the Bill will help to ensure that.

Like other hon. Members who have spoken, I am not saying that the Bill is absolutely right in all its aspects. That is where the Standing Committee will play a role. As the hon. Member for Newcastle upon Tyne, East (Mr. Brown) said, amendments will be tabled, perhaps from both sides of the Committee, to ensure that the finished Bill will be far better than the original one. We shall see what happens in the Standing Committee. It is important to note that the system that is adopted may prevent the need for investigations and complaints in the first place. That would raise the standards of the general practitioners and of those who work in the national health service.

I am sure that we have all received letters from the BMA, which has welcomed the Bill. It has reservations, but in the main it welcomes the Bill. The measure will ensure that the professional standards of all those who work in the national health service are maintained and, in doing so, it will benefit the profession.

The BMA raises some points that need to be considered, including the subject of retraining. The assessment of doctors' knowledge, skills and attitudes in the practice and their retraining will ensure that they are kept up to the required standards. The profession is constantly changing. The BMA wants to know who will pick up the costs of retraining, which is a fair question. Now, nearly £40 billion is spent on the NHS and £800

million a year is spent on training. Will the cost of retraining those GPs and others who work in the NHS come out of that £800 million, or will additional resources be made available for retraining? That is one question that must be answered.

How many people who work in the NHS are expected to need retraining? That is something that we need to consider. The profession is constantly changing; new technology is being introduced all the time, and new procedures such as keyhole surgery mean that patients stay in hospital for shorter periods. What will be the retraining costs for such procedures? Will they come within the confines of the Bill? We need to know the facts.

Many people examining our proceedings today will be surprised that we have waited so long for the Bill. Many people will have expected a procedure to have been set up to replace the current everything-or-nothing system. It is clear that the current procedures would not be sufficient to meet the sort of complaints that many of us receive as Members of Parliament. I hope that the Bill will introduce procedures in which people have confidence, so that when they complain about deficiencies, their complaints will be dealt with. Complaints should not fall foul of a system where they are not serious enough to warrant the General Medical Council taking action to correct the problems. The Bill will be extremely welcome if it achieves that aim.

Other hon. Members have mentioned the audit and suggested that the Bill should not involve audit. I agree, but the audit within the medical profession has a role to play in ensuring that all those who work within the NHS and reach a high standard give a lead to others, so that they raise their standards and we ensure that money spent in the NHS is well spent. Such procedures will include referrals to hospital and the amount of prescriptions currently written by some GPs.

The Bill's effect may be to raise the number of complaints referred to the General Medical Council. An increase in the number of complaints does not mean that standards are lowered—quite the opposite. It means that scrutiny is being improved, which has to be welcomed. The measure must be seen in the context of the pressures currently exerted on the NHS, the demands and expectations that we have of it and the vast amount of good work that is being carried out within it. One has only to talk to people from abroad to discover that they look at what goes on in this country and admire it.

We have the best health service in the world. We have the world's favourite health service and we wish to see it maintained for the future. That is why I welcome the Bill.

7.54 pm

**Mr. Piers Merchant** (Beckenham): It gives me great pleasure to follow my hon. Friend the Member for Ribble Valley (Mr. Evans). I particularly endorse his last few remarks and associate myself most strongly with them. I listened with great interest to the earlier part of his speech. He was right to say that, these days, the spotlight of public attention is very much on health matters generally. Although the Bill deals with one specific and fairly narrow part of that subject—the conduct of doctors in the medical profession—that must be understood to be a matter of concern within a much broader picture. My hon. Friend was right to draw attention to that.

I listened to my right hon. Friend the Secretary of State when she opened the debate. She was right to mention the public's greater expectations. I should like to apologise to the House for missing a short part of the debate after that, but I was sitting on a Standing Committee, where I was required. I was sorry to miss the contribution of the hon. Member for Newcastle upon Tyne, East (Mr. Brown), not just because he is the Opposition spokesman on the subject but because I have listened to him on many occasions with great interest. I know him to have a well-measured approach to all matters debated in the House.

I also regret missing the contribution of my hon. Friend the Member for Chislehurst (Mr. Sims), particularly as he has given long service to the General Medical Council, of which he is a lay member. I also regret missing his contribution, because of his interest in, and knowledge of, health matters, which is considerably greater than mine.

I have for some time been critical of the existing complaints procedure and the disciplinary system within the medical profession. When I was first elected as Member of Parliament for Beckenham, I dealt with a case involving a doctor who could fairly be described as incompetent, but who was not so unreliable as to be considered guilty of professional misconduct. I was surprised to discover at the time that, although local remedies existed, there appeared to be no national remedy to deal with the problem—in terms either of discipline or of finding a way to overcome the problem by imposing, for example, retraining. It was that experience that first led me to realise that there was a deficiency in the procedure.

My views were brought into sharp relief by a case which I should like to go into in detail but cannot because I have guaranteed the privacy of the individuals involved, for understandable reasons. It is still outstanding. It has been running for two years and involves what I regard as dubious practice on behalf of a member of the medical profession. The treatment provided was dubious; the way in which it was carried out was certainly dubious.

I was further alarmed to discover while investigating the case that it was by no means the first example of that member of the medical profession behaving in that way. There had been a number of examples and I believe that there have been more since—it is a continuing problem. I took the matter up with the GMC as I believed that that was a way of, if not obtaining a remedy, at least preventing such things from continuing.

Although I have to compliment the GMC on recognising that there was a problem and on being prepared to look into it immediately, at the end of the day it was not able to offer a solution because in its judgment—a judgment that I have to respect—this case did not come within its rules. The GMC suggested that I take the matter to the Department of Health, which I did. I was advised that, sadly, there was no scope for action there because nothing illegal was being done—it might be dubious, but it was not illegal.

I found that, as a Member of Parliament, there was effectively nothing that I could do to prevent what was happening. I could offer only sympathy to the people involved, which was certainly not sufficient. They decided, quite rightly, to pursue a legal remedy and went so far as to get counsel's opinion, but found that in this country, unlike in many others, there was no remedy via the courts and the legal system. I was left with the impression that complaints and disciplinary action relating to the conduct of doctors was, at least in that case, inadequate. I doubt that the changes introduced by the Bill

*[Mr. Piers Merchant]*

and the regulations that will follow will be sufficient to deal with such cases, but the Bill is at least a step in the right direction.

I have begun by criticising two members of the medical profession, but I have had considerable experience of dealing at many levels with members of the profession and I want to make it clear that I have encountered many who are of the highest quality and offer the highest standards of care, service and expertise. I do not want my remarks to be taken to mean that I am casting aspersions on the profession in general.

It is surely in the profession's interest that its complaints system operates in such a way as to inspire public confidence in the profession generally and ensures that action can be taken when conduct has not been of the highest standard. No profession is immune from having within its ranks people who are not up to the required level of competence, who are not entirely honest or who do not behave as their position requires. Such problems are inevitable because professions consist of human beings. The House should ensure that, as far as possible, there is a way to protect the medical profession's good name against the few bad cases and that public confidence can be retained. I believe that the Bill will succeed in doing that.

My right hon. Friend the Secretary of State said that public expectations are much higher these days. That is undoubtedly true. She also said that doctors are no longer regarded as paragons. Indeed, people are much more critical now than they would have been even 10 years ago and they require a system that enables them to have their complaints about inadequacy dealt with so that standards are improved.

I am delighted that the GMC has made it clear that it supports the thrust of the changes because, of course, it is far better to reform the profession if the profession is prepared to endorse change rather than having it imposed on it. I pay tribute to the hon. Member for Newham, South (Mr. Spearing), who for many years waged a campaign to change the profession's disciplinary system. To an extent, the Bill is the fruit of his efforts, although I know that he would have liked to go further.

Given the need for swift reform, it is absolutely right that it should be carried out under the present regime of self-regulation. However, were we starting ab initio, I should not feel especially well disposed to having such a heavily self-regulatory system. I speak with some experience of self-regulation, having worked for a while in the advertising industry which operates a system of self-regulation. Although it operates well, it was clear to me that it could not provide all the answers that the public had come to expect. The system was deficient. I was also involved in the setting up of self-regulation for the direct mail industry and came to the same conclusion in that instance.

We need to ask whether self-regulation is sufficient for the medical profession. The hon. Member for Strathkelvin and Bearsden (Mr. Galbraith) spoke effectively on that point. He said that he did not believe that there was a conspiracy among professionals to cover up. I accept that judgment, but I still believe that self-regulation is open to potential criticism. Although I would not accept that there is any conspiracy or whitewash among professionals—indeed, they have reason to aspire to the highest standards—there is clearly a danger that the profession will indulge in self-protection and use the Bill and existing legislation to be cautious, if I may put it like that, when dealing with complaints and criticism. The profession is naturally resistant to change. It does not want any further requirements placed on it in respect of discipline and standards of conduct unless absolutely necessary.

If the public are to be sure that a system is operating properly, they have to believe that everything is above board. If the public think that everything is not above board, even when it is, there is a deficiency in the system. I therefore have some doubts about self-regulation, especially in respect of the national health service, whose professionals are required to obtain higher standards than in, for example, commerce.

**Mr. Malone:** Before my hon. Friend leaves that point, I hope that he will bear in mind that the GMC has a substantial lay element, so it is not quite a closed shop. I am sure that he will concede that the Government are not imposing something on the profession. The GMC fought for the Bill for some time and the Government are glad to be able to support it.

**Mr. Merchant:** I am grateful to my hon. Friend. I said a few minutes ago that the GMC clearly supports the Bill. I was going to stress that, in any event, there is not a system of pure self-regulation in the medical profession. There is a lay element in the Acts of Parliament which gives backbone to the system and which means that the profession is not entirely self-regulating. It is self-regulation built on a statutory framework. It owes its origin to the Medical Act 1858, to which the Bill is related.

We must bear it in mind that that Act was passed at what was perhaps the peak of laissez-faire, so the system is, in essence, Victorian. I do not say that in a critical sense but simply as an explanation. The Act provided a structure in tune with health provision of the time, but times have changed considerably. The public's demands have changed, which is why the Bill is needed to update the system.

I regard the Bill as part of a continuing process. I predict that further changes will be needed in future to take account of yet more changing attitudes. I do not share the somewhat apocalyptic vision of the hon. Member for Cannock and Burntwood (Dr. Wright), who went a little far in talking about the dangers posed by problems in the medical profession. Although I understand his concerns, the Bill is pretty narrow in terms of the changes that it introduces. There will come a time when a broader framework will be required to cover not just those who the Bill covers—registered medical practitioners—but many quasi-medical professionals whose numbers are multiplying and who offer medical services that are now accepted by the national health service. Some of them are regulated by legislation, such the Osteopaths Act 1993 and the Chiropractors Act 1994, which I was delighted to support, but many other mushrooming activities in alternative health care should also be included in the legislation.

**Dr. Spink:** Does my hon. Friend share my concern that the public might be disappointed with what the Bill delivers? It will not be a panacea and resolve every small complaint. People may be looking for rather more. The

Bill is a move forward, but there is further distance for us to cover, particularly in improving the way in which FHSAs deal with complaints.

**Mr. Merchant:** I agree with my hon. Friend. He is absolutely right. It is a stage that will be welcomed, but it is a step behind public expectations. His latter point about FHSAs is also absolutely right.

The Bill's major deficiency is that it widens or deepens the authority provided by existing measures only slightly and it does not provide a comprehensive system to cover the complaints procedure via the national health service, to which my hon. Friend was referring, or the quasi or alternative medical professions.

My principal feeling is that the Bill is useful and important because it covers a surprising gap in the present powers. The average member of the public would assume that the current disciplinary system or complaints procedure covered adequacy or inadequacy among the medical professions, incompetence, constant poor performance and faulty judgment. Most people would imagine that any doctor who demonstrated incompetence would immediately be caught by the provisions of his own profession's standards and disciplinary systems. That is not the case. There is a gaping hole in provision.

The present legislation allows for what was described by the rather quaint phrase "infamous conduct in a professional respect". What, indeed, is infamy? It was defined in 1894 by Lord Justice Lopes who said that it was conduct

"regarded as disgraceful or dishonourable by the professional brethren of good repute and competency" .

That is a very persuasive description, but it is not sufficient to cover poor, simple incompetence and inadequacy and, in that sense, a gap existed.

The GMC's "Proposals for new Performance Procedures: A consultation paper" went straight to the heart of that. It defines

"'seriously deficient'—in other words, so blatantly poor that patients are potentially at risk".

Surely it is necessary to include in the statutory framework behind the disciplinary system that the GMC operates full scope for that to be covered. The Bill does that, and not before time.

The Bill covers the need to protect the public from deficient performance, but it proposes to do so in a way that is supportive and remedial. The first objective is to protect the public. The second objective is to try to deal with the problem positively by finding a means to raise the individual doctor's standards. Given the potential expertise, the training that doctors have to undergo and the cost, it is surely right that, if possible, a means should be found of rescuing the doctor and putting him back on the straight and narrow.

The GMC is perfectly right to do that. It recommends putting in place a procedure that will be fully covered by regulations under the Bill when it becomes an Act, local assessment and a complex system of ensuring that justice is done, even if the complaint is relatively minor.

The GMC has produced an exceptionally complicated flow chart which, when one follows it through, as I have done, is logical and ensures not only that complaints are properly screened and dealt with in the right way, at the right level and with the right degree of proportionality but that the doctor is given adequate care and attention at each stage to solve the problem, from the point of view not simply of the complainant but of the doctor.

I do not believe that the Bill solves all the problems, but it represents an important step forward. However, I hope that my hon. Friend the Minister can reassure me on one point. It is a contradiction between the judgment of Jean Robinson, vice-president of the Patients Association, and that of the GMC.

Mrs. Robinson was quoted in *The Independent* as criticising the proposals for not going far enough. She said that the procedures

"would involve only cases judged on poorly defined criteria to be 'serious', would operate entirely in private and would provide none of the rights to be represented or to seek a judicial review which are enjoyed by patients bringing complaints of misconduct."

Referring to the changes, the GMC document said:

"They will not form a lower form of the conduct procedures. They are not aimed to attract a new category of complaint to the GMC, rather they will provide a way of dealing with many existing complaints concerning failures in professional performance."

I am somewhat puzzled by that. I hope that the Bill addresses the concerns expressed by Mrs. Jean Robinson and does not entirely reflect the GMC document.

If the Bill does nothing more than underline what is already occurring, it does not go far enough. If it goes a step further, as I understand it does, the GMC description is not entirely accurate when applied to the Bill. There is a need for a lower tier of conduct procedures. There is a need for complaints that are not caught by the existing procedures to be addressed. If the Bill operates as it should and if the regulations that follow it are sufficiently tough, that is precisely what will happen. The two new committees that the Bill sets up will do that, but I hope that my hon. Friend the Minister can give us some reassurances to that effect.

The Bill is an excellent measure and I strongly support it. I hope that it passes into law soon. I hope that the regulations that follow will be adequate and will enable doctors and medical practitioners to continue to enjoy their excellent reputation by assuring the public that there are proper procedures to deal with those who do not come up to standard and to ensure that those doctors are brought up to standard, for the benefit not just of their careers and future and those of their fellow professionals but of all the people in Britain who seek and expect the best standard of care from health service practitioners.

**Mr. Nicholas Brown:** On a point of order, Mr. Deputy Speaker. The excellent House of Commons Library briefing note on the Bill has so far been read to the House four times tonight. There is a rule against tedious repetition. How often do we have to hear it read to us from the Conservative Benches?

**Mr. Deputy Speaker:** I am well aware of that particular rule and I have been taking note. The hon. Gentleman can rest assured of that.

8.19 pm

**Dr. Robert Spink** (Castle Point): It is a great pleasure to follow my hon. Friend the Member for Beckenham (Mr. Merchant), who always makes an interesting speech. As I expected, he demonstrated a wealth of knowledge about the subject in the course of his very cogent remarks. It is also a great pleasure to speak in support of the Second

*[Dr. Robert Spink]*

Reading of the Medical (Professional Performance) Bill. However, my contribution will be short because, as we heard a moment ago, much has already been said.

**Mr. James Pawsey** (Rugby and Kenilworth): But it will not stop my hon. Friend saying it again.

**Dr. Spink:** I am indebted to my hon. Friend. The Bill takes an extremely small but significant step forward in driving up standards of patient care.

**Mr. Pawsey:** I thank my hon. Friend for giving way. Does he find it as extraordinary as I do that there is only one Liberal Member, two Labour Members and not a single Back-Bench member of the Labour party—

**Mr. Deputy Speaker:** Order. Let us return to the Bill.

**Dr. Spink:** I am indebted to you, Mr. Deputy Speaker. The Bill received all-party support, so it seems absolutely incredible and outrageous that the Opposition Benches are empty, as my hon. Friend has correctly pointed out.

**Mr. Nicholas Brown:** As we support the principle of the Bill—which is what should be discussed during the Second Reading—the Opposition parties are trying to make progress while Government Back Benchers seem to be filibustering unduly. I cannot understand why they are doing so, but that is clearly what is going on.

**Dr. Spink:** Mr. Deputy Speaker, you have been listening to the debate very carefully and you will be aware that hon. Members have raised a number of very proper questions which will be dealt with during the Committee stage of the Bill. That is why the debate has proved so interesting and useful. The Minister is taking great notice of it and he is making copious notes. I look forward to hearing his speech.

Both the General Medical Council and the British Medical Association have given their blessing to the Bill. The GMC press notice of 16 March 1995—a significant document which I have taken from the Library research paper and which I do not believe has been read to the House—states:

"We identified a gap in our powers and I am pleased that Parliament has been asked to fill this gap to enable us to do our job more effectively".

That is what we are about tonight.

**Mr. Congdon:** I agree with my hon. Friend and we are all aware that the GMC was behind the Bill; it identified a gap in its powers. However, should we not ask whether there are other gaps that are not addressed by the Bill? There is a danger that we will pass the legislation and, in five years' time, realise that such gaps exist.

**Dr. Spink:** My hon. Friend the Member for Croydon, North-East makes a telling point that has been referred to before and that I will come to in a moment.

In talking about the support that the Bill has received, I must mention the important patient groups and associations which have indicated their support for the general thrust of the legislation, although they also expressed some reservations. Those reservations have been aired tonight, but in deference to the hon. Member for Newcastle upon Tyne, East I will not rehearse them again.

In welcoming the Bill, I accept that there are some difficulties in the national health service and that mistakes sometimes occur. The NHS treats millions of patients each year and it would be incredible if occasional misjudgments or even gross errors of judgment did not occur. Thankfully, such events are rare and I pay tribute to the doctors, nurses and even the health service managers, all of whom enable the health service to function properly and provide an improved service to our constituents.

Southend-on-Sea trust hospital is improving the service it provides to my constituents. It treated 17,140 more patients last year and it has treated an additional 700 patients this year.

**Mr. Deputy Speaker:** Order. It seems as though my remarks have fallen on deaf ears. It is very interesting to learn what is happening in the hon. Gentleman's hospital, but we are dealing with the Medical (Professional Performance) Bill. I ask the hon. Member for Castle Point (Dr Spink) to address his remarks to it because we are nearing the point of tedious repetition.

**Dr. Spink:** I am indebted to you, Mr. Deputy Speaker. The Government have raised public awareness that taxpayers should expect good, timely and courteous service from all areas of the public sector, including the national health service. The Bill addresses that point very directly. The Conservative Government have raised patient expectations. The hon. Member for Cannock and Burntwood (Dr. Wright) outlined many of the ways in which patients have received more information and more rights, so I will not repeat those points.

The citizens charter movement was initially scorned by Opposition Members, but it is now being studied and copied across the world, for example, in the United States. Tonight hon. Members have referred to a number of alarming cases involving serious neglect in the health area. The Bill should swing the balance of health care in favour of the patient while dealing with problems that occur from time to time in the health service. It will provide patients, the BMA and the GMC with another weapon in their armouries. The hon. and learned Member for Montgomery (Mr. Carlile) referred to that point in welcoming the legislation during debate about the Queen's Speech.

My hon. Friend the Member for Wyre Forest (Mr. Coombs) said eloquently that patients have responsibilities as well as rights and he referred to patients' increasing tendency to abuse those rights. People are making more night calls and they are constantly referring matters of little significance to their doctors. That is placing a burden on the system, doctors are being placed under greater pressure and that is leading to an increase in the number of mistakes that they make. I hope that we will look carefully at ways of inhibiting that development.

A story appeared on the news tonight about a doctor who worked 110 hours. He successfully sued his local health authority and received about £5,000 compensation because he said that he had been put under undue pressure and was therefore at risk of making a mistake in treating patients. If he had made a mistake which had amounted to gross incompetence, the Bill would have swung into effect and enabled him to receive additional training so that he could provide his patients with better care. That is one of the reasons why I support the legislation. We

accept that patients have needs and rights and that they should receive the best possible protection from incompetent doctors.

**Mr. Pawsey:** I thank my hon. Friend for giving way and I apologise for interrupting the flow of his speech. He is making an extremely eloquent speech which I know will be noted carefully by all those hon. Members who are in the Chamber and by those who will read *Hansard* in due course. Does he find it surprising that there is no reference in the Bill to the work of the health service commissioner? My hon. Friend assiduously attends debates in the House and he studies such matters with the utmost care. Therefore, is he surprised that the Bill does not mention the work of the health service commissioner and the way in which he may hear complaints relating to general practitioners?

**Mr. Deputy Speaker:** Order. That was a mini speech, not an intervention.

**Dr. Spink:** I am indebted to you, Mr. Deputy Speaker. Although it was a rather long intervention, it was an interesting and important one. Of course, the health service commissioner plays a pivotal role in these matters, and I look forward to hearing what my hon. Friend the Minister has to say about that when he replies.

Whatever the reason why a doctor might be incompetent—the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith), himself a distinguished medical man, gave a very illuminating account of the various reasons, so I shall not rehearse them—he or she should be given the opportunity to recover and repair. The Bill allows time for that process to take place. The Bill leads the way, therefore, to improving standards of doctoring by allowing time for doctors to retrain. It gives them one or two years—perhaps more—to retrain and represent and be relicensed, so that they can continue their profession. That is absolutely right. The Bill is not just about discipline and punishment. It is focused on driving up the standard of care that patients can expect to receive from their doctors. That is the way it should be.

On a technical note, my hon. Friend the Member for Ribble Valley (Mr. Evans), who made a most interesting and cogent speech, referred to the costs of retraining and asked whether they would come from the general NHS budget or from any other hypothecated budget. The explanatory and financial memorandum to the Bill said that the cost to the NHS of retraining doctors, as a result of the Bill's measures, would amount to about £530,000 each year. I do not think that we should consider that cost as unacceptable or, indeed, that it is an unacceptable demand on the health service budget, as sound benefits will flow from that relatively small expenditure.

**Mr. Peter Atkinson** (Hexham): I am grateful to my hon. Friend for giving way. What happens if the doctor involved is not a practising doctor but simply works as a locum and moves around the country? What happens, for instance, if that doctor was in private practice? Which section of the NHS does my hon. Friend think would have to cover that cost? Would the local family health service practitioners committee have to foot that bill, even though the doctor was in no way attached to it? There is a problem there.

**Dr. Spink:** These are all extremely interesting and important questions which my hon. Friends on the Front Bench will be addressing—

**Mr. Malone** *indicated assent.*

**Dr. Spink:** I have seen the nod of the head. I, like my hon. Friend, look forward very much to receiving the explanation about that and perhaps to reading the deliberations of the Committee, which, no doubt, will go into this with a fine-toothed comb.

**Mr. Pawsey:** Once more I apologise to my hon. Friend for interrupting his speech. I draw his attention to clauses 5 and 6. He will be aware, because quite clearly he has studied the Bill in considerable depth, that clause 5 provides that an

"Order in Council may bring different parts of the Bill into effect at different times."

Yet clause 6 says that the Bill

"will extend to the whole of the United Kingdom."

Does my hon. Friend agree that perhaps there is an argument for some form of pilot scheme to be introduced, perhaps, for example, into Scotland, to see how the Bill operates and to sort out any teething troubles? I would welcome his advice on that point.

**Dr. Spink:** My hon. Friend has clearly assiduously read the Bill, has taken in all its clauses carefully and is considering them. I believe that it is such a good Bill—it takes an important step forward in its contribution to improve patient care and helps doctors who are having problems to recover from those problems in an honest and honourable way—that it should be brought in without a pilot, as soon as possible. No doubt those items can be deliberated on at length in Committee.

I was talking about whether the £530,000 cost of retraining doctors is acceptable or whether it would be an unacceptable burden on the health service, and that benefits would flow from that expenditure and that it was relatively low. The increased effectiveness of doctors as a result of the expenditure on their retraining, and the better diagnoses that they would make, would deliver massive benefits that would far outweigh the very small cost. I do not think that the cost is of any great significance. I believe that it would be money extremely well spent.

I agree with other hon. Members, particularly my hon. Friend the Member for Croydon, North-East (Mr. Congdon), that we need better systems to deal with chronically poor doctors—those who make small mistakes from time to time, who need a small amount of help—rather than the very serious bad performance and outrageously bad professional conduct, which, in a way, are easier to deal with. The Bill addresses those more directly. We cannot avoid the problem of the chronically poor performance, and we must find systems and improved ways of dealing with that.

**Mr. David Lidington** (Aylesbury): Has my hon. Friend studied the precedent set by the Osteopaths Act 1993 and, dare I say it, the Chiropractors Act 1994, which provide for penalties in respect of conduct by a practitioner that falls short of the standard required of either a registered chiropractor or osteopath respectively? Does my hon. Friend believe that those might serve as useful precedents

*[Mr. David Lidington]*

that the Government might study with a view to introducing something not dissimilar with regard to the orthodox medical profession?

**Dr. Spink:** My hon. Friend makes an important and interesting point, which no doubt will be considered carefully. He comes to the House with a lot of knowledge and has done a great service to society at large through his work with the Chiropractors Act. We pay tribute to him now.

I shall give a specific example of a chronically poor performance. It has not been covered before. You will not be aware of it, Mr. Deputy Speaker, but there has been a lot of repetition tonight, and I deplore that. Indeed, I am trying to avoid it. The example is one of a doctor who falls out with a patient—perhaps there is a personalty clash, or whatever—and decides to remove that patient from his list, but refuses to give a good reason, or any reason, for so doing. The GMC will not take any notice. It is not terribly interested. I have tried to interest it in a difficult case in my constituency, but it has not shown any willingness to become involved. The FHSA sometimes finds that it cannot be of much help. Doctors in the area talk to one another. Other doctors are reluctant to take on the patient. As a result, the patient, who herself was damaged as a result of the medical profession making a bad decision in the first place, may well be causing a nuisance to the doctor.

But that is the nature of it. Many of our constituents cause what might be considered a nuisance to us. They have every right to do that. That is what we are paid for, and we must accept that and deal with it in a proper and professional way. We cannot turn our backs on our constituents, and we do not. Doctors should not turn their backs on their patients, but some of them do. I doubt whether the Bill would deal with that. The committee on professional performance, which is mooted in clause 1 of the Bill, would not be able to deal with that. It would not consider it to be any great professional misconduct issue that it should deal with. Gross misconduct or serious deficiency in performance would not cover the removal of patients from a list. So we have—

**Mr. Deputy Speaker (Mr. Michael Morris):** Order. I can help the hon. Gentleman. If the Bill does not cover the illustration that he is giving, I am afraid that he is out of order. If he thinks that it might, he would be in order.

**Dr. Spink:** I am greatly indebted to you, Mr. Deputy Speaker; you are absolutely right. However, perhaps we should consider whether the Bill should be extended to cover that matter. I think probably not; the Bill should go forward as it stands because it is an extremely good Bill and we should not delay it. We need to consider other measures to follow behind it. I note that you are leaning forward in your Chair again, Mr. Deputy Speaker, so before you stand up I shall sit down.

8.39 pm

**Mr. Peter Atkinson** (Hexham): I apologise to the House because although I was here to listen to my right hon. Friend the Secretary of State's introduction to the Bill, unfortunately I then had to attend meetings elsewhere in the House and so missed what has clearly been a long and interesting debate. I hope that in my few remarks I shall not be unduly repetitious.

**Mr. Nicholas Brown:** Only someone who has not attended the last two hours of debate could possibly describe it as interesting.

**Mr. Atkinson:** I do not think that I should be tempted to reply to that comment—although I must point out that I hold the Bill in my hand, not the research document from the House of Commons Library.

I join in the general welcome for the Bill, which is an important measure that will do a great deal to improve medical standards in this country. It should be made clear that the Bill is in no way a criticism of the national health service or of doctors. We should say time and again, even at the risk of being repetitious, that Britain has a first-class health service and that the majority of doctors and medical practitioners are of an excellent standard and take great trouble about retraining and keeping up to date with modern trends in medicine.

The Bill is a kind Bill. It is not intended to attack or harry general practitioners who may fall foul of it. Instead, it makes provision to retrain them, to support them and to bring them back into the fold as competent doctors.

I want to pick up a point made by my hon. Friend the Member for Beckenham (Mr. Merchant) about there being some gaps in the Bill. I do not want to be out of order, Mr. Deputy Speaker, but I must say that I believe that in time we will have to extend the process to developing areas of medicine such as chiropractors—something that my hon. Friend the Member for Aylesbury (Mr. Lidington) knows a great deal about—or even bone setters, as they are known, who are increasingly moving into a quasi-medical position.

I speak from a position of considerable luck because I represent a rural constituency. It has isolated communities, but within them there are first-class medical practices, health centres covering most of the constituency and an excellent general hospital. I am sure that the provisions in the Bill will not need to be applied to any doctor in my constituency.

One concern that I have about the Bill is the effect that a vindictive patient might have on a perfectly competent GP. I know that the Bill provides for a screening system, but I am concerned that an individual GP could be dragged before a committee time and again simply because of complaints from a troublesome nuisance patient. As patients learn more and more about their rights—as they should—the odd troublemaker might seek to pursue a vendetta against a GP.

There is also the question of who pays for retraining. That issue should not be left in the air. I appreciate that one of the problems with such a short Bill is that a great deal of the detail is to be left to regulation, which I understand must be approved by the Privy Council. That always causes Members of Parliament to feel slightly ill at ease because we are being asked to approve a Bill that is not complete.

The question of who pays for retraining is important. Doctors may be self-employed, but usually they are employed by the family health services authority. There are also some peripatetic locums who move from one position to another. Who would be responsible for retraining those people? I do not think that the local health

authority or the hospitals should take on that retraining. I hope that my hon. Friend the Minister will respond to that point when he replies.

Another point that needs consideration is the appeals procedure. The Bill is complicated, but my understanding is that if a GP felt that he had been wrongly convicted—that is perhaps not the right word—his only recourse would be to the law. There is no opportunity for an accused doctor to disagree with the screening process or the professional judgment of his peers. I wonder whether there should be such a gap in the Bill.

Will the hearings of the General Medical Council's committees be held in public? The GMC's proceedings are usually open to the public. One difficulty could be that, much to the delight of the tabloid newspapers, marvellous stories about doctors in trouble with their patients could be splashed across newspapers—even though the allegations are often totally unfounded. Will doctors who have to appear before the GMC committees be granted privacy when their cases are heard?

Despite those few reservations, I very much welcome the Bill. I hope that the details in the regulations will be more thoroughly discussed in Committee because, as I have said, there is a slight feeling of ill ease that such a short and compact Bill should rely on other people adding to it to make it work.

8.46 pm

**Mr. Robert Key** (Salisbury): I was detained at the start of this afternoon's business, so I look forward to reading the early part of the debate in *Hansard*. I want to raise some important issues which I do not think have been covered in earlier speeches.

Over the years, Members of Parliament have to deal with many cases in their constituencies. Some can be easily resolved, but more usually they cannot. When a professional conduct case is involved, it is usually beyond the competence of a Member of Parliament to make a judgment, any more than a Health Minister can make a judgment on a clinical matter. That is no different from the behaviour that the British people would expect of lawyers, accountants or any other professional person. It is the whole essence of professionalism. Standards apply to a profession and we expect people in that profession to maintain them. I was fortunate enough to be a teacher for 16 years before I entered the House and I learned the essence of professionalism in the world of teaching.

The cases with which we have to deal as Members of Parliament vary widely, and sometimes we are fortunate enough to gain some professional insights. I served as a member of the Medical Research Council, where I saw what many would regard as the rather esoteric end of the market. However, it gave me an enormously important insight into the challenges facing the medical profession, both in this country and elsewhere.

Some of the cases that our constituents bring to us turn out to be not quite what they seem. That is why I warmly welcome the Bill. It will help us in our role but, above all, it will help citizens who feel aggrieved and it will help those members of a profession who may occasionally have unwarranted charges made against them. Sometimes cases are brought before us and there is incomplete information. A patient is aggrieved, he disbelieves his GP and he wants to take the matter further. Only a few weeks ago, I was told of a constituent whose mother had allegedly died of bed sores in hospital. Of course that was not the position, but the relatives felt aggrieved. I regret that the symptoms were much more serious, but, all told, it was a hard time for the family concerned.

There is the occasional malingerer and the occasional example of a night-time call-out when a doctor reluctantly gets out of bed and travels miles in rural constituencies. Like my hon. Friend the Member for Hexham (Mr. Atkinson), I represent a rural constituency, and I know how it must feel. No doubt, doctors there can incur the wrath of their patients when appearing less than enthusiastic at the prospect of a journey of some miles to visit someone who is unwell. In all those cases, the patient may feel aggrieved, and occasions may arise when professional misconduct takes place. Generally speaking, however, that is not the case.

The danger involved in politicians talking too much about the issue is that they give the impression that professional misconduct is commonplace when the reverse is the truth. In my experience, it is extremely exceptional to have any serious case—the sort of case that might be covered by the Bill in relation to professional performance in the medical profession. We should be careful.

We need to deal with one or two other issues, on which I should be grateful for the advice of my hon. Friend the Minister. The first involves the question: what do we mean by "professional conduct?" One of the things that has interested me in my constituency is the improvement in the past decade in medical services provision focused on the village health centre. That has made an enormous difference to the quality of life in general, and particularly to the medical quality of life for tens of thousands of my constituents.

A substantial building programme has taken place. There are more than 100 villages in my constituency, many of which boast a good primary health care facility. The financial arrangements under which those health centres have been built put a considerable responsibility on the professionalism of doctors who are partners. Does the Bill and the concept of professional performance extend to the financial management and responsibilities of those health centres?

Should something go wrong with the complicated mortgage structure of some of those centres, might professional performance be called into question? Would it bring the profession into disrepute if, for example, a partner who had gained substantially because of the capital increase in the value of the building made off with the loot, so to speak, in a way that might be regarded as underhand?

I have no evidence that that has ever happened, but, as primary health care increasingly receives substantial sums of money from the taxpayer, it is not unreasonable to ask whether professional competence in the medical profession extends not just to the service and the bricks and mortar of a practice, but to the extremely expensive software and computer equipment, and to the ancillary staff, who are so important in an advanced health care system such as we have now. That issue should be explored.

**Mr. Lidington:** I find myself in considerable sympathy with my hon. Friend's line of argument. Does he think that, when dealing with conduct, the Committee that will be appointed after, I hope, Second Reading is given to the

*[Mr. Lidington]*

Bill, might amend the Bill to include a clause on conduct falling short of the standard expected of a doctor, much akin to the clauses already included in the Osteopaths Act 1993 and the Chiropractors Act 1994?

**Mr. Key:** My hon. Friend raises an important issue and I tend to agree with him. For example, clause 1 refers to the committee on professional performance finding that a fully registered person has been "seriously deficient", but in what respect? That needs to be explored in Committee. I have no doubt that it will be, and it is important that it should be.

**Mr. Lidington:** Again, the two Acts to which I alluded and which relate to professions that complement orthodox medical practice have something to teach us. They distinguish between incompetence in the practice of the medical discipline concerned and misconduct more broadly defined. The Chiropractors Act, for example, refers to someone being found "guilty of professional incompetence" and distinguishes between that and

"conduct which falls short of the standard required of a registered chiropractor".

That distinction is already embodied in those two Acts and Ministers might wish to consider it in Committee and during the Bill's later stages in the House.

**Mr. Key:** Paragraph 9 of the schedule to the Bill states:

"In Part III of Schedule 1 (Committees of the General Medical Council) after paragraph 21, there shall be inserted the following paragraphs".

They mention the assessment referral committee and the committee on professional performance. Even that, however, does not really help us or get us far. I dare say that my hon. Friend the Minister will have some answers for us on what exactly is meant by professional performance. There was perhaps a danger in assuming that, when the General Medical Council identified a gap in its responsibilities, that gap would be easily filled. It may not be easy even to decide what the gap is, let alone whether the Bill fills it.

As I have said, any professional misconduct by the medical profession is exceptional. I, too, pay tribute to the high standards in the national health service. I have always relied on it. I have no interest to declare as a subscriber to a private health scheme because I am not. The only private insurance that I have is with my dentist, who decided voluntarily a couple of years ago that he wanted to go down that road. He made the right decision. It proved good value for money for my family because, apart from anything else, as someone who only last Saturday reached his 50th birthday, my teeth are pretty rotten, and my three children have, I think, one filling between them, so the dentists will do themselves out of a job if they are not careful. I have no financial interest in the matter. I and my family believe that the NHS is superb.

I have come across one serious and tragic case. I shall not refer to it in detail because it is still running, and I fear that it will run and run. It involves the death of a child. That constituency case has brought home to me the gravity of professional misconduct or, indeed, misjudgment and it has led me to examine in some detail exactly what happens to a member of the medical profession when something goes wrong.

Again, lest it be assumed that the Bill has identified a gap that we can easily fill, I draw the attention of the House to the fact that, with the increasing complexity and technological involvement of the medical profession, it is sometimes very hard to identify which link in a chain might be at fault or, indeed, guilty of professional misconduct.

It is clear that there is a chain of many links and that things can so easily go wrong. In my constituency case, for example, when the child was first taken into hospital the nurses perhaps did not examine the child as quickly as they should. At that time there was not an absolutely standard procedure laid down for all cases in which a patient suffering from suspected poisoning was brought into the hospital. So time was lost. A doctor was not fetched by the nurse. The pathology department was short staffed because it was a Saturday. Part of the kit was unavailable. A computer link to another hospital north of the border was down because of a technological problem and, again, it was a Saturday. And the consultant was not fetched early enough because the earlier steps had not been followed.

The independent professional review revealed that one person could not clearly be held to blame. There was a series of deficiencies in procedure. Not only the medical profession but the administration was at fault because no administrative procedure had been put in place to cope with the situation in the first place. Moreover, the case was not brought to the attention of the chairman of the trust until nearly two years after it all happened.

Cases in which there may well have been some professional misconduct can sometimes take a long time to investigate, and justice is therefore harder to apply. There is a long chain between the patient, the administration, the nurses, the junior doctors and the consultants.

**Mr. Peter Atkinson:** My hon. Friend has fixed on a particular point. He mentioned the business in clause 1 about where professional performance is found to be seriously deficient. In the example that he has described, would he say that any one of the doctors could be called seriously deficient?

**Mr. Key:** Yes, I would, but that is not for me to judge. That is precisely why the General Medical Council exists. It is a serious point. The length of time between the incident which led to the death of the child and the revelation of what had gone wrong meant that junior hospital doctors had moved on to other jobs elsewhere in the country. So the national health service trust in which the incident occurred was not in a position to discipline the juniors involved in the case. We therefore return, despite the chain, to the need to have a General Medical Council and for it to have adequate procedures. That is why I support the Bill, despite my reservations.

The case in my constituency is not over. That is why I have not referred to it in any more detail. The overriding problem for me is, first and foremost, the enormous distress to the parents that things went wrong and justice was not, at least in their eyes, seen to be done. Secondly, there is the enormous strain on the medical profession. It was not a case of a criminal being identified by a jury and retribution being meted out. It was not like that at all. It was a case of deficiencies on the part of very professional people who had been victims of consequential events. Misjudgments were made. The independent professional

review pulled no punches: it said that notice should be taken of some things that some nurses, some junior hospital doctors and some consultants had done. We are not at the end of that particular story.

We should not treat the Bill lightly and simply assume that it will plug the gap which even the General Medical Council has identified. We are dealing with unusual circumstances here. Of the many thousands of cases with which hospital doctors and consultants cope every week and every month, in only a tiny handful do things go wrong.We must ensure, first of all, that the likelihood of things going wrong is minimised. Secondly, we must ensure that when they do go wrong, the machinery exists to put them right without victimising people or stigmatising professionals who have not been guilty of any misconduct.

The provisions in the Bill buttress a system which is quite exceptional in that it leads right up to the Privy Council for appeal. We should be immensely proud of that because it means that we regard the professionalism of medical people in this country as of the highest importance. That means that we have not only the best health service in the world, but the highest standard of doctors. That is why people want to train in this country.

It is the duty of the House to ensure that we support the Bill so that the highest professional standards will always be maintained and the reputation of medicine in this country will be one of which not only we but the whole world may be proud.

9.5 pm

**Mr. Nigel Spearing** (Newham, South): I whole-heartedly endorse the closing remarks by the hon. Member for Salisbury (Mr. Key). Indeed, I find myself, uncannily, in an almost parallel position. I too had 14 years in education and had to deal with a lot of pupils, families and illness. I probably share the hon. Gentleman's approach to Parliament. Fortunately, the Bill has no party or even any national health service content in principle at all. It is Parliament doing its job for the public.

I too, unfortunately, had a constituency case involving the death of a child. Instead of a chain of unfortunate circumstances, as the hon. Member for Salisbury described, my case concerned one general practitioner who was clearly and very badly wrong. Justice was not done and it resulted in an identification of the gap that we are hoping to fill with this Bill. I too have reservations about the Bill. I cannot say that I support it wholeheartedly. It is good that there is a Bill, whether it be this Bill or the procedures that have been outlined I am not quite so sure, for reasons that I shall now make plain.

I have one other thing in common with the hon. Member for Salisbury and that is being late for the debate. I am very sorry that I was not able to hear the opening speeches. Some hon. Members will know why and others will find out why if they look at today's Order Paper. The Select Committee on European Community Legislation sat for three sessions in Brussels today with Commission personnel and our ambassador there. All the discussions were about 1996 and the change. I have been trying and have managed, through the good offices of colleagues, to be in two places in different countries at once.

This debate is about the regulation of a very important profession—such matters, incidentally, of course also relate to education—which needs protection. Obviously, anybody who is in a critical position—such as a medical practitioner, a nurse or a combination of nurses and doctors—may always be blamed. It is a natural reaction. But we also have to protect the public. This Bill and the Medical Act 1983 to which it is attached should mark that proper balance. Parliament on behalf of the public must strike that balance.

Such a balance was struck in the Merrison report of April 1975, which is worth putting on record. Paragraph 10 reads:

> "We have suggested that the regulation of the profession can be looked upon as a contract made between the public and the profession. It is important to understand in this context that the GMC is merely the instrument for the proper supervision of this contract and that it derives its authority, and its being, from legislation. The legislature—that is, Parliament—acts in this context for the public, and it is for Parliament to decide the nature of the contract and the way it is to be executed."

That sums up the spirit of the debate and what we are about.

The trouble is of course that in respect of Alfie Turner, there was no justice, or any for his family. He was a lad from Canning Town who, 12 years ago now, died tragically. He may have died anyway. The case is well known. The great bravery of Mrs. Stafford from Silvertown is also well known. At some risk to herself, she shopped the doctor concerned after the General Medical Council did not deal with him properly.

That deficiency in procedure prompted my private Member's Bill, which has been before the House for nearly 10 years. The GMC has not accepted it, but it has helped to promote the long discussions and detailed consultation in the medical profession, which has resulted in this Bill.

My private Member's Bill was supported, among others, by Dr. Maurice Miller, a former Member of Parliament who is known to many Members present. It was also strongly supported by the hon. Member for Cambridgeshire, South-West (Sir A. Grant), who has joined me to table a motion to refer the Medical (Professional Performance) Bill to a Special Standing Committee.

As many hon. Members have said, this is not a simple matter. I suggest to the Minister that the procedure of taking evidence and deliberating in such a Committee prior to the formal Standing Committee, which is now available to us, is tailor-made for considering this sort of important relationship between a profession and Parliament. I hope that the motion will be given due consideration. The Government Front-Bench do not have to do anything, but must merely say nothing if I am able to move it. Perhaps we will have better legislation as a result.

My private Member's Bill had the support of the right hon. Member for Peterborough (Dr. Mawhinney), the Secretary of State for Transport, who was then a Back Bencher and who knows a thing or two about medicine. It was also supported by my hon. Friend the Member for Strathkelvin and Bearsden (Mr. Galbraith), who is an eminent consultant.

I am unable to give the Bill under consideration direct support because, as I explained when I moved the Second Reading of my private Member's Bill on 3 March 1987, there is a lacuna in the present procedure for what we might call conduct and discipline. Under the present arrangements, a doctor must be found guilty of what is

*[Mr. Nigel Spearing]*

termed serious professional misconduct, even if he is to be put on conditional registration, which is the main feature of the performance procedure.

I want to question the link—there must be one—between conduct in one incident and a general level of performance. Perhaps it is easier to assess it from one incident than from a period in which there has to be a serious deficiency in performance.

The word serious is very flexible. It gave rise to the terrible situation in the Alfie Turner case, when Dr. A was not willing to examine or treat the boy, or even call for an ambulance when he was virtually unconscious, and would not even take his temperature. Alfie Turner died of meningitis three days later. The doctor was found not guilty of serious professional misconduct and walked out of the General Medical Council with only a stain on his character. The GMC did not even have the power to put him on conditional registration. My Bill, which has not yet been accepted, would have allowed it to do so.

Enough of my Bill because we now have a Bill before us and that is very important. We should have some reservations about it, however. The first reservation should be about its format, as it has three or four principal clauses, which will trigger off a complex procedure. It took me quite a long time to fathom it out in the official documents. The procedure is not contained in a single diagram but in three diagrams of some complexity. No doubt those familiar with the GMC and the medical profession will be able to understand it. That complexity is another reason why we should study the Bill in a Special Standing Committee for three days, as we are allowed.

My second reservation concerns the screening procedure and I am sorry that I was late today as I know that one hon. Member present knows about it. I should have thought that it was controversial to have a single screener, or a screener with reference to just one other person. The process of screening complaints from any quarter will be replicated in the parallel procedure for performance, currently found in the realm of conduct. I have heard it said—we shall no doubt find out in Committee whether it is correct—that members of the GMC's preliminary purposes committee cannot consider cases which the screeners have already dismissed. That may have been changed by now; if not, I hope that it will be changed because it is not good procedure.

Those of us who have been in local government or on Committees of the House know that a chairman's action can be looked at and, even if it cannot be reversed, it can at least be revealed or further endorsed. Unless someone in such a crucial position is open to subsequent inspection, the public have cause for concern. Under the procedures to be adopted, the decisions of one or, at most, two screeners should be open to subsequent examination. After all, if someone writes to a member of the GMC and asks why a case did not come before it, that member should at least be able to look at the case, perhaps in confidence, to see why it was dropped. I do not think that can happen now.

Since introducing my Bill, I have received many letters about delays from all over the country. If someone complains to the GMC, it naturally puts the matter off if the complaint has gone to the family health services authority or one of the learned colleges of medicine. That may be all right, but I have heard many examples where complaints have been brushed off, and the GMC's public relations in that respect do not always induce public confidence.

I have referred to the complexity of the diagrams on procedure. I make no specific complaint that the performance procedure as distinct from the final stages of the disciplinary procedure are held in private, as there may be an argument for that. The problem is that, once a complaint has been considered, and even after the screeners have said that there may be a case, the complaint can be dropped in at least three subsequent parts of the procedure before it reaches the proposed statutory committee—the assessment referral committee—and will not necessarily reach that committee at all. Although there may be nothing wrong with that, if it is not open to GMC members to consider those complaints, the public have cause for concern.

The hon. Member for Salisbury mentioned appeal to the Privy Council. That is confined to the conduct line of investigation but will be complicated if we are to have two parallel forms of investigation. Although the conduct of a doctor who is guilty of a criminal offence or some other misdemeanour that is not medical must be investigated, we now have no less than four committees: the preliminary purposes committee; the professional conduct committee; the assessment referral committee; and the assessment of professional performance committee. We also have the possibility of appeal to the Privy Council. Unless what is happening in those investigations is crystal clear and open to an extent, even if doctors are anonymous, I fear that difficulties may arise.

I should like to refer to the financial memorandum at the beginning of the Bill. I do not think that we should necessarily worry that doctors who are recommended for some form of retraining should receive it at public expense. I am not sure that that is correct, unless they are employed by the NHS, but I do not want to pursue that. I am interested in the estimated sum, because I cannot understand how it was arrived at. Perhaps the Minister will be able to tell me that when he replies. How do we know how many doctors will go through the retraining process? What standards of serious defective performance will be set by the various committees? How many doctors will be eligible for some sort of retraining or other acceptable courses before they reach the later stage in the retraining process? I cannot see how it was possible for anyone to make a realistic estimate of the amount contained in the financial memorandum. The sum will be paid per annum at the current cost, so what will happen later?

I am not arguing that it is wrong to give money for the retraining of doctors, but someone with a great deal of relevant experience said to me, "By George. Many of these doctors are getting on a bit and haven't kept up." I wonder how capable they are of benefiting from the sort of courses that will be offered. Such doctors may need something more, such as support from their colleagues, or something more subtle than a retraining course. We should ask a lot of questions about those financial arrangements.

I referred earlier to the format of the Bill and I should like to do so again, because of the procedural implications more than anything else. Although the Bill has relatively few clauses, designed to amend the Medical Act 1983,

the schedule to the Bill contains about 50 amendments—I accept that some may be minor—to the 1983 Act. Apart from the clauses, the schedule contains two chunks of amendments to be incorporated in the amended 1993 Act. I reckon that those amendments will create a few new complex sections in that Act when they are either laboriously changed in ink or in "Halsbury", or some computer has a go at it.

It might be worth while—it may be dealt with in another place—if the relatively few sections in the Act relating to doctors' performance were repealed and replaced by an entirely new section. It would be rather like replacing a unit in a complex piece of electronic machinery instead of trying to tinker with it by changing just odd parts. The meaning of the amended Act would then be clear. Unless that is done it will be extremely difficult to follow the new law. That might mean a feast day for lawyers, doctors and the Medical Defence Union, but it would not be right for us to leave legislation in such a tatty state.

The MDU expressed an interest in my amending Bill. I wrote an article about it in the *Journal of the Medical Defence Union* issue number one of 1991, in which I said:

> "The Bill in essence is as much in defence of the reputation of the profession as a whole, since it would promote confidence in it that doctors deserve and the public have a right to expect."

I suspect that that principle should be applied to the 1983 Act, as amended by the Bill, as much as to my own honourable effort.

I called my Bill the Turner-Stafford Bill because it was dedicated to two constituents; one, alas, dead while the other lady is still alive. One of the biggest lacunae in today's Bill is its failure to match what my private Member's Bill sought to provide.

Here we have two streams of procedure, a conduct procedure and a performance procedure. There is a triangle, and if one of the preliminary screeners says, "This is conduct; we ought to do this through the conduct leg of the procedure," and the procedure goes through as it did in the case of Dr. A, and in the end the doctor is found guilty of not having done this, that or the other, but his omissions are not considered to have amounted to serious professional misconduct, he cannot even be put on conditional registration. That is what happened with Dr. A.

If, on the other hand, the person controlling the original king points—the first screener—says, "Let us do this under the performance procedure," the case goes all the way through the performance channel and the committee says, "Dear, dear, there has been a serious lapse in performance here," the doctor will get retraining or be put on conditional registration. I consider that the better way of describing it, because the result should be remedial, not penal; we want remedies but not necessarily penalties. In that case the doctor would get something that it would be impossible for him to get under the present law if the case were dealt with under the conduct procedure.

Paraphrasing the legal language, my Bill simply said that if what a doctor had done did not amount to serious misconduct, but was nevertheless conduct unacceptable in a medical practitioner, the GMC would have the power to put him on some sort of conditional registration, however mild. The exact details could be tailor-made for the situation.

However, the GMC said that it did not want those powers. I now suggest—and I shall take the matter up in Committee—that if such a situation arises the conduct committee, which already exists, should have the power to refer the case back to the performance committee, saying that there had been no serious professional misconduct but that there had been a lack of performance. That would amount to what my Bill would have brought about. Although the GMC was against the idea at the time, I hope that it will reconsider.

The suggestion could form the basis of one of the amendments that we make to the Bill in Committee. I hope that the Committee will be that suggested in my procedural motion, which I hope the House will support as the most appropriate way of dealing with this important Bill, which not only affects all of us as members of the public, but affects all our constituents and also the noble profession of medicine.

9.27 pm

**Mr. Nicholas Brown:** With the leave of the House, Mr. Deputy Speaker, I should like to respond to the debate—briefly, because I know that we are all anxious to hear the Minister's responses to the questions that he was asked not once but many times.

In my opening remarks I was uncharitable enough to observe that the governing party was padding the debate out and to allege that that was done to avoid exposing the Secretary of State to more contentious debates on health care. The debate has provided a fair amount of evidence to support that contention; it has been good-natured and well-informed, if somewhat repetitive.

The first Government Back Bencher to speak was the hon. Member for Birmingham, Edgbaston (Dame J. Knight); she was the first of several hon. Members to pay tribute to my hon. Friend the Member for Newham, South (Mr. Spearing) for the part that he has played over the years in repeatedly trying to bring before the House the issues addressed by the Bill.

The hon. Lady praised my hon. Friend and his supporters on both sides of the House for their endeavours, and she also mentioned the meningitis case to which my hon. Friend referred. Her words found widespread acceptance in the House when she asked what we could do about a doctor who said that he could not be bothered to see his patient. I must admit that I am pretty sceptical about how much retraining would help in such circumstances, yet retraining is a key feature of the Bill.

The hon. Member for Edgbaston expressed a fear that our health service would approach the American model and become more litigious. I agree with what she said about that, although I fear that the Government's national health service reforms take us in that direction, rather than help avoid it.

In a powerful contribution, my hon. Friend the Member for Newcastle upon Tyne, Central (Mr. Cousins) delivered himself of a highly critical and well thought-through critique of self-regulation. The Government have made it pretty clear that it is the legislation before us, amended as best we can in Committee and on Report, or nothing. They are not considering a more radical reform of the profession or professions.

My hon. Friend the Member for Newcastle upon Tyne, Central expressed uncertainty about the use of language in the Bill. He concentrated on the meaning of the word

*[Mr. Nicholas Brown]*

"serious" and mentioned the number of procedural stages and the influence of old boy networks. The argument about language was well taken up by my hon. Friend the Member for Strathkelvin and Bearsden (Mr. Galbraith), who made a similar argument, although about the word "competence". Both words are important. Obviously, the way in which those terms will be defined in practice will set the standards for the profession, and it is right that we tackle those issues now and in detail during consideration in Committee.

That brings me to the contribution of the hon. Member for Chislehurst (Mr. Sims), who told us helpfully and fully of his work on the PPC. I pay tribute to him for that work. He rightly spoke of the importance of the laity in the work of the General Medical Council. However, although he expressed support for the principle of the Special Standing Committee procedure, which Labour Members would like to be followed in that case, he said that he did not consider that it was applicable in those circumstances, because there had been such widespread and thorough consultation.

I am sure that what the hon. Member for Chislehurst says is true, but let me say to him, as gently as I can, that Members of Parliament, especially members of the Opposition, have not been a part of that consultative procedure. If legislation is to pass through this place, it is for the elected Members of Parliament to satisfy themselves that the legislation is properly structured—not for all the outside interests to be so satisfied, and to come to Parliament and treat us as though we were a rubber stamp. Our constituents would not want us to be treated in such a way, and it would be demeaning to this place if we ever allowed ourselves to be treated in such a way.

I advocate crisp but mature scrutiny of the details of the legislation, once concise expert opinion has been heard—the same concise opinion to which people in the profession have already been exposed. I consider that that would serve Parliament better than the adversarial Committee procedures that I believe are the ones that the Minister favours—although I wait to be surprised and perhaps even encouraged.

I make the Minister an offer. I guarantee that, if the procedure that we wish to be adopted is accepted, we shall co-operate fully with that procedure and the Bill will not be unduly delayed. Indeed, that promise was made to him during the Queen's Speech by my right hon. Friend the Member for Derby, South (Mrs. Beckett).

The hon. Member for Wyre Forest (Mr. Coombs) got his teeth into the briefing notes so ably prepared by the House of Commons Library, although he diverted from them to accuse some patients of unreasonably becoming ill, thereby placing pressure on the national health service. *[Interruption.]* I hope that I do not do his contribution an injustice, although I hear from the groans of his hon. Friends that I may have paraphrased him unfairly. It is nevertheless the case that there is increasing pressure on the national health service, which shows up in the statistics for complaints and in the much smaller statistics relating to the GMC's ability to cope with complaints.

We had a powerful contribution from my hon. Friend the Member for Cannock and Burntwood (Dr. Wright), who discussed the extent of the powers in the Bill, made the case for the Special Standing Committee procedure that we support and especially placed emphasis on the importance of definitions—an argument that was made by every Opposition Member who spoke.

We then began what I can only describe as a parliamentary filibuster. Conservative Members followed each other and spoke to the briefing notes. The hon. Member for Ribble Valley (Mr. Evans) condemned high-profile complaints and then treated the House to an example of a high-profile complaint. The hon. Member for Croydon, North-East (Mr. Congdon) read the Library note adequately, but he was rehearsing what the hon. Member for Edgbaston had said earlier.

The hon. Member for Beckenham (Mr. Merchant) got his parliamentary revenge on me and my former colleague, the late Harry Cowans, for having kept him up late at night in 1984 on the Rates Bill. He clearly harbours a grudge and undoubtedly remembers the inadequate whipping by the Government during the passage of that Bill. He was followed by the hon. Member for Castle Point (Dr. Spink), whom I must congratulate on having managed to find and then read to the House the one bit of the Library briefing note that other Conservative Members had not yet read. At that stage I found myself thinking, "Why me?"

The House will recall that last week I attended the passage of a private Bill when I represented, on my own, the parliamentary Labour party as my hon. Friend the Member for Hackney, South and Shoreditch (Mr. Sedgemore) delivered a two and a half hour defence of Bart's hospital. At least he did it with elegance and enthusiasm. Attending parts of today's debate was not like watching paint dry but like listening to it. Even the Minister's parliamentary private secretary fell to reading *Scallywag*—as far as I could see from here, it was the latest edition. Presumably he was checking to see if the Minister for Health appeared in it. I do not know whether that is part of his parliamentary duties—*[Interruption.]* The Minister obviously does not appear in it.

The hon. Member for Hexham (Mr. Atkinson) raised a perfectly good point about accountability. The General Medical Council is not responsible to the Secretary of State for Health; it is responsible directly to the Privy Council. Parliamentarians on both sides of the House are right to be especially vigilant when there is a suggestion that the royal prerogative is to be used rather than a decision of the House.

Every point having been made umpteen times, the hon. Member for Salisbury (Mr. Key) returned to an earlier theme. He would not have known that he was returning to an earlier theme as he entered the debate pretty late and apologised for doing so. He asked what was meant by professional misconduct. The discussion about definitions is at the heart of today's debate. The key question is how should a profession be regulated. I say as gently as I can to the House that it must involve professionals, even if only professional advice. The laity are also important—a subject that we shall want to examine in Committee—because they are there to represent the public interest.

The debate's second theme involved the meaning of the key terms in the Bill. As my hon. Friend the Member for Newcastle upon Tyne, Central asked, how is "serious" to be defined and why is the word "serious" necessary? My hon. Friend the Member for Strathkelvin and Bearsden made exactly the same point around the use of the word "competence". We were asked whether a single incident would be sufficient under the new procedures or whether

a doctor's performance over time was to measured under the new procedures. I understood the Minister to say that there were circumstances in which a single incident could of itself bring the new procedures into play. We shall wait to see the sort of cases that will emerge. It is important that we understand that a single incident could trigger off the procedures.

Will the Minister tell us whether the Government intend to legislate for the other professions? In my opening remarks I listed the phrases that pertain to disciplinary actions involving the other national health service professions, and a response from the Minister tonight would be helpful.

I conclude by making a plea around the procedural point. It would reflect credit on the House if we dealt with this issue, on which there is no division on principle between us, in a non-adversarial way in a Special Standing Committee, thus enabling people to give evidence to us so that we could make our decisions on the basis of it. It is a suitable Bill for that procedure, and I make the Minister this pledge: if he adopts that procedure, we shall do everything that we can to facilitate it and make it work as it should rather than to frustrate it or use it in a partisan way.

9.39 pm

**The Minister for Health (Mr. Gerald Malone):** I must first refute the scandalous suggestion made by the hon. Member for Newcastle upon Tyne, East (Mr. Brown) that the contributions made by Conservative Members were anything other than extremely constructive. I listened to all of them with care. My hon. Friends, like the hon. Gentleman's colleagues and the hon. Member for Argyll and Bute (Mrs. Michie), contributed to an excellent debate on a complex subject and each raised a number of novel points, to which I shall respond.

I must also point out that, had it not been for my colleagues carrying the debate when there were no Opposition Members here to do so, the hon. Member for Newham, South (Mr. Spearing) who, with his usual courtesy, had alerted my colleagues and I to the fact that he was hoping to speak but could not be here until late, would have been thwarted, returning to the Chamber only to find the debate had finished. I, for one, am pleased that he was able to make his valuable contribution.

**Mr. Nicholas Brown:** I must apologise. I had not realised that the governing party was deliberately keeping the debate going so that my hon. Friend the Member for Newham, South could contribute. I apologise to the Minister and thank him for filibustering in a debate on the Government's own legislation.

**Mr. Malone:** It was a happy and slightly unforeseen consequence of my hon. Friends' enthusiasm.

I am extremely pleased to be able to thank the hon. Member for Newcastle upon Tyne, East for his remarks in support of an important Bill and for saying that, ultimately, the Bill will pass through Committee with reasonable dispatch, subject to discussion of the very many issues that will be raised in Committee and to which hon. Members of all parties have alluded. I hope that the circulation of the notes on clauses will assist detailed discussion of the Bill later.

Hon. Members raised a wide range of concerns about the responsibilities of the General Medical Council as well as their views on the Bill. I shall try to deal in detail with as many as possible and comment on some aspects of the Bill that have not been raised in great detail—and there are some, although the hon. Member for Newcastle upon Tyne, East may not think so.

When my right hon. Friend the Secretary of State opened the debate, she mentioned the importance that the Government attach to the GMC's new procedure. I am happy to wind up the debate, but I must make it clear that the Under-Secretary of State for Health, my hon. Friend the Member for Bolton, West (Mr. Sackville), who was here at the beginning of the debate but was unable to remain until the end because he had commitments elsewhere, will take the Bill through its remaining stages.

Several hon. Members mentioned the possibility of a Special Standing Committee. The Government believe that there has already been thorough consultation on the Bill's subject matter. The GMC has issued two consultation documents and we believe that little would be gained by using the Special Standing Committee procedure in this case. I listened with some care to the hon. Members for Newham, South and for Newcastle upon Tyne, East on this subject, but, following the consultation process, it is clear that the Bill is supported by a wide range of professional groups and patient groups which comprise the type of people who would come before such a Committee. They have made their position clear. The remedial approach is supported by professionals; it is preferable to putting doctors through adversarial proceedings of conduct hearings, which are regarded as punitive and would require criminal standards of proof.

As those important matters have been extremely well aired by the GMC in the two consultation documents, it is the Government's view that a Special Standing Committee would not be entirely appropriate as the purpose of such a Committee is to raise novel issues that were not canvassed before the Bill reached Second Reading.

**Mr. Spearing:** In the bipartisan atmosphere, I thank Conservative Members for bringing to the debate facts and matters that have been transferred from another part of the building and that otherwise might not have been recorded in *Hansard*. Does the Minister agree that nothing will change the Standing Committee stage? All he is saying is that we are not to have the preliminary of up to three mornings. He says that it is not worth it. How does he know? How can he prejudge what extra might emerge in those Select Committee hearings?

**Mr. Malone:** I am not trying to prejudge that. There has been a substantial consultation process that is adequate for the Bill to proceed.

**Mr. Galbraith:** Will the Minister give way?

**Mr. Malone:** No. I have a substantial number of points to address in the remaining 15 minutes, not least some of those raised by the hon. Gentleman.

I cannot give the undertaking that the hon. Gentleman Newcastle upon Tyne, East sought. I turn directly to a number of points that he raised. First, he asked about the role of the screener. I repeat that the screener, who will be a medical member of the GMC, will decide whether there is sufficient evidence to support an allegation of seriously deficient performance. He will examine the evidence submitted to him and, if necessary, will seek additional information.

*[Mr. Malone]*

A complaint can be dismissed only with the concurrence of a lay screener. The Government believe that that will afford protection to complainants in that their complaints cannot be dismissed by one individual alone. That provides substantial reassurance.

The hon. Gentleman also asked whether retraining is the answer if a doctor is persistently poor. A doctor must be given a chance to mend his or her ways. The Bill is not punitive, but designed to bring people back into line.

The assessment process may be the first time that a doctor is brought to the point of accepting that his or her performance is poor. Training may not be the sole answer. That point was raised by the hon. Member for Newham, South, who said that it might be a fairly complex matter. There may also be a need for counselling or for a period working under the guidance of another doctor. If a doctor does not improve, or performance is found to be so poor that there is a danger to the public, the matter can be referred immediately to the committee on professional performance, which can impose sanctions, conditions or suspension.

The hon. Member for Newcastle upon Tyne, East also asked about the reinstatement of doctors who had voluntarily removed their names from the register, consequential to the powers in clause 2. If a doctor subsequently applies to have his or her name reinstated, the application for reinstatement will be considered by the appropriate committee of the GMC.

The hon. Gentleman also raised the important issue of meetings in private. Rules will provide that the assessment referral committee will meet in private. One of the reasons for that is that the proceedings before that committee are preliminary in nature and should be held in private, as are the preliminary proceedings committee of the GMC, which considers conduct matters.

I am sure that the hon. Gentleman will have recognised that the Bill provides that rules will be made determining whether proceedings before the committee on professional performance, which is the main committee in respect of the legislation, will be in public or private. Initially, the GMC has taken the view that it would like them to be in private, but it will keep the matter under review. In any event, the doctor who is the subject of the proceedings will be able to demand that the proceedings be public if that is what he or she wishes.

The hon. Gentleman also mentioned other professional bodies and inconsistent powers, to which he asked me to refer specifically in my winding-up speech. He is correct in his summary of the powers of other health regulatory bodies. They differ to some extent and none parallels exactly the GMC's new performance procedures. The Bill results from a medical profession initiative and we would be very interested in proposals for change that any other professional bodies may choose to develop and bring forward. However, such proposals must be developed as carefully as the GMC's measures and should include public consultation, which was a very important element of the GMC's preparation for the Bill. At present, we have no plans to introduce legislation, although we would be prepared to consider the matter if other professional bodies put such proposals before us.

I now turn to the excellent speech by my hon. Friend the Member for Birmingham, Edgbaston (Dame J. Knight), who raised a number of points that I shall address directly. She asked, rather pertinently, what clause 1(9) of the Bill means. How will people—for example, employers—know that a doctor has been suspended? That is an important question.

**Dame Elaine Kellett-Bowman:** Absolutely.

**Mr. Malone:** My hon. Friend will doubtless be glad to hear—as she endorses its importance from a sedentary position—that, if a doctor is suspended, his or her name will still appear on the register simply because the name has not been erased. The registrar of the GMC will ensure that a note appears against the doctor's name to the effect that suspension has taken place or that conditions have been imposed on registration. Anyone who makes a search of the register—as employers should do—will discover what the position is.

Access to the register will also be improved. The GMC is actively exploring ways to make the register more accessible in its up-to-date form, which will be important as matters proceed fairly quickly. For example, it will be made available on the Internet—how fashionable can one get, Mr. Deputy Speaker?—or on CD-ROM. I assure my hon. Friend that the register is checked regularly by employers—12,000 last August—to ensure its effectiveness. It is an extremely active register and I hope that my hon. Friend is reassured by my comments.

A number of hon. Members raised the issue of seriously deficient performance. There is no clear definition beyond that in the Bill which, as I said to one hon. Gentleman, is not unusual when drafting legislation of this sort. However, I shall explain what is intended for the future. The GMC will issue guidance setting out the standards of professional performance that will be expected of doctors. It currently gives similar guidance on professional conduct and medical ethics in the blue book, as the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) mentioned. Future definitions will be advanced in the blue book or its equivalent.

Once guidance is available, the GMC will have a clear yardstick against which to measure a doctor's performance and it can therefore decide whether a doctor has been seriously deficient in his conduct. In addition, I am assured that the GMC will publish the details of the outcome of performance hearings. As the process develops, a clear body of knowledge will build up to which people can refer in much the same way as a body of case law develops in other areas.

My hon. Friend the Member for Edgbaston also raised the question of overseas doctors. She asked whether language difficulties could count as serious deficiencies in performance. I think that that would be unusual because language ability is tested before registration is granted. However, if communications problems prevented a doctor from competently examining a patient, taking a clinical history and explaining treatment plans and things of that sort, it would constitute a serious deficiency in performance—although I think that such an occurrence would be extremely unlikely.

The hon. Member for Newcastle upon Tyne, Central suggested that the profession was too protected. Under the Bill, anyone may send information to the GMC on a doctor's performance—patients, employers, health authorities or other doctors. I disagree with him that it is a profession that is protecting itself. It is an open procedure and I believe that the rest of the House has recognised it as such.

I congratulate my hon. Friend the Member for Chislehurst (Mr. Sims) on making an extremely important contribution to the debate, as I am sure he will to the Committee. He knows a tremendous amount and is well-versed in these matters. The next time I pass him in the Library and see him behind a pile of books, I will know what he is doing. It was good of him to enlighten us.

The hon. Member for Christchurch (Mrs. Maddock) stated that the ultimate sanction of erasure would be available under the Bill. I would like to point out to her that it will not. I would not like her to harbour any illusion on that point. A doctor cannot be erased under these procedures. A doctor can only be suspended or have conditions attached to registration.

My hon. Friend the Member for Wyre Forest (Mr. Coombs) was concerned that the devil is in the detail of the Bill—as it is with so many other pieces of legislation that come before us. The rules that will be made by the GMC are subject to detailed scrutiny by the Privy Council after consultation with Department of Health lawyers.

My hon. Friend the Member for Croydon, North-East (Mr. Congdon), and a number of other hon. Members, asked whether a single act that fell short of serious professional misconduct could be dealt with by the proposed procedures. I said at the time that the answer was yes, and I confirm that. That single act may trigger the action, but the action itself as it goes forward will look at the outcome of the assessment process. Of course, the assessment process will not be based on the single act but will look far more broadly at the track record of the doctor.

**Mr. Nicholas Brown:** Will the Minister give way?

**Mr. Malone:** Briefly.

**Mr. Brown:** Is the Minister adjusting what he said to the House earlier about a single incident?

**Mr. Malone:** No, I am not. I am saying that the single incident may trigger the procedure, but clearly, by its nature, the assessment process does not look just at the single incident that has been raised. It is expected that an iceberg of problems will be revealed once the assessment committee begins to look at it.

Perhaps the hon. Gentleman will pursue that matter in Committee, as I want to move on to a few other points, particularly that raised by the hon. Member for Strathkelvin and Bearsden (Mr. Galbraith). I think that I am the only hon. Member to pronounce his constituency correctly this evening. Doubtless he will be grateful for that. He raised the point that a doctor may be an incompetent orthopaedic surgeon but be all right to practise in other areas. He asked what could be done about that. The GMC will be able to place specific conditions on a doctor's registration.

The hon. Member for Cannock and Burntwood (Dr. Wright) asked whether the GMC should treat doctors who ignore concerns about a colleague's conduct, health or performance as guilty of serious professional misconduct. The GMC will take action, I can assure him, where it discovers that a doctor is not fulfilling a professional obligation, as outlined in the GMC blue book. So that will indeed happen.

A number of my hon. Friends raised other points later in the debate. I should like in particular to deal with the point raised by my hon. Friend the Member for Castle Point (Dr. Spink), who asked why there was no reference to the role of the health service commissioner in the Bill. The GMC is, of course, an independent statutory body and is in no way related to the health service commissioner, who can take an interest only in the NHS.

A number of other matters were raised on the Bill. I cannot refer to them now, but doubtless they will be raised in Committee.

The measure has not simply been sought by the GMC but been endorsed by the Government and the Opposition parties. That is quite right. It is an important measure, not just for the medical profession but for patients, who will be reassured by the fact that there is unanimity on both sides of the House about the principle of the Bill, although amendments might well be tabled in Committee. I am delighted to support the measure, to bring it to the House, to make a real improvement, not just for patients but, in the proper context, for the medical profession. It is better to retrain doctors who become less competent, rather than to penalise them. I recommend the Bill to the House.

*Question put and agreed to.*

*Bill read a Second time.*

*Motion made, and Question put forthwith pursuant to Standing Order No. 61(2),*

That the Bill be committed to a Special Standing Committee.—[*Mr. Spearing.*]

*The House divided:* Ayes 37, Noes 133.

**Division No. 135]** **[10.00 pm**

**AYES**

Beckett, Rt Hon Margaret
Beggs, Roy
Beith, Rt Hon A J
Betts, Clive
Brown, N *(N'c'tle upon Tyne E)*
Chisholm, Malcolm
Dalyell, Tam
Davidson, Ian
Donohoe, Brian H
Dowd, Jim
Fatchett, Derek
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Galbraith, Sam
Gordon, Mildred
Gunnell, John
Hinchliffe, David
Jones, Barry *(Alyn and D'side)*
Kirkwood, Archy
Lewis, Terry
Loyden, Eddie
Lynne, Ms Liz
McFall, John
Maddock, Diana
Mahon, Alice
Maxton, John
Michie, Bill *(Sheffield Heeley)*
Oakes, Rt Hon Gordon
Powell, Ray *(Ogmore)*
Prentice, Bridget *(Lew'm E)*
Rendel, David
Ross, William *(E Londonderry)*
Skinner, Dennis
Spearing, Nigel
Taylor, Matthew *(Truro)*
Tipping, Paddy
Wright, Dr Tony

**Tellers for the Ayes:**
**Mr. Harry Barnes and**
**Mr. Jim Cousins.**

**NOES**

Aitken, Rt Hon Jonathan
Amess, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Atkins, Robert
Atkinson, Peter *(Hexham)*
Bates, Michael
Biffen, Rt Hon John
Booth, Hartley
Bottomley, Peter *(Eltham)*
Bottomley, Rt Hon Virginia
Bowis, John
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Browning, Mrs Angela
Budgen, Nicholas
Burns, Simon
Burt, Alistair
Butcher, John
Butler, Peter
Cash, William
Churchill, Mr
Clark, Dr Michael *(Rochford)*
Congdon, David
Conway, Derek
Coombs, Simon *(Swindon)*
Cran, James
Davies, Quentin *(Stamford)*
Day, Stephen
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Duncan, Alan

Dunn, Bob
Evans, David *(Welwyn Hatfield)*
Evans, Nigel *(Ribble Valley)*
Faber, David
Fabricant, Michael
Fox, Sir Marcus *(Shipley)*
French, Douglas
Gallie, Phil
Gardiner, Sir George
Garnier, Edward
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Hague, William
Hamilton, Rt Hon Sir Archibald
Hargreaves, Andrew
Haselhurst, Alan
Hawksley, Warren
Hayes, Jerry
Hendry, Charles
Hicks, Robert
Howard, Rt Hon Michael
Hunt, Rt Hon David *(Wirral W)*
Jenkin, Bernard
Johnson Smith, Sir Geoffrey
Jones, Robert B *(W Hertfdshr)*
Kellett-Bowman, Dame Elaine
King, Rt Hon Tom
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Kynoch, George *(Kincardine)*
Lait, Mrs Jacqui
Lawrence, Sir Ivan
Legg, Barry
Lidington, David
Lightbown, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacKay, Andrew
McLoughlin, Patrick
Malone, Gerald
Mans, Keith
Martin, David *(Portsmouth S)*
Merchant, Piers
Mitchell, Andrew *(Gedling)*
Monro, Sir Hector
Neubert, Sir Michael
Nicholson, David *(Taunton)*
Onslow, Rt Hon Sir Cranley
Paice, James
Pattie, Rt Hon Sir Geoffrey
Porter, David *(Waveney)*
Powell, William *(Corby)*
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Ryder, Rt Hon Richard
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shersby, Michael
Sims, Roger
Spicer, Michael *(S Worcs)*
Spink, Dr Robert
Sproat, Iain
Stanley, Rt Hon Sir John
Stephen, Michael
Stern, Michael
Stewart, Allan
Streeter, Gary
Sweeney, Walter
Sykes, John
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Thompson, Patrick *(Norwich N)*
Thurnham, Peter
Townsend, Cyril D *(Bexl'yh'th)*
Twinn, Dr Ian
Viggers, Peter
Walker, Bill *(N Tayside)*
Waller, Gary
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Wheeler, Rt Hon Sir John
Whittingdale, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim

**Tellers for the Noes:**
**Mr. Sydney Chapman and Dr. Liam Fox.**

*Question accordingly negatived.*

*Bill committed to a Standing Committee, pursuant to Standing Order No. 61 (Committal of Bills).*

## MEDICAL (PROFESSIONAL PERFORMANCE) BILL [*Money*]

*Queen's recommendation having been signified—*

*Motion made, and Question put forthwith, pursuant to Order [19 December],*

That, for the purposes of any Act resulting from the Medical (Professional Performance) Bill, it is expedient to authorise the payment out of money provided by Parliament of any increase attributable to that Act in the sums payable out of money so provided by virtue of any other enactment.—*[Mr. Lightbown.]*

*Question agreed to.*

## Civil Rights (Disabled Persons) Bill [*Money*]

*Queen's recommendation having been signified—*

*Motion made, and Question proposed,*

That, for the purposes of any Act resulting from the Civil Rights (Disabled Persons) Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenditure incurred by a Minister of the Crown under or by virtue of the Act;

(b) any increase attributable to the Act in the sums payable under any other Act out of money so provided.—*[Mr. Lightbown.]*

10.12 pm

**Mr. Harry Barnes** (Derbyshire, North-East): I hope that I shall not appear ungrateful for the motion before us. It is required for tomorrow, to allow the Standing Committee that will consider the Civil Rights (Disabled Persons) Bill—my private Member's Bill—to progress.

The Government have been reluctant to table the money resolution. They left it until the last possible moment. Reluctance has been apparent in their whole attitude to the Bill. They tabled the money resolution only because it is part of the custom and practice of the House when someone has been successful in obtaining a Second Reading of a private Member's Bill and it is due to go into Committee. Everything else that they have done has been associated with blocking the Bill. They would be openly blocking the Bill if they did not produce the money resolution that is before us tonight. So they cannot readily and easily be criticised for that. However, they are using other means to hold up the Bill.

On the amendment paper for the Committee's sitting tomorrow, there are already 111 amendments in the name of the Minister for Social Security and Disabled People, who is engaging in a procedure that will make it difficult for the Bill to come out of Committee and appear on the Floor of the House on Friday, which is the last available day when the measure can be dealt with.

**Mr. Deputy Speaker (Mr. Michael Morris):** Order. I was rather hoping that the hon. Gentleman would come back within the confines of the money resolution—*[Interruption.]* Order. I hope that the hon. Gentleman is aware of how restrictive the money resolution is—or do I have to give him guidance?

**Mr. Barnes:** I recognise that we are dealing with a money resolution and that I need to direct my attention to questions about costs. I was just pointing out that the Government have been rather slow in tabling the resolution, which ties in with a host of other approaches to the Bill that they have adopted.

The Government have been misleading about cost. There has not been a cost assessment of the Bill, whereas the cost of the Government's alternative, the Disability Discrimination Bill, has been assessed. Last year, the Civil Rights (Disabled Persons) Bill, which was introduced by my hon. Friend the Member for Kingswood (Mr. Berry), was assessed in a peculiar fashion, which concluded that the Bill would cost £17 billion. That was a massively exaggerated figure, which took account neither of phased provision nor of any benefits to business and the considerable tax take. Such tax take must be assessed in relation to the money that would have to spent on the Bill. It is a matter not only of expenditure but of income.

The Civil Rights (Disabled Persons) Bill and the Americans with Disabilities Act have many similarities. The American Act was introduced not by Clinton, but by Bush and there have been many claims about its revenue-raising potential, which need to be considered alongside the money that it requires. The false furore over the costs of the Bill ignores the real benefits to business and society. The disability debate should not be polarised; it should not be split into different political camps. My Bill is modelled on the American Act, which aimed to bring the walls of exclusion tumbling down.

There were also fears about the cost of such legislation in America, but the American experience shows net social and business benefits, increased access to work, cuts in the cost of dependency and boosts to tax take. Disabled people are also consumers, often with untapped disposable income. The Americans with Disabilities Act—

**Mr. Deputy Speaker:** Order. The hon. Gentleman really has to confine himself either to access to polling stations or to the disability rights commission and the costs and work of that body. He must confine his speech to those areas. He cannot go into the benefits of VAT, consumer expenditure and so on.

**Mr. Barnes:** Part IV of the Civil Rights (Disabled Persons) Bill deals with the provision of goods, facilities and services. In America, the Act resulted in some 200,000 new goods and services. For example, a New Jersey pizza parlour fitted deaf aids, advertised in the deaf community and doubled its profit.

**Mr. Deputy Speaker:** Order. The hon. Gentleman obviously did not hear me clearly enough. It is no good him just carrying on reading the notes about the American Act that he prepared beforehand. He cannot refer to the American Act on this particular occasion. *[Interruption.]* Order. I ask him again to refer either to the disability rights commission or to access to polling stations.

**Mr. Barnes:** I take it that, as the provision of money is linked not merely to access to polling stations and the disability rights commission, I am entitled to mention other matters contained in the Civil Rights (Disabled Persons) Bill, which will require money to be spent. The motion does not state that the expenditure incurred by the Crown will be limited to those two aspects of the Bill. Perhaps I am being told that I can deal with only those two matters because the Disability Discrimination Bill has dealt with the others. Am I allowed to extend the analysis, Mr. Deputy Speaker?

**Mr. Deputy Speaker:** The scope of the debate is restricted to the financial aspects of the Civil Rights (Disabled Persons) Bill, not the American Act and what it has done. The debate is purely on this Bill and the two key features of it are the disability rights commission and access to polling stations.

**Mr. Barnes:** I do not want to challenge your ruling, Mr. Deputy Speaker, with regard to the American legislation. I mentioned it only as an example of how relevant revenues could be raised. I find it surprising, however, that in your ruling you are confining me to discussing the disability rights commission and access to polling stations.

**Mr. Deputy Speaker:** Order. The hon. Gentleman does not seem to have taken on board the fact that I am confining him to dealing with spending, not raising, money.

**Mr. Barnes:** Money will need to be spent to provide goods, services and facilities, for example, in transport and education, and on access to housing and premises, as that is provided for in the Bill, as well as on the important work of the disability rights commission and access to polling stations. As polling stations often operate within schools, that will add to provision as regards access to premises and new constructions.

The range of expenditure provided for in the Bill is relevant to the provisions of the money resolution. I am pleased that at last we may be able to adopt the resolution. I welcome it, but I am concerned that it has taken us so long to deal with it.

**Mr. Simon Burns** (Chelmsford): Sit down.

**Mr. Barnes:** I seek your protection, Mr. Deputy Speaker. I should be allowed to continue as long as I am in order. According to the Order Paper, 45 minutes is allowed for hon. Members to contribute to the debate.

I grant that the important factor is that we make the decision, just as it has been important all along for us to make decisions and progress with the measure. I shall accede to the wishes of the hon. Member for Chelmsford (Mr. Burns) and conclude my remarks, but I hope that the Minister and Conservative Members will be as succinct as I have been on this occasion when we reach further stages of the Bill.

*Question put and agreed to.*

*Resolved,*

That, for the purposes of any Act resulting from the Civil Rights (Disabled Persons) Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenditure incurred by a Minister of the Crown under or by virtue of the Act;

(b) any increase attributable to the Act in the sums payable under any other Act out of money so provided.

## Local Government (Leicestershire)

*Motion made, and Question proposed,* That this House do now adjourn *—[Mr. Lightbown.]*

10.23 pm

**Mr. Edward Garnier** (Harborough): I am grateful for the opportunity to discuss local government in Leicestershire. On 21 March, my right hon. Friend the Secretary of State for the Environment announced that he was minded to accept the recommendation of the Local Government Commission to alter the present local government arrangements in Leicestershire in favour of a unitary city, a unitary Rutland and a doughnut county council outside the city and Rutland, with the remaining districts and boroughs staying as they are.

Since the last reform of local government in 1974, we have had a county council for Leicestershire which, for administrative purposes, includes Rutland, and nine district, city or borough councils: Leicester city council in the middle of the county; Charnwood borough council in the north; Melton borough council in the north-east; Rutland district council in the east; Harborough district council in the south and the south-east; Oadby and Wigston borough council between rural Harborough and the city's south-eastern boundary; Blaby district council to the south and west of Leicester, separating Harborough from Hinckley; Bosworth borough council in the south-west and west of the county; and North-West Leicestershire district council.

My constituency takes in the whole of Oadby and Wigston and much the greater part of Harborough district, the smaller part being within the Blaby constituency. I am glad to see my hon. Friend the Member for Blaby (Mr. Robathan) present. Harborough is the largest district within the county in terms of acreage, and borders the city, Melton, Rutland, Blaby and Oadby and Wigston. As the hon. Member for Harborough and a resident of Leicestershire, I take on my own behalf and on behalf of my constituents a profound interest in what is proposed for my county. Those are not matters that affect the interests of only one Member of Parliament, whether he be from the city or the county. They affect us all and, although I represent neither a city seat nor Rutland, on that account I cannot be shut out from expressing my deep concern about what the local government commission proposes for Leicestershire as a whole.

I must get at my right hon. Friend the Secretary of State through the Under-Secretary. To accept the Local Government Commission's recommendations for Leicestershire would be wrong in principle, damage public confidence in local government and lead to greater financial burdens on local taxpayers in the entire county. It would be fundamentally to misunderstand the public mood in Leicestershire, unpopular and, still worse, unwise. The overwhelming majority of Leicestershire's people want no more than to be left alone in terms of local government reform. They neither want nor need upheaval. They expressed that view by taking no interest whatever in the Local Government Commission's activities, or by reacting with puzzlement as it went about its work.

First, I shall deal briefly with Rutland, not because it is unimportant—on the contrary, it is a unique and wonderful county for which I have the greatest affection and admiration and I do not wish to see it harmed in any way—but because a solution to the difficulties that are bound to present themselves with unitary status, which is bound to attract widespread support throughout Leicestershire, is at hand. The case for recognising Rutland's identity, its long history as a county and its long-time and recently settled residents' strength of feeling for their native and adopted county is well made and can be answered by restoring to Rutland its historic county status. I shall say no more on that matter because my hon. Friend the Member for Rutland and Melton (Mr. Duncan), who is also present this evening, fundamentally disagrees with me on two points. I hope that he will correct me if I get them wrong. First, he thinks that Rutland should be granted unitary status and I respect his view on that. Secondly, he believes that to grant unitary status to Rutland will not affect the remainder of the county of Leicestershire.

On the recommendation to give the city of Leicester unitary status, strangely and, in my view, improperly, the Local Government Commission let it be known in Leicestershire that it intended to recommend a unitary city before it had completed its review. The city of Leicester sits at the centre of the county of Leicestershire and is, in every sense, its core. It is not like Nottingham or Derby, the two cities with which it is most frequently compared, for they are at the edge of their respective counties and have an entirely different economic and geographical relationship with them. Leicester and Leicestershire are two parts of a working whole—40 per cent. of those who work in the city live in the county—and to remove one from the other is to damage both. It is foolish to believe that joint arrangements between the city, the county and the districts is a substitute for the present system—all the more so when one realises that 68 informal and formal joint arrangements will be required to provide the services currently provided by the county council alone.

To enable the city to be viable on its own, it will need to extend its boundaries into the county. Even the Local Government Commission recognised that that would be hugely unpopular in parts of the county closest to the city. No Government can anticipate the results of any future boundary commission, nor guarantee protection from an expanding city in due course. Leicestershire's and Leicester's people wanted no change. Although the commission chose not to offer no change as an express option in its survey forms, that option received more support across the county than any of the commission's three options.

That was noticeably true in Leicester. The commission's own MORI survey showed that only 14 per cent. in the city supported its recommended structure. In a separate exercise, the commission canvassed the opinion of every city household. Despite the city council's campaign for unitary status, just 909 city residents, out of a total population of 285,400, were sufficiently moved to vote for the commission's preferred, now final, recommendation.

Those considerations may be seen as mainly technical ones. At least they were known to the commission and perhaps we can assume that they were simply set aside as the commission settled for unitary authorities in all the larger cities. I suggest that it is time to move away from the belief that those cities are somehow special cases. If the Government's declared policy of no national blueprint is to hold, it can be just as easily and just as properly extended to the cities as to the more rural areas. That

principle becomes all the more important when a second set of considerations is taken into account, and it is vital that it should be.

There are political considerations of which my right hon. Friend the Secretary of State and the Government need urgently to be apprised. Leicester is a politically unstable city, albeit under the permanent control of the Labour party. It is increasingly the victim of a combustible combination of Labour party in-fighting and factional Asian politics. That state of affairs is well known to the national as well as the local press. We have already read press stories about the behaviour of the hon. Member for Leicester, East (Mr. Vaz), who apparently controls the current local leadership and will influence future changes. Press stories have also appeared about the involvement in internal Labour party matters of senior city council officers.

Last autumn, I asked some pertinent parliamentary questions of my hon. Friend the Under-Secretary about the Belgrave residents association. There are many disturbing elements to the story, most now connected to the selection of Labour candidates for the municipal elections in May, which are all currently coming to the boil.

Against that background, the city council has, first, conspicuously failed to deliver the opportunities offered by the city challenge programme. Secondly, it has failed miserably in its bid for a share of the single regeneration budget. Thirdly, it is currently failing to explain how it overspent on the refurbishment of the city's concert hall by £1.6 million and yet still failed to open the hall on time. Cancelled shows have cost the local taxpayer a further £0.33 million. Fourthly, the city council is spending £50,000 of public money to engage lawyers to argue against the professional recommendations of its own officers—officers of the county council and of an adjacent district council—that a gipsy camp on the very edge of the city's boundary should not be built. That proposal offends every planning consideration and every local resident, but according to the city's Labour politicians' dogma it should be built.

Leicester city council's only claim to credit lies in its title of "Environment City", a claim, which, frankly, needs to be taken with a pinch of salt as the gipsy camp debacle shows. It is an authority with no track record to show that it can deliver major projects or major services. Furthermore, Leicester city is a profligate authority. It routinely overspends againstits standard spending assessment—this year by 37 per cent. It must plunder its balances by more than £4 million this year. Its budget requirement per head is far in excess of other cities in the east midlands. The figure for Leicester is £193; for Nottingham, £146 and for Derby, £110. There can surely be no confidence that the city council understands the county services that it would presume to take over, let alone possesses the capability to do so. They are the most important local services, however, where cost-effectiveness is crucial.

The city's submission for unitary status showed an abject failure to grasp and to plan for the scale and complexity of the services. It fails to understand how delegation to schools operates. It has claimed that it will "improve the service", but the money for that is to be kept by the local education authority and not delegated. Secondly, the city's submission fails to recognise, let alone to understand, that almost 90 per cent. of the acute health facilities of Leicestershire are based within its boundaries. The enormous consequences for hospital social work of the discharge of non-city residents from hospital are thereby ignored.

Thirdly, the city has not seriously considered the implications of disposing of 250,000 tonnes a year of household waste. It has no facilities available in Leicester. Fourthly, it seeks to take over the seven county museum buildings located in the city, but mistakenly believes that a museum service is about buildings rather than collections. It has no conception of the wider range of services that reach out from museums and no respect for the integrity of the collections.

In my view, the question is all too apparent: what sense is there in such people as those who currently control the city council in Leicester being given additional powers and budgets?

I totally refute the suggestion that giving Leicester city unitary status would in some way cut out the canker from the county. It would continue to fester. I understand that the Government's current financial regime, applied within a Leicestershire envelope, would divert additional moneys into the city from the surrounding areas. Council tax payers in those areas would see their bills not only increase to pay for the transitional costs of a unitary city, but simultaneously increase to pay for the existing level of service, at best. Meanwhile, services now provided by the county council to the people of Leicester would be put under the control of people whom I would describe as irresponsible city politicians.

Given the interdependence of the city and the rest of Leicestershire, it is important to recognise the restraint that the county council has brought to bear on the political dogma and excesses of the city council. To remove that restraint, which is what the Local Government Commission's recommendations would mean, would be to the detriment of the governance of both Leicestershire and the city.

There are two further points of great concern to me, which relate to the Leicester, East constituency Labour party and to the hon. Member for Leicester, East. From material that I have received it is now possible to say that charges of interference by the hon. Gentleman in the affairs of Leicester city council, most notably by exercising undue pressure on a former housing director and on a female former councillor, have been made.

It is fair to say that I had a half-hour discussion with the hon. Gentleman yesterday and he has shown me some further papers this evening. Having heard what he told me yesterday and having looked at the papers, I concede that he has provided an explanation—but not, in my view, a complete one. As last autumn he tabled an early-day motion about me containing information that he knew was false, and as I understand that he has telephoned the chief executive of the county council several times to ask him to drop disciplinary charges against a county council employee who is, or was, a prospective candidate for one of the city wards in his constituency, and who was, or may still be, an officer of the Leicester, East constituency Labour party, I have yet to be wholly satisfied that the explanation is a complete one.

**Mr. Keith Vaz** (Leicester, East): May I take this opportunity to deny totally the charges made by the hon. and learned Gentleman, who is known as someone who raises such matters without substantiation? And as he has

*[Mr. Keith Vaz]*

given way to me, would he like to comment on a dossier that I have received about him, and a letter signed by a member of the Bosworth constituency party saying that he has asked for this debate because he seeks the nomination for the Bosworth constituency, intending to take advantage of the present position of the hon. Member for Bosworth (Mr. Tredinnick)?

It would be good if the hon. and learned Gentleman gave the House an assurance that he intends to stand in the Harborough constituency in future. I raised that question with him before the debate, so he was aware of what I intended to say. I am glad that he gave me the opportunity to provide him with some information, but that is what I would expect from an honourable and learned Gentleman. Perhaps he would comment on those statements—

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** Order. Is this an intervention, or has the hon. and learned Member for Harborough (Mr. Garnier) finished?

**Mr. Garnier:** I intended only to give way, Mr. Deputy Speaker, but as the hon. Member for Leicester, East then began to make a speech, let me tell the House that what he has just said confirms my doubts about the explanation that he gave me last night. That is, I have no—

**Mr. Deputy Speaker:** Order. We have certainly had enough personalisation now. We shall get on with the debate.

**Mr. Garnier:** May I simply add, Mr. Deputy Speaker, that everything that the hon. Gentleman has just said is totally false?

The Labour party nationally has consistently failed to clean up the Leicester, East constituency Labour party. It set up an official inquiry in August 1994, but that appears to have run into the sand. The Walworth road line is that accusations of ballot-rigging and membership impropriety—

**Mr. Vaz:** On a point of order, Mr. Deputy Speaker. This is a debate on local government in Leicestershire. The hon. and learned Member for Harborough is not a member of the Leicester, East or of any other constituency Labour party. There are three other Conservative Members here, and they and I would like to participate in a debate on local government reorganisation. In a debate on local government in Leicestershire it is clearly not in order to describe the inner workings of a constituency Labour party.

**Mr. Deputy Speaker:** The Chair will decide what is in order and what is not in order but, as the hon. Gentleman says, the debate is about government in Leicestershire and, if we can get to it, it would be most helpful. There is not a lot of time in these Adjournment debates, so would the hon. and learned Gentlemen get down to the debate itself?

**Mr. Garnier:** It is precisely because of the way that I employed my arguments earlier that I wish the Government to take carefully the recommendations of the local government review. As I said, accusations of ballot rigging and membership impropriety were fully investigated—

**Mr. Vaz:** On a point of order, Mr. Deputy Speaker. The hon. and learned Gentleman took your view, Mr. Deputy Speaker, which is that the debate is about local government in Leicestershire. There are hon. Gentlemen here—

**Mr. Deputy Speaker:** Order. It is a debate about local government in Leicestershire, and let us now cut the personalities out.

**Mr. Garnier:** Mr. Deputy Speaker, I am not talking about the hon. Gentleman; I am talking about the unwisdom of allowing unitary status to be given to the city of Leicester, bearing in mind the matters that I am about to discuss.

Walworth road has been informed of those accusations of ballot rigging and membership impropriety, and claims that they were fully investigated in August 1994 and were found to be groundless. Walworth road claims that what is going on is—

**Mr. Vaz:** On a point of order, Mr. Deputy Speaker. Walworth road is not a unitary council in Leicestershire county council. It is an internal matter. I could raise in Adjournment debates, plenty of internal matters concerning the Market Harborough Conservative Association. The hon. and learned Gentleman is ignoring what you have said.

**Mr. Deputy Speaker:** Order. I have already said to the hon. Gentleman that I will decide what is in order and what is out of order, but, having said that, I cannot, for the life of me, think what Walworth road has to do with local government in Leicestershire.

**Mr. Garnier:** I am advancing an argument that Leicester city council is not a responsible organisation and it is, as I said earlier, manned by members of the Leicester East constituency Labour party. I submit that it is not a proper organisation to be given unitary status.

**Mr. Andrew Robathan** (Blaby): Does my hon. and learned Friend agree that that is a matter of local government in Leicestershire, which has been aired at length in the best known local newspaper in Leicester, the *Leicester Mercury*, and that many column inches have been expended on local government in Leicester on the very topic that he mentioned?

**Mr. Garnier:** My hon. Friend is right. That is a matter of considerable interest in Leicestershire.

I have seen two detailed confidential reports to Labour's national executive committee. They were apparently sent to every member of that committee on 19 February 1995, under cover of a letter signed by 16 senior Leicester Labour politicians. They included, not only the ousted long-serving city council leader, Peter Soulsby, but three former lord mayors of Leicester, the secretary of the Leicester district Labour party, the secretary and chief whip of the Labour group on Leicester city council, the former deputy leader and the vice-chairman of the neighbouring Leicester West constituency Labour party. Despite the seniority of those complainants and the gravity of their allegations, the Labour party shows no signs of taking any action—and that is the organisation that will eventually have control of the city of Leicester. Walworth road shows no sign of taking any action, at least before the 4 May local government elections. The national Labour party appears determined to sweep the practices of that constituency Labour party firmly under the carpet.

A number of the allegations that have been levelled are as follows.

**Mr. Vaz:** On a point of order, Mr. Deputy Speaker. The hon. Gentleman has totally ignored what you have said from the Chair. This is a debate about local government reorganisation, not about the internal workings of the constituency party.

**Mr. Deputy Speaker:** I will repeat myself. The Chair will decide what is right and what is wrong. Now can we get down to debate? I have already said that there is only a short period for this type of debate, and one tends to think that they are wasted on some occasions.

**Mr. Vaz:** Certainly in this case.

**Mr. Garnier:** As I was saying, some of the allegations that have been levelled are that there have been

"block payments for membership by particular people; the withholding of meeting notices to prevent members from voting; the exclusion of members by falsely claiming that they had resigned and the refusal to accept some people's membership without proper reason . . . the deliberate signing up of Party Members at false addresses to deselect councillors or . . . otherwise"

to

"affect the outcome of Party meetings . . . the use of intimidation"—

for example against Leicester city councillor Mir Juma, who has claimed that it was made clear to him that, if he did not support a specific candidate in the selection process, the city council funding for the project that he worked for would be threatened.

**Mr. Vaz:** On a point of order, Mr. Deputy Speaker. This is becoming farcical. A Minister of the Crown is waiting to discuss those important issues, and the hon. Gentleman is mentioning issues concerning councillors who are not a party to the debate and not involved—

**Mr. Deputy Speaker:** Order. The Chair is now beginning to lose a little patience. There is a fine line between local government and party politics in local government. We are now really stretching a little bit too far. The subject is local government in Leicester.

**Mr. Garnier:** It is local government in Leicestershire, Mr. Deputy Speaker, which includes the city of Leicester. It is relevant because the Local Government Commission's recommendation, which my right hon. Friend the Secretary of State is minded to accept, is to give unitary status to the city. I suggest that that is unwise for the reasons that I have advanced and am in the process of advancing—*[Interruption.]*

I urge the House to consider carefully the points that I have made and to ignore the somewhat hysterical interventions of the hon. Member for Leicester, East, who is clearly getting upset. We must work out what is best for Leicestershire and what is best for the people of Leicester. What do people in Leicestershire and the city of Leicester want?

The recommendation is unwise. I ask my hon. Friend the Under-Secretary of State for the Environment to pass on to my right hon. Friend the Secretary of State my view that the recommendation should be postponed so that further consideration can be given to the activities, not only of the Local Government Commission or its recommendations, but to the activities of the people who are most likely—there is no point being prissy about it—to run the city once it is given unitary status.

There have been suggestions that the hon. Member for Leicester, East, who is clearly losing control of himself, has been involved in the overturning of the leadership of the last city council. I shall not dwell on those—all that I ask my hon. Friend the Minister to do is to postpone the period of consideration so that full thought can be given to the wisdom of giving full effect to the recommendations of the local government review.

10.46 pm

**The Parliamentary Under-Secretary of State for the Environment (Mr. Robert B. Jones):** I understand that my hon. and learned Friend the Member for Harborough (Mr. Garnier) has been appointed Queen's counsel today, so it falls to me to congratulate him on his appointment. I should also say how glad I am to see present for the debate my hon. Friends the Members for Rutland and Melton (Mr. Duncan) and for Blaby (Mr. Robathan). I know that they have a great and sincere interest in the subject.

My hon. and learned Friend the Member for Harborough has chosen to have a debate on the important subject of local government, particularly in the city of Leicester which borders his constituency. As he has not felt it appropriate to mention the record of Harborough district council, perhaps I may take the opportunity to pay tribute to the record of that local authority. Its councillors, especially the leader and committee chairmen, work hard and often unthanked. I, for one, am appreciative of what they have done and continue to do for the people of Harborough.

Although those involved in local government have the primary responsibility to ensure that they provide good and cost-effective services to local people, we in central Government also have a responsibility to ensure that the conditions in which local authorities work are right. As part of that responsibility, it is right that the structure of local government should be examined periodically to see if it is still responding to the needs and wishes of local people.

The functions and role of local authorities have always been in a state of flux—more so in recent years—and local people's expectations of them have also changed. That is not to say that local authorities are not providing good services at a reasonable cost, but there is always room for improvement. It was with that in mind that we set up the Local Government Commission in 1992. Its first remit was to review the structure, boundaries and electoral arrangements of the two-tier shire counties. Among other things, the commission was to consider the extent to which a unitary local government structure could better provide convenient and effective local government and meet the identities and interests of local communities. I certainly do not intend to rehearse all the arguments as I believe that they are well known.

I shall now turn specifically to Leicestershire. My right hon. Friend the Secretary of State announced to the House on 21 March his decisions on a number of the Local Government Commission's reports on the structure in the English shire counties. The commission's recommendations, and our decisions on them, have been based on the two criteria that any change must lead to structures which can meet the needs and wishes of local people and must secure effective and convenient local government.

*[Mr. Robert B. Jones]*

We strongly feel, as did the Local Government Commission, that Leicester city has the right qualities to be an effective unitary authority. Following his announcement on 21 March, my right hon. Friend the Secretary of State has written to Leicester city council confirming that he intends that there should be a unitary authority for Leicester. Some have suggested that our caution over unitary status for Rutland also meant that we were uncertain as to Leicester city's future status. I should like to confirm that that is not the case.

The city of Leicester has a population of 285,000. As such, it is the second largest non-metropolitan district in England and is bigger than all but four London boroughs and the majority of the metropolitan boroughs. Most of the local authorities in the county would support a unitary Leicester, as would many of the local people. The individual responses to the commission's questionnaire and the results of its MORI poll, which I believe is rather more reliable statistically, suggested that there was strong support in the city for the various options involving a unitary Leicester. The MORI poll suggested that 41 per cent. supported a unitary authority while 17 per cent. supported no change.

In addition, Leicester has a tradition of strong civic government and was a county borough. We believe that it has all the right ingredients to make it a successful unitary authority.

The point was made in some representations following the commission's final report, not least those of my hon. and learned Friend the Member for Harborough, that Leicestershire was unique because of the central position of Leicester in the county, geographically, administratively and culturally. We considered those points very carefully before reaching a decision on the structure of the county, but we do not consider that they negate the case for a unitary authority in Leicester.

My hon. and learned Friend suggested other reasons why there should be no structural change in Leicester. However, I believe that in making decisions about the structure of local government in England it is important to draw a distinction between local authorities and the councils and councillors who serve them. We in Government and Parliament can determine the size, shape, structure and services provided by a local authority, as a local authority's powers and duties are derived directly from Parliament, but we should do so with reference to the objective arguments for and against the various options for that particular area, not on the basis of whether we approve or disapprove of the activities of any existing council or group of councillors.

Councillors are, and should be, responsible to their local electorate. It is up to the people in each authority to elect the people who they think will best be able to make the decisions that will directly affect the quality and cost of local services. In this way, it is up to the people in Leicester city—as, indeed, in any other part of the country—to determine whether their existing councillors are doing a good job.

If there are real concerns about how a local authority is running its affairs, they should be taken to the district auditor or even to the police. Councils need to satisfy district auditors that their functions are carried out in accordance with statutory requirements. This is, and always has been, the main safeguard against irresponsible action. It is also open to local people to draw to the district auditor's attention any evidence of mismanagement, be it financial or otherwise.

We intend, therefore, to put an order to Parliament for its approval, creating a unitary authority for the city. Assuming that the relevant order for Leicester city is approved by Parliament, local people in the city will have the opportunity to select their new councillors. I am sure that, as part of the campaign for those elections, a debate will ensue on the government of the city, past and present. I hope that the debate will be constructive and will aid the cause of good unitary local government for the city.

My hon. and learned Friend suggested that reorganisation would lead to financial resources being diverted into Leicester from the rest of the county because an "envelope" around the county would mean that gains by one authority would have to be paid for by reductions elsewhere in the county. I hope that I can reassure my hon. Friend on this point. The standard spending assessments will be calculated afresh on the basis of the objective indicators for each service that an authority is providing. I cannot predict at this stage what the effects of that recalculation might be, but I can say that there will be no ring fence or envelope surrounding Leicestershire or any other county affected by reorganisation.

I should also like to say a few words about Rutland, which is ably represented by my hon. Friend the Member for Rutland and Melton who speaks with sincerity and knowledge of his constituents. We realise that Rutland has a strong local identity. Indeed, it has a tradition as a separate county. We should like to see that return, but not to the detriment of local services and financial prudence. My Department has asked Rutland council to supply the assurances that we need that a unitary Rutland will be able to make good practical arrangements for the delivery of local services and that, having considered fully the financial implications, the costs can be paid for within the same financial arrangements and constraints as apply to other reorganised authorities. We shall not bring an order before the House until we are satisfied on those points.

In every county that it has been considering, the Local Government Commission's work has created a great deal of interest. Many hon. Members have been very involved in representing the interests of their communities and will continue to be—

*The motion having been made after Ten o'clock, and the debate having continued for half an hour,* MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

*Adjourned accordingly at seven minutes to Eleven o'clock.*

# House of Commons

*Wednesday 26 April 1995*

*The House met at Ten o'clock*

PRAYERS

[MADAM SPEAKER *in the Chair*]

## Responsibility to Children

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Chapman.]*

10.4 am

**Mr. Andrew Rowe** (Mid-Kent): I begin my remarks by saying that the hon. Member for Liverpool, Mossley Hill (Mr. Alton) and my hon. Friend the Member for Basildon (Mr. Amess) regret that long-standing engagements prevent them from making the contribution that they had hoped to make to the debate and we are sorry that they are absent.

"What on Earth Are We Doing to Our Children?" is the title of a pamphlet produced by the Maranatha community that is the inspiration for today's debate. It is not an original work; it is a compendium gleaned from newspaper articles, research reports and similar factual sources about children growing up in the modern world—a world which we in Parliament help daily to shape. The pamphlet tells us that every week 2,900 children are involved in their parents' divorce. By 1996 it is projected that 50 per cent. of children in the United Kingdom will be born to couples who will not be together after the children are 16. About 750,000 British children have no contact with their fathers. Every hon. Member who takes a surgery has seen fathers who are distraught at being cut off from their children altogether. I believe that we must find better ways of remedying that injustice.

I suspect that the debate will concentrate on children in the United Kingdom, but let us not forget that beyond these shores 17 million children die each year from starvation and malnutrition. We in Britain spend more on our household pets than we spend on starving children abroad. Does that matter? If our own children are being brought up successfully and responsibly, why should we care about the rest?

Parliament has a responsibility to do what it can for all of the nation's children. However, economics bolster the moral arguments in this case. For example, it costs the taxpayer £8.5 billion to pay the benefits claimed by 1.3 million lone parents and it has been predicted that that sum will increase to £11.9 billion in five years.

In the 19th century there were two pressures on Parliament to improve the nation's drains. One was the moral outrage expressed by Members of Parliament and many others that fellow humans should live in conditions of such filth and disease. The other pressure arose out of the realisation that cholera did not recognise social class and that, if the new urban populations continued to live in such a state, their diseases would kill the rich as effectively as they killed the poor. The dereliction of our children is today's cholera and we ignore it at our peril, no matter how protected we may feel.

I could continue to draw on information in the pamphlet. I could show how physical injuries inflicted by children upon one another are increasing in volume and intensity as children witness more violence on television and try it out in the playground. I could cite the fact that there are more than 250 million copies of videos which feature child pornography, much of which is filmed live as real children are tortured and raped in order to provide a fat living for the film makers and increase addiction and depravity among those who buy those videos.

Perhaps I should refer to the survey which found that 3 per cent. of 15 to 16-year-olds use heroin. I remind the House that most mainlining adults are not, as we often choose to believe, instantly recognisable zombies shuffling despairingly or menacingly along the streets. They are men and women who go to work in suits and who hold down jobs until their addiction one day gets on top of them entirely. We, their neighbours, are then amazed to discover that such nice, ordinary people are drug abusers on a journey to skid row that may well have started in school.

It is not a crisis out there, or some civil war in a remote country in which we have no influence. It is a crisis here, among us and our children, yet it sometimes seems as if we exert as little influence as if it were happening in a remote country seen for a moment on our television screens.

Others will make their own points in the debate and I hope that they will include drugs, prostitution and abuse. The rest of my speech will be in two parts. First, I shall try to reflect on the reasons for our crisis and then I shall suggest some modest ideas about what might be done as a start to turn the tide.

We have to begin with ourselves. What do we value and what do we want? No previous generation of British people has ever been so rich. In 1971, a single female parent on average earnings with one child under 11 would have to work for 3,258 hours to pay for a Ford Escort. In 1994, it would have taken just over 2,100 hours. To pay for a pound of fish in 1971, she would have had to work for 37 minutes; in 1994 she would have to work for 27 minutes.

We are much richer than we were. Christ once asked the question:

"For what shall it profit a man to gain the whole world and lose his own soul?"

That is the question that we have to reflect on today.

If the result of prosperity is that a child of eight can have a portable computer in his room which gives him as much access to pornography, violence or explicit sex as the adult world can devise, and if he increasingly seeks refuge in the solitude of that room because his parents are fighting downstairs, why should anyone be surprised if he becomes, at best, introverted and withdrawn and at worst violent and ready to abuse other children or bully old people?

We are caught in a tension that we seem prepared neither to recognise nor to resolve. On one hand, even if the secondary school heads want it abolished, 70 per cent. of the population support daily worship in schools because they want morality taught to their children. On the other hand, we adults behave as if we had no right at all to guide, advise or discipline our children. I can understand that, but it is none the less a mistake. We

*[Mr. Andrew Rowe]*

should use our experience and our mistakes to help the young and our imagination to respond sympathetically to their need for support.

Most hon. Members who have children accept that they are unlikely to enter the labour market until they are at least 22 years old. When our youngsters approach GCSEs with at least two more years of school ahead, and possibly five or six years of higher education to follow, we regard them still as children. Yet, if a poorly educated youngster leaves her abusive home to set up house with another teenager and has a baby which the boy then abandons because he cannot cope, we react to that single parent as being beyond the pale, an irresponsible burden on the public purse and the source of many of society's ills.

That 16-year-old is only a child—a child who has less support and help available to her than most children. She may be so scarred by what she has already endured that she finds it difficult to accept help, particularly from official sources. We have to change the pattern of her behaviour and our response to it. There has to be a way of using the skills, experience and capacity for love of many of our citizens to help those children and we cannot be complacent when we consider what we have done so far.

It is sometimes argued that we should return to the Victorian era. If that were to mean that Parliament became more effectively concerned with moral issues, I would agree, but other than that such nostalgia is not helpful. The world has changed and even though our values have not, their application must take account of those changes.

Impermanence is now a way of life for many people. If neither marriage nor job nor home is expected to last, if fashions in music, clothes, pets or partners change every few weeks, how can a child hope to find the certainties that it craves? How can parents who receive almost no instruction in how to perform the hardest and most important task they will ever be required to do have the confidence to set standards for their children and to stand by them?

In his Reith lecture, Rabbi Dr. Jonathan Sacks said:

"our current lack of norms relating to sexuality and marriage precisely reflects the supreme importance we have given to the abstract individual, without a binding commitment either to the past or to the long-term future; open endedly free to choose or unchoose any style of life."

I do not believe that when two young people get together they want their relationship to end in a year or two in bitterness and expensive anger, but we know how many do. I do not believe that parents want their children to be bullied at school, but it is reckoned that one in four now are. I do not believe that parents want their children to be exposed to endless and ever more distorted pornography, but in a study of 8,500 schools, 50 per cent. said that computer pornography had been available to their pupils, some as young as eight. I do not believe that parents want any of that, but they do not know how to reverse the tide. Neither do I, but I have some ideas of policies which might help, and I shall close my remarks with a few suggestions.

First, in regard to computerised pornography, there are differing views about the effect of pornography on adults who choose consciously to buy it, but there is a great difference between that adult choice and the freely available filth peddled through information technology to anyone of any age who has access to a portable computer.

I hope that the Minister will agree that communication channels which are open to everyone regardless of age or income, without supervision or support, need to be regulated. I cannot believe that parents in any country in the world are happy that child pornography and graphic scenes of sex abuse, or torture for its own sake, are available to their children, no matter how young those children may be. That surely provides a basis for international agreement on regulation and control.

**Mr. Gyles Brandreth** (City of Chester): I thank my hon. Friend for giving way, particularly during such a moving and impressive oration. I endorse everything that he has said about computer pornography and access by children, but does he agree that the matter is not confined to the dramatic dark end of the issue? There is also the problem of children being isolated in their homes, simply sitting in front of the television. The growth in the number of television sets within people's homes means that in some families children have their own television sets and the parents may watch television in a different room. They do not eat together, but they graze. That is also part of the spectrum. My hon. Friend was giving us examples from the darkest end of the spectrum, but the problem begins at the lightest end. Families can help by no longer existing in isolation in separate rooms in front of their own television sets.

**Mr. Rowe:** My hon. Friend is quite right. In my own household, my wife has always insisted that any member of the family under the roof at a meal time has to come to the meal. If they are not there they cannot do so, but if they are in the house they have to attend as meal times provide interaction between parents and children. Those sensible ideas are followed by many families, but there are a whole host of families which may not comprise the parents of the children concerned. One of them may be the mother or the father, but there may be a new partner who is awkward with the child. There may be all sorts of pressures on them not to meet together. Such lack of support is the basis of much of the trouble, and the reason for that lack is the absence of any model of how problems can be overcome.

Many young parents, be they 15 years old or 30 years old, would welcome—if only we could find a sensible way of doing this—an older mentor, lovingly prepared to give of their time and support in a host of informal ways to help a family work out the best ways of interacting. I cannot imagine that any parent would not like to know how to interact positively with his or her children. Many do not know—and we, through the statutory services, cannot teach them. That must be done in an informal, community-based family way.

We should take a more positive stand on that which Parliament has already decreed and insist that an act of worship is central to the school day, with its clear message about the difference between good and evil on which all main religions agree. Most parents from the many minority faiths now found in Britain share the Archbishop of Canterbury's view and would far rather see the Christian Church standing firm for what it believes than Christians who are so keen to accommodate other religions that they put across no message.

The Government should look again at the many voluntary youth organisations that reach out to the young and give them more support. What sense does it make for the Government constantly to cut financial support to the

National Association of Boys Clubs, for example, when the most common complaint of local communities is that their young have nothing worth while to do? It must be a source of hope that the Scout Association has a membership of more than 650,000 and as many as 90,000 voluntary helpers, yet it receives no money from central Government and local authority support is increasingly capricious.

**Mr. Hartley Booth** (Finchley): I am grateful to my hon. Friend for giving way in his excellent speech. Does he agree that all the tentacles of Parliament and Government should treat children equally? Is not it a blatant anomaly that the children of widowers are treated much harder under our social security system than the children of widows?

**Mr. Rowe:** I had not understood that previously. If that is the case, it seems nonsense. One strange paradox of a generation that has come increasingly to accept equality between the sexes is that the father who, quite properly, wants to care for his children from a broken family—whether from death or divorce—has an infinitely harder time achieving that objective than does a mother. We ought to consider whether that approach is even-handed.

We should take seriously the exclusion of young people from opportunities to shape society. Each year, we extend the period for which the majority of young people remain in statu pupillari and use that as an excuse to exclude them from taking any serious responsibility. No wonder they play so little a part in politics or anything else. Football, for example, is a young man's game, played by young men, supported overwhelmingly by young people and dependent upon them. Is not it astonishing that the average age of the Football Association council's 89 members is 60, and that it does not include one member aged between 15 and 30? My researcher was told that the FA does not consider it necessary to involve young people in the decision-making process. The Lawn Tennis Association takes the same view. What a scandal. If the generation that runs the dealing floors in the City or commands troops in Bosnia is not deemed fit to play any serious part in activities that overwhelmingly concern that age group, is it surprising that members of the young generation turn to activities outside the establishment for opportunities to express themselves?

It will come as no surprise to my hon. Friend the Minister when I say that another instrument to hand, if only the Government would pick it up, is citizen service—an opportunity for any young person who wishes to offer service to his or her community in a disciplined, supervised, challenging and accredited way. My hon. Friend knows my views too well for me to elaborate on them this morning.

The time has come for the informal links between Government Departments, which proceedings on the Children Bill did much to foster, to be formalised. It is difficult for children's needs to receive the attention that would enable them to compete with adults' concerns if they are split between several Whitehall Departments and local authorities. Every special interest asks for its own Department but the magnitude of the crisis confronting children gives their cause a special claim on Ministers' attention.

**Mr. Julian Brazier** (Canterbury): I am grateful to my hon. Friend for giving way again in his excellent speech. At present, 11 Government Departments deal, to a greater or lesser extent, with young people or children. One effect is that when splendid organisations, many of them small, try to pursue small sums of money, they must process forms through four or five central Government Departments as well as through local authorities. That must be a nonsense.

**Mr. Rowe:** My hon. Friend supports my point admirably.

This debate is above all about our personal responsibility for our children and for their children after them. If we are to turn the tide of pornography, sex abuse, violence in and out of school, nihilism and despair, we must each accept some personal responsibility. It is not enough to watch silently as the BBC, press and other media relentlessly go further down market. The editor of one magazine said, "The easiest way to sell magazines is to stick in another piece on sex. Sex sells, and that is the bottom line." It is symptomatic of our reluctance to stick responsibility where it belongs that the founder of Maranatha has been unable to get any reply from the chairman of the BBC to a serious complaint.

One of the most destructive sounds in modern Britain is a journalist saying, "I am not concerned with the consequences. I am only after the story." If the editor of the *Daily Sport* or of any other journal were occasionally to ask if that which he was printing would make the world better or worse for his own children or grandchildren, we might take a major step to accepting our responsibilities to our children.

If we go on as we are—confused but quiescent—it will be our children and grandchildren who will be bullied at school, pressured to try drugs, left alone to cope with the dangers of AIDS and paying the personal cost of broken relationships and damaged children. This debate is an attempt to bring into the cockpit of the nation the sharp realities of that which we are doing to our children day in, day out—here and overseas.

10.28 am

**Mrs. Diana Maddock** (Christchurch): I welcome the opportunity to speak on a subject that is potentially wide-ranging. I will address just a few of the responsibilities that Liberal Democrats and myself believe that the Government have to children. As Parliament and through Government we have a responsibility to act on behalf of all citizens and to spend their money wisely and in the general interest, while paying careful attention to the rights of all, and to lay down and enforce the rule of law equally and without prejudice. But it must be the particular responsibility of any Government to act on behalf of, and to help to protect, those who cannot help themselves. That is why the Liberal Democrats believe that our responsibilities to children are so important.

The recognition that children are especially vulnerable is shared by all parties in the House, and some of our laws reflect it. It is why homeless families with children have priority status for housing—as a result of a Bill introduced by a former Member for Isle of Wight. It is why child benefit is paid, why a higher amount of family credit is paid to those with more children, why children are exempt from health charges, and why children's clothes are still exempt from value added tax.

Despite all this, we are still failing to meet our responsibilities to huge numbers of children. According to the Family Welfare Association, 3.9 million children

*[Mrs. Diana Maddock]*

live in poverty in the United Kingdom—that is to say, their families live on less than half the average wage. That applies to one in three of all our children.

Of particular concern to me is the fact that families with young children suffer disproportionately in the housing market. A huge number of the million households suffering from negative equity are young couples who were first-time buyers in the mid-1980s and who now want to move house to accommodate their young and growing families. They find themselves trapped because their homes are worth less than their mortgages.

How has this happened? I and many others believe that it is a result of the Government's boom-bust economics, which played fast and loose with the housing market and encouraged a growth in home ownership at an unsustainable rate. Mortgage interest relief at source—MIRAS—artificially pushed up housing prices when it was introduced and is now being cut, despite all the Government's promises to help home owners at the last election. It is being cut even for families who relied on it being there when they took out their mortgages, which they were strongly encouraged by the Government to do.

At the same time, the safety net for home owners is being removed from beneath them. More than half the households officially deemed homeless each year have dependent children. Fortunately many of them are rehoused, because we give them priority, but many children languish in expensive but cramped bed-and-breakfast and other temporary accommodation. The effects on children's health and development of eviction and repossession, and of being shifted around various types of temporary accommodation, can be dreadful. We also know that they are long lasting.

Last year I was privileged to take part in Select Committee hearings taking evidence on the United Nations Year of the Family. Many organisations told us just how detrimental moving from house to house could be for young people. If all I read is true, I fear that there is worse to come—in the shape of the Government's proposals for one-year tenancies for homeless families. It is possible that legislation on that will be introduced in the next Session of Parliament.

The importance of security and stability to a young life is hard to overstate. As we have heard today, the most important ingredient of all is a loving family. But increasingly, families are breaking up. Many years ago my parents split up, when I was 11. Perhaps for that reason I have been very careful to keep my family together for my children because I know how family break-ups can affect children.

We need to take a careful look at school curriculums to see what we can do to provide parenting classes so as to break the cycle and make people realise what it means to bring children into the world and to be a parent. I heartily agree with what the hon. Member for Mid-Kent (Mr. Rowe) said about eating together as a family—that activity is probably one reason why my family has kept together so far, although this place is putting a great deal of pressure on it.

Along with a safe and stable home, a high standard of education is crucial both to the quality of life and to the future development of our children. Here, perhaps even more than in the area of housing, the Government's irresponsibility towards children is plain. Compared with last year, local education authorities across the country face cuts in real terms of more than £700 million in the amount of money that the Government tell them to spend. That amounts to £50 less spent on each primary school pupil and £194 less for each secondary pupil.

It now looks as though as many as 12,000 teaching posts could be axed to allow councils to fund the teachers' pay award without going over their capping limits. It cannot be responsible behaviour when central Government starve education authorities of funds in this way.

**Mr. Brandreth:** To inject a positive note, it is possible for certain wisely led local authorities to organise their priorities in such a way as to meet the teachers' pay settlement in full without reducing the quality or quantity of education provision. Cheshire is a shining example of that.

Does the hon. Lady agree that, as well as proper funding for resources for schools—for things like school text books and books of fiction, funding for which has risen by 50 per cent. in real terms in the past 15 years—there is also a place for reading in the home? We should encourage families to read together as well as watching television together. Is the hon. Lady encouraged, as I am, by the latest public lending right figures, which show that in the past year the number of children's books borrowed from public libraries has grown? It would appear that, contrary to popular feeling, more young people are reading children's fiction borrowed from public libraries. Is that not good news?

**Mrs. Maddock:** I am pleased to hear that lending to children is on the increase, but Dorset faces cuts in funding for public libraries—indeed, I am still waiting for an answer from the responsible Minister about that. The hon. Gentleman is right to say that it is important to read with children. Many reading schemes in schools now involve parents in children's reading. That is another reason why nursery education is important, too.

This year's settlement for councils has not been easy, and parents, teachers and governors know the truth, whatever the Government may tell us. Local education authorities will be issuing redundancy notices to teachers and to essential support staff, carers, advisers and those employed to help children with learning difficulties. This is happening from Cumbria to Cornwall and from Barnsley to true-blue Buckinghamshire, where I understand that 122 teaching posts are to go.

These job losses will serve only to exacerbate the problems that schools already have with overcrowding. In Dorset, 44 per cent. of primary school pupils are in classes of more than 30—an increase of a quarter on two years ago. The class sizes of no fewer than 96 of the 109 local education authorities have risen since the last election. Yet in 1983, the Government's manifesto proudly boasted:

"The average number of children per teacher is the lowest ever."

Responsibility to our children means ensuring that they are properly equipped with a decent education for adult life, and that they get the knowledge and support that they need to realise their potential. It is irresponsible to squander that potential and talent by inflicting cuts on schools, the effects of which can never be reversed. We believe that that is being done because the Government want to scrabble together enough money to cut income tax in time for the next election. That is irresponsibility personified.

There is not enough time to talk about other policy areas such as health care, crime, the Child Support Agency and the environment. The responsibilities that we owe run wide—but this is a short debate and others are waiting to speak.

Before I finish I would just add that I believe that Government responsibility to our children entails three things: taking all reasonable measures to protect them from harm—

**Mr. Oliver Heald** (Hertfordshire, North): Do not other political parties also share in this responsibility? Does the hon. Lady agree that suggesting that contraceptives be given out to young girls and that cannabis be legalised—as her party does—is the height of irresponsibility and is bound to damage children?

**Mrs. Maddock:** One should not always take what one reads in the press at face value. If the hon. Gentleman were to read our documents, he would understand that they do not say that we favour giving contraceptives to 11-year-old children. Our conference also wanted a royal commission to consider the serious problem of drugs. If the hon. Gentleman talked to the police, they would tell him how much crime is tied up with drugs. It is responsible to set up a royal commission to consider that.

In respect of protecting children from harm, I share the concerns of the hon. Member for Mid-Kent about computer pornography and about what happens to children when they go home from school. Today I shall be hosting an event in the House on behalf of kids' clubs and I hope that many hon. Members will come to hear how they propose to move forward.

Secondly, in making decisions, we must wherever possible consider how those decisions will affect children. We have heard today of issues affecting several different Government Departments. We have asked for a debate in Parliament about those issues and I regret that time was not made available to debate them together, so I am grateful to the hon. Member for Mid-Kent for this opportunity.

Thirdly, we must always keep the long-term view at the centre of our thinking. Most fundamentally of all, that means investing in the future rather than being tempted by the quick fix or temporary tax cut to win an election. That is the sort of responsibility that the Government should show for our children, who are, after all, our future.

10.41 am

**Mr. Michael Alison** (Selby): I should like to contribute briefly to the debate by drawing attention to a responsibility to children about which I believe that the House and the Government have a significant opportunity to do something immediate, practical and worth while.

I refer to the terrible tragedy and scandal of child prostitution, which is prolific and, sadly, growing rapidly in parts of Africa and Asia but which has been powerfully nurtured and fertilised by western, and particularly British, tourist-based paedophile patronage and procurement.

The key contribution that the House and the Government can make in this realm by way of remedy or prevention is to amend our criminal law so that a sexual offence against a child under the age of 18, though committed in a jurisdiction outside the United Kingdom, could be triable and punishable in the United Kingdom. The offence would, of course, have to be an offence under the law of the country in which it was committed as well as under the comparable United Kingdom criminal statutes.

The idea of prosecuting a British subject at home for an offence committed overseas might, at first sight, seem bizarre and impracticable, if not slightly sinister in its far-reaching implications. However, I am told that the principle of extra-territorial or extra-jurisdictional prosecution is not legally unprecedented or unrecognised. The war crimes trials are an obvious case in point and I believe that certain cases to do with overseas contracts and commercial activities also fall into that category.

The real problem is that of ensuring proper and sustainable evidence for a prosecution. Certainly, that aspect clearly worried my right hon. and learned Friend the Home Secretary, who was recently kind enough to meet me and my hon. and learned Friend the Member for Burton (Sir I. Lawrence) to discuss the problem. My right hon. and learned Friend was adamant that declaratory legislation—legislation which postulated prohibitions and penalties in some area of human conduct without a realistic prospect of ever being effectively applied or operated in the courts—simply brought the law into disrepute and was counterproductive.

I understand the uselessness of merely declaratory laws, but I must ask my hon. Friend the Minister to take note of the fact that Australia, Belgium, France, Germany, Norway and Sweden have all passed legislation to prosecute their nationals who commit sexual offences against children overseas and that Japan and New Zealand are following suit. In Norway, there have been three prosecutions under this novel form of legislation and, in each case, the prosecution led to a conviction. Evidence does not necessarily present insoluble problems.

I recognise the hesitation which must almost instinctively invade the minds of Home Office Ministers and officials in considering an outside initiative to extend our statute law in an uncharted, untried and, effectively, unprecedented manner, but new days call for new ways.

Genuine, bona fide tourism is one of the giant revolutionary changes in our age and our environment and constitutes a massive, worldwide form of economic activity and output. If Britain welcomes tourism so gladly and assiduously—I believe that we are the world's sixth largest tourist host country—how much more must the less developed countries of Africa and Asia welcome western tourists for their spending power and hard currency. However, a ghastly appendage and by-product—child prostitution—overwhelmingly demanded by and provided for western tourists, is appearing and increasing in the fast-growing, uniquely 20th century industry of tourism.

Lord Hylton has introduced and piloted through another place his all-party Sexual Offences (Amendment) Bill. To his immense credit, he has devised a model legislative instrument, though it is probably not foolproof or flawless, to emulate the examples of our western neighbours in changing our law. He has also given us some horrifying facts and figures about the incidence and growth of child prostitution. There are estimated to be between 60,000 and 100,000 child prostitutes in the Philippines, between 15,000 and 30,000 in Sri Lanka, between 40,000 and 200,000 in Thailand and up to 100,000 in Taiwan, not to mention tens of thousands in Kenya and India.

*[Mr. Michael Alison]*

There is substantial evidence that United Kingdom nationals are in the forefront of patronage of those overseas child prostitutes. In simple tourist terms, for example, the United Kingdom is the third largest source of European visitors to Thailand, where child prostitution is most rife. It is a shameful fact that the United Kingdom ranks fourth in the table of foreign nationals arrested in Asia for offences against children.

Nothing horrified me more in learning about this fearful and inhuman abuse of children than the report by Father Shay Cullen, a leading campaigner against child prostitution, of a recent incident in a city in the Philippines where a fire broke out and burned down a massage parlour that was used for child prostitution. When it was cool enough for the firefighters to search the premises, they found the body of a dead child chained to a bed.

Nothing that our Victorian forebears did to children in forcing them up chimneys as sweeps can compare with the abuse that I have described. We legislated against such Victorian malpractices; we should legislate against this uniquely contemporary abuse of children. I believe that Lord Hylton's Sexual Offences (Amendment) Bill is an immediate instrument to hand and I very much hope that my hon. Friend the Minister will give very sympathetic consideration to giving it a fair wind or perhaps introducing, in due course, Government legislation to tackle this appalling and unacceptable feature of the world scene.

10.49 am

**Sir Michael Neubert** (Romford): On 25 April last year, almost a year ago to the day, I initiated a private Member's motion the theme of which was the safeguarding of the younger generation. I am therefore glad to have caught your eye, Madam Speaker, and be able to contribute to today's debate.

I commend my hon. Friend the Member for Mid-Kent (Mr. Rowe) on securing the opportunity for us to debate this important issue and on the very impressive speech with which he opened the debate. His broad message to the House articulated the appeal to the nation's conscience, which is the subject of the Maranatha community's pamphlet. I, too, drew on the community's information last year and was able to relate a litany of abuse as proof of the breakdown of society in this country. Today's debate takes that much further, and the very sombre speech of my right hon. Friend the Member for Selby (Mr. Alison) revealed that children are in peril and at risk everywhere in the world, not only in the United Kingdom. In the short time available to me, I can but add a few embellishments and the latest illustrations of the forces at work which are threatening children.

Children are our country's most precious asset, yet they are vulnerable to assaults from all quarters, some unexpected. They are shamelessly exploited for their growing spending power and influence on family purchasing. Their sensibilities are brutalised by the adult world into which we bring them. These forces are at work in various spheres of activity.

I mention in passing academia. In this context, I read with astonishment that the university of Dundee is to establish a chair in gender relations in education and employment. That in itself might seem mere political correctness, but, by challenging the traditional role of women, and especially their role as mothers, the growing number of courses in so-called gender studies—the gender agenda—threatens the welfare of children and that threat, wherever possible, should be resisted.

It is a short step from academia to the media where opinions that threaten the welfare of children are constantly voiced. I was surprised at the weekend when I read the views of the highly acclaimed comedy actress, Miriam Margolyes. She has appeared in an outstanding television production of "Little Dorrit" and has a one-woman show on Charles Dickens. She appears in the type of production that might well be the subject of children's studies in the English classics yet speaking about the family she said:

"I think families are killers actually, particularly the nuclear family. There is something very off-putting to me about the state of marriage . . . I don't like children".

Those views are extraordinary and out of place, but she is entitled to them. What concerns me is that the person holding them was the subject of a half-page profile in a major Sunday national newspaper. If such views are prevalent in our society, it is little wonder that the institution of the family, which is the greatest protection for our children, is under threat.

Channel 4 is another cause for concern. I have a love-hate relationship with it. I admire its imaginative programming, and it has a remit to offer programmes not offered by the other three terrestrial channels, but there is a constant battle to ensure that it remains within reasonable limits. Although the Independent Television Commission does its best to keep it in check, the system that it has to administer is one of complaining about programmes after they have been shown. The drawbacks of such a system are self-evident because Channel 4's programmers are determined to push back the barriers of "good taste and decency", to cite the Broadcasting Act 1990.

I give one of many examples. It was reported that Channel 4's late-night programme "Eurotrash" would show viewers how to make their own porn movies, so I have to tell my hon. Friend the Member for Mid-Kent that the problem is not only that children have access to pornography but that they are now being shown how to make their own pornographic film if they choose to watch late-night television. As we have heard, if they have a television set in their own room and are isolated, they will watch such programmes.

A senior Channel 4 source admitted:

"We are certainly pushing at the boundaries of decency. The documentary is the most outrageous piece of TV viewers will see for a long time."

The blatancy of such programmes increases daily and we have little power to resist, but I call on the Government to review once again the provisions of the Broadcasting Act 1990 and see whether they can be strengthened or enforced more effectively so that pernicious influences do not corrupt our children.

I am sorry to say that children are often at risk from the Government, not by design but by chance. This week provided a pertinent illustration. My right hon. Friend the Secretary of State for Social Security was under pressure to allow the division of a couple's assets on divorce. Taken at face value, that might seem equitable but it is in fact a disincentive for a couple to remain together. If, as a result of family breakdown, people lose nothing, what incentive is there for them to keep the family together?

The Secretary of State pointed out that, even worse, such a policy would cost £300 million because of the extra tax breaks that would be available to a divorced couple over and above what would be available to a married couple. Fortunately, to his credit, my right hon. Friend resisted, and I pay tribute to him for his stalwart defence of the Child Support Agency legislation which was one of the major advances in ensuring responsibility in parenthood.

There are, however, other hazards. In a publication from the Institute of Economic Affairs, Patricia Morgan points out the consequences of the new child care allowance. She states that

"a single mother with two small children can work for 20 hours a week for £4 an hour and, including all state benefits to which she is entitled, will receive a net income of £163.99.

A married father of two small children working for 40 hours at the same rate—and receiving all appropriate benefits—would get only £130.95 net."

That is clearly a disincentive of the worst kind. If society is based on the family, we cannot allow such an anomaly to continue.

As my hon. Friend the Member for Mid-Kent said, there are 1.3 million lone parents bringing up children in Britain. That is a social catastrophe, not because the vast majority of those children and parents do not live happy, productive and fruitful lives, but because every child is entitled, wherever possible, to the love and attention of two parents.

We are sowing dragon's teeth—unless we support the family and give children their entitlement to a stable home background and, wherever possible, the love and attention of two parents, these injured offspring will continue to rise up and strike us down.

10.57 am

**Mr. Peter Thurnham** (Bolton, North-East): I congratulate my hon. Friend the Member for Mid-Kent (Mr. Rowe) on securing this brief debate. Perhaps this is the time to ask for a longer debate in the future because it is clear that there are many issues to discuss.

I am pleased that my hon. Friend the Minister of State, Home Office is to reply. I was not sure whether a Home Office Minister would attend. His presence reminds me that, in 1971, the children's unit was transferred from the Home Office to the Department of Health. One might wonder whether that move was carried out as wisely as it should have been. In that context, I refer my hon. Friend to Dick Crossman's diaries, which describe some of the scraps that took place, give a blow-by-blow account of how the unit was moved and tell of the battle with the then Home Secretary, Jim Callaghan, as he was. The diaries state that Jim Callaghan said:

"You're going to win anyway, Dick. You'll get the Children's Department out of me. Why not be generous in this small thing and make a few friends."

He went on to suggest how a deal could be done.

We should pay more attention to the need for more central and local co-ordination. I know that a number of Government Departments are involved. Indeed, in an intervention, my hon. Friend the Member for Canterbury (Mr. Brazier) said that he thought that 11 Government Departments were involved. Obviously, one is aware of the involvement of not only the Department of Health and the Home Office but the Department for Education and the Lord Chancellor's Department, with the family law review that is under way. I understand that three Cabinet Committees are involved in children's issues: the Ministerial Committee on Home and Social Affairs, the EDH Committee; the Ministerial Sub-Committee on Women's Issues, the EDH(W) Committee; and the Lord Chancellor's Family Law Review Committee. Perhaps we should have a Children's Committee. If we look to the future of this country, nothing is more important than how we bring up our children. My hon. Friend the Member for Romford (Sir M. Neubert) said that children are our most precious asset. I would call for much stronger measures to co-ordinate children's issues, both centrally and locally.

In my constituency, Bolton council recently set up a children and young people joint working party, in December 1994—tragically, only a fortnight before young 12-year-old Thomas Oakes was found dying from mutilation in his home. His plight was not known to anybody. He was not on any "at-risk" register. Although we still do not know what the inquiry will come up with, clearly, lack of co-ordination between all the agencies, both formal and informal, will be part of it.

I am delighted to see my hon. Friend the Minister from the Home Office in his place, as I would like to take this opportunity to congratulate the police on their work in Bolton. Crime has been reduced for the fourth year running. Nationally, we have seen the biggest drop in crime in 40 years. I was shocked recently when Chief Superintendent Bartlett told me that he thought that one of the areas of greatest concern in Bolton was heroin addiction among youngsters. My hon. Friend the Minister for Mid-Kent mentioned that 3 per cent. of 15-year-olds were heroin addicts. I had no idea that the figure was as high as that nationally, and am extremely concerned that heroin addiction should be growing among youngsters in Bolton. Clearly, that is an area to which we need to pay enormous attention.

I believe that local authorities must do much more. The Government have devolved responsibility for children's issues, through the Children Act, to local authorities. Setting up a committee does not seem to me to resolve issues. Just this week, I received a letter from Mrs. Rita Lilley, the chair of Hallith Wood residents association in my constituency. If I may, I shall refer briefly to it. She says:

"I feel I have to write because for the past two years things are not getting any better. I have made numerous phone calls to schools, Education, Social Services, Criminal Justice and the Police.

The problem is persistent young offenders of which there are three on our estate at present. I am told that two of the youths' parents have washed their hands of them and I believe they are all in the care of social services . . . What the residents and I would like to know is who is responsible for these youths and what if anything is being done to try and get them back on the straight and narrow, because all I see is them roaming the streets day in and day out and frankly I am sick and tired of wasting my time and money contacting departments who don't seem to be bothered."

It is atrocious that the chair of a residents association should be so despairing of being able to get a response from a council that has the devolved responsibility to deal with these issues. I would call on the council to decentralise its services as far as possible and to set up more neighbourhood units. Neighbourhood watch schemes are an excellent example of neighbourhood action and initiative from the Home Office. I think that we could have many more neighbourhood schemes, centred perhaps on schools.

*[Mr. Peter Thurnham]*

I have just been on a visit to Switzerland, where a lot of voluntary work is done in schools on a local scale. Town halls are too large and too remote from the issues that they have to deal with. I call for much more devolution by local authorities into neighbourhoods, so that real action can take place. Indeed, we should look at the way in which central Government and local government could work more closely together.

In France, child benefit is not paid if children are truant. I have raised that question with the Prime Minister and have been told that it would be difficult to implement, but I think that it would be a very good way to draw attention to the children who are truant, and to inquire why each child is not at school, and what should be done about that. I hope that only in a few cases would the benefit be withdrawn. Perhaps if the child benefit was paid by the schools themselves it would be another source of funding for them if some parents felt that they could leave the benefit with the school in the first place.

If children are truant, it is a serious matter. I would like to see more conditionality of benefits. That occurred in the old days, before we centralised everything. We now have the most centralised system of local and central Government that we have ever had. We are losing touch with issues on a truly local scale. I commend two of the Government's initiatives—the local management of schools and, as I have mentioned, neighbourhood watch schemes—as examples of what can be done through working in a neighbourhood way. That is the way to give proper attention to children's matters.

I commend my hon. Friend on having secured the debate today and hope that we shall have many more opportunities to speak on one of the most important issues for the future of this country.

11.5 am

**Mrs. Llin Golding** (Newcastle-under-Lyme): I congratulate the hon. Member for Mid-Kent (Mr. Rowe) on raising this short but very important debate on the subject of responsibility to children, and also on his strong and compassionate speech. I was very impressed with what he had to say and the trouble to which he has gone to find the facts and figures concerning children in this country.

Internationally, the most significant move for children must have been the drawing up of the declaration of the United Nations convention on the rights of the child, which, for the first time, established a universally agreed set of rights for children and, even more significantly, caused Governments to examine their legislation and priorities—or lack of them—with regard to children. It turned the spotlight on to children, and I hope that it will never again be turned off. It certainly influenced our Government to legislate to draw together our laws in support of children and led to the passing of the Children Act—a landmark in our Government's attitude towards children's rights. But it does need more than an Act to solve the problems of children. Almost 3 million children—nearly a quarter of all children in this country—live in families who are on income support. More than 4 million children in Britain live in families whose incomes are less than half the average.

It is indeed time for further action. The Government should listen and respond to the criticism of the United Nations convention report, which, earlier this year, made a devastating indictment of Ministers' failures to meet the rights of Britain's children on a host of fronts, such as poverty, inequality, homelessness, health, sex education, immigration and criminal justice. The answer to that criticism by Ministers, both in this House and the other place, was to deny the need for the House to give time to debate that report. Their silence speaks volumes about their compassion.

Hon. Members from both sides of the House have taken the opportunity to speak up for children. I must especially congratulate the right hon. Member for Selby (Mr. Alison), whose knowledgeable and thoughtful contribution to the debate on child tourist prostitution is one that I strongly support. He will be pleased to know that, when I went to the Inter-Parliamentary Union conference in Madrid a few weeks ago, I devoted my entire speech to that disgusting practice and the need for something to be done. He will also be pleased to know that I was approached by delegates from a number of western countries, who asked what they could do, for a copy of my speech and the Bill that is currently going through the House. Delegates from countries which are doing something, such as Australia, told me that they would send me a copy of their Bill and that they would keep in touch with whatever action is taken.

I agree entirely with the right hon. Gentleman that it is wrong that people from this country can travel abroad and behave in a disgusting manner and then come back and feel quite comfortable that nobody here has seen what they have been doing.

I must also congratulate the hon. Member for Romford (Sir M. Neubert), who made a telling contribution about the late programmes on Channel 4. Last night in Committee we debated solvent abuse and the late programmes on Channel 4. There was a strong feeling that the Minister should consider the contributions to those late-night programmes. A recent programme seemed to support even drugs for children, which is very wrong. I call on the Minister to consider whether Channel 4 is operating within the terms of the legislation.

Illegal drugs have been mentioned, but solvent abuse kills more children than illegal drugs. At the last count in 1991, 122 children died of solvent abuse—two children a week. Something can be done about that. Solvents could be labelled much more clearly. The Home Office should consider the conditions of sale of such products and the clearer labelling of products that can be bought over the counter and abused by young children.

Libraries have also been mentioned. At a school in my constituency which I visited, the children are crying out for books. When teachers came here to see me about their disputes, they told me that the children had asked them to ask me for more books. It is not that children do not want to read—they do—but the supply and quality of books in our schools is so poor that something must be done.

I have written to members of my local Labour party asking them to look for books in jumble sales that would be suitable for use in schools. Books in form libraries have been so well read and thumbed that they are worn out. That is one way in which we could get books back into schools for children to borrow and read in their spare time in schools.

Those are just a few of the issues that have been raised to which I wish to refer, but the most important of all is the support from Conservative Members for the Government to follow the lead of the Labour party and to

commit themselves to an independent Minister for children, not to an afterthought Minister with that responsibility in the Department of Health.

The Minister should not persist in spending time defending the Government's record having enacted the Children Act. He should look forward, listen to children and be their voice. We must all listen, but the Minister, more than most, has the power to change things.

**Mr. Brandreth:** I am slightly concerned to hear the hon. Lady moving on to what I would call a top-down approach as though that was the total answer. My experience is that the good news when it comes is from a bottom-up approach. I do not wish to anticipate the next debate, but, for example, last weekend in my constituency I met parents who were organising a rugby tour involving 120 boys and girls aged between seven and 11. They were to set out from the rugby club in Hare lane to visit Preston and Fleetwood to play rugby. That was not a Government initiative from some Minister in Whitehall; it was the result of parents in the community deciding what was needed. It was much more along the lines of the community watch approach. That may deliver something rather more effective than the top-down approach that the hon. Lady seems to be advocating.

**Mrs. Golding:** I thank the hon. Gentleman for his intervention, but Governments have to show a lead. Without legislation, support and the money that has been mentioned, all the good will in the world cannot achieve what we need to achieve in order to make things right for our children.

The debate has shown the enormous concern across a wide range of issues. The Government should take the lead and administer for children. The Minister has the support of the House for much stronger action than the Government have so far taken. For the sake of our children, the Minister should use that support.

11.14 am

**The Minister of State, Home Office (Mr. David Maclean):** I congratulate my hon. Friend the Member for Mid-Kent (Mr. Rowe) on obtaining the debate and on an excellent speech. It was moving, well constructed and full of valid information. It was probably one of the most telling speeches that I have heard in the House for a long time. I also congratulate my right hon. Friend the Member for Selby (Mr. Alison) on his high-minded and moving speech and my hon. Friends the Members for Romford (Sir M. Neubert) and for Bolton, North-East (Mr. Thurnham) on their contributions.

My hon. Friends got to the core of the debate which, as my hon. Friend the Member for City of Chester (Mr. Brandreth) has just pointed out, is the need for a bottom-up approach. Ministers sometimes kid themselves that we need only legislate, pass some great new initiative, make a speech and things will change. So much of what my hon. Friend said in his intervention is right. In many areas, what will make a difference is not great speeches by Ministers or new legislation, but a change in people's attitudes to their children.

I am also grateful to the Maranatha community for producing the booklet "What on Earth Are We Doing to OUr Children?", which addresses issues of deep concern to us all, particularly those hon. Members who have spoken this morning.

Children are among the weakest and most vulnerable members of our society. We have a moral duty to protect them from all forms of abuse and neglect and to nurture and nourish them physically and spiritually. Nor should we forget that our children represent the future. It is the responsibility of the older generation to ensure that the next has all possible benefits of health, education, physical security and moral well-being. Those are the points made in the conclusions of the Maranatha community's booklet.

First, I stress the Government's commitment to improving and protecting the rights and welfare of children both here and abroad. We are party to the convention on the rights of the child and support the work of the committee on the rights of the child in monitoring states' compliance with the provisions of the convention.

I had not intended to mention it, but since the hon. Member for Newcastle-under-Lyme (Mrs. Golding) did so, I shall refer to the review in Geneva in January. I have no comment to make on other Departments, but I have not been silent on the comments made by the United Nations on my responsibilities. I have said that the committee which carried out that investigation behaved like a kangaroo court, and treated British Government officials disgracefully. Its members asked us 48 questions in advance but did not have the decency to give our people the chance to reply to them. They then suddenly produced their conclusions without even listening to the evidence. That does not do the United Nations much of a service.

The Government also work hard in international bodies such as the United Nations General Assembly and the Commission on Human Rights. We supported the adoption by the commission in 1992 of a programme of action for the prevention of the sale of children, child prostitution and child pornography, and we have urged all countries to implement the measures that it contains.

On the domestic front, we have taken action across a wide range of areas to improve the standards of health and education of our children and to safeguard their moral and physical welfare. I am confident that our commitment will be borne out by what I have to say.

I come first to the distasteful subject of pornography. Concern has been expressed that children are being exposed more and more to obscene and pornographic material and, most disturbingly, that the trade in child pornography, which by its very nature involves the sexual abuse and exploitation of children, is expanding. The Government share those concerns and took action in the Criminal Justice and Public Order Act 1994 to strengthen our existing controls over pornography, already regarded as among the most stringent in the world.

Britain has tough controls over child pornography, with its simple possession now attracting a possible sentence of imprisonment and the more serious offences that might be committed during the making of a film—actual sexual intercourse with a child—carrying a maximum penalty of life imprisonment, and quite right too. The Criminal Justice and Public Order Act fills a gap in the law by ensuring that computer-generated pseudo-photographs of children are also caught by the relevant legislation, and it makes it clear that other indecent photographs of children stored on computer are caught by the law.

**Mr. Thurnham:** Is my hon. Friend aware that concern exists in Bolton—I have just written a letter on this to my right hon. and learned Friend the Home Secretary—about

*[Mr. Thurnham]*

the possible need for further controls on audio tapes, cassettes and compact discs? Apparently, explicit and pornographic audio material, tapes and CDs are around, and there are no controls on their sale to children.

**Mr. Maclean:** I have not seen my hon. Friend's letter, but I would be surprised if what he said is correct. We do not have to describe pornography in the law as being a tape, a CD or a microchip. The law controlling pornography is so wide that any material, irrespective of how it is stored or produced, or through what electronic medium it is covered or generated, should be caught by it. I shall happily look into my hon. Friend's point, but, as I said, I would be surprised if there is any gap in existing controls.

A new prison sentence exists for the mere possession of child pornography. That is a pretty draconian measure to have, but it marks our abhorrence of the activities of people involved in the evil trade in child pornography—including consumers who provide the market for that sort of filth.

The Criminal Justice and Public Order Act extended powers to search for and seize child pornography and obscenity offences available to the police. Child pornography and the obscenity offences have been made serious arrestable offences. That will ensure that, if the police raid the premises of a child pornographer, he will be unable to telephone his clients or other members of a paedophile ring, after the police have gone, to warn them to destroy any pictures or evidence that they have. The investigation and control of child pornography and related paedophile activity are accorded a high priority by the enforcement authorities in the UK, and the Government whole-heartedly support that policy. We believe that the steps that we have taken in the most recent Criminal Justice and Public Order Act are sensible, practical measures that, taken together, will provide the police with significant additional weapons in the fight against child pornography.

In addition to the increased powers of search, seizure and of arrest which have been provided for obscenity offences, the Government have taken steps to ensure that our legislative controls keep pace with advances in technology. We have ensured that computer transmissions are covered by the Obscene Publications Act 1959. I mentioned earlier that indecent photographs and pseudo-photographs of children stored on computer are also caught by the law.

The Government, the police and Her Majesty's Customs and Excise, however, are aware of the risks posed by the growing ease of access to information super-highways. My hon. Friend the Member for Mid-Kent referred to that and to the possibility of linking into pornography on a personal computer through the worldwide Internet system. The law is adequate to deal with child pornography and obscene material generated and transmitted on computer in this country, but I accept that the global nature of such networks and their lack of regulation present particular difficulties. The Government and enforcement authorities are alert to those concerns and are working to ensure that they are as adequately and as effectively dealt with as possible, but I do not want to pretend to my hon. Friends that an easy answer exists and that we can easily plug some little loophole in the law. The problem is difficult.

One forum through which the development of computer pornography is being examined is the recently established inter-departmental working group on obscenity. The formation of that group reflects the Government's continuing commitment to the control of obscenity and pornography, and their determination not to become complacent in the wake of the measures already introduced.

The group will monitor developments in obscenity, with particular reference to emerging trends in computer and child pornography, and will identify any actual or potential difficulties in enforcement, or weaknesses in the relevant law, considering possible ways of overcoming them.

We must not be embarrassed or ashamed if, every year, or every other year, we must plug some gap in pornography controls. Some of our constituents may think that we pass one law and that is it. They say, "Why isn't it working? Surely, it should last for many years." We are aware that, with modern technology and worldwide telecommunications, we may have to make some changes to the law, every other year, to clamp down on such activity.

I want to deal with child prostitution and respond to the moving speech by my right hon. Friend the Member for Selby. No one in the Chamber would dispute that child prostitution and the sexual exploitation and abuse of children is a loathsome and abhorrent activity that should be vigorously opposed. A wide range of criminal sanctions are available to deter and to punish people who use and exploit child prostitutes, and, rightly, the penalties imposed are severe.

The police accord a high priority to the enforcement of laws protecting children, and all police officers receive training on how to deal with child abuse and other sexual offences. The Government are committed to doing what they can to prevent children becoming involved in the first place in harmful activities such as prostitution. The Children Act 1989 provides a framework of powers and responsibilities designed to ensure that children receive the care and protection that they deserve. Local authority social services have a duty to investigate where they have reasonable cause to suspect that a child in their region is suffering from, or is likely to suffer, significant harm. That would include information received suggesting a child may need protection against being drawn into prostitution.

My right hon. Friend the Member for Selby was especially concerned about sex tourism. Concern has been expressed in this country about British citizens who travel abroad, to countries where child prostitution is linked to the organised tourist industry, for the purposes of sexually abusing children. It is a disgusting traffic and my right hon. Friend is right to call for the strongest possible action against those perverts. An understandable desire exists to combat that evil trade through the extension of our courts' jurisdiction over such offences committed abroad.

As my right hon. Friend said, that is the aim of Lord Hylton's Sexual Offences (Amendment) Bill, which received its Third Reading in another place this week. The Government have considerable sympathy with the intention behind Lord Hylton's proposal, although we have grave, practical doubts about whether the measures that it proposes would be effective in practice. My right hon. Friend knows that, and he has talked about the matter with my right hon. and learned Friend the Home Secretary.

It would be difficult to bring prosecutions in this country against British tourists who have committed sexual offences abroad, and the measures would cease to be a deterrent once their ineffectiveness had been

demonstrated. The Bill would also fail to tackle the real problem: the tens of thousands of child prostitutes in the countries that my right hon. Friend mentioned.

The police tell us that paedophiles are among the most devious and clever of the people with whom they must deal. If such people are travelling 12,000 miles to participate in that disgusting trade, they are clever enough to spot when we have passed a totally ineffective law, especially if we brought a prosecution that failed abysmally.

**Mr. Rowe:** I hear what my hon. Friend says, and, of course, none of us wants to be party to passing a totally ineffective Act, but he said earlier that he felt that it was proper to keep returning to the House with measures to block various ways of eluding pornography legislation. It might be worth a crack at passing a law and, if it does not work, coming back to the House to strengthen it rather than doing nothing.

**Mr. Maclean:** One would want a law that was as strong as possible, but I want to mention the practical difficulties that the House must consider in taking power to try British citizens for crimes that they have committed overseas, particularly in relation to sex tourism.

If I may put the matter on a practical basis, we are all aware of cases where the police or serious crimes squad, in busting a ring of drug dealers, legitimately wire up a policeman with equipment. They may film him on the street participating in that drugs raid, and he may go into court and give evidence, yet defence lawyers are able, in some cases, to have that evidence excluded. We have grave difficulty in securing convictions in those circumstances. Even with the poorest defence lawyer, it is difficult to get any British court to convict someone when the victim does not give evidence in court, when British police officers are not witnesses, and when we do not have someone in court who has been at the scene. The best that we might be able to offer would be a video tape of someone going into a child brothel in one of those countries. I tell my hon. Friends that, much as I would love to get convictions for people who do such things, we would not have a hope of getting a conviction in a British court.

My right hon. Friend the Member for Selby mentioned countries that have taken extra-territorial jurisdiction; some have passed declaratory laws. Only Norway, we understand, has managed to bring one prosecution against three people. There was a conviction, although no oral evidence was given in court and no witnesses were called. How the Norwegian legal system could manage that I do not know; it could not happen in Britain.

I am not, of course, closing the door to the possibility of such legislation. We want to take some action to try to deal with the trade either at an international level or through other means. I merely wish to point out to the House—

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** Order. Time is up.

## Rugby League

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** The next debate is on the future of rugby league. Before I call the hon. Member for Wakefield (Mr. Hinchliffe), I remind hon. Members that court proceedings are to take place on Friday which concern the subject matter of the debate to some extent. I trust that hon. Members who wish to speak will be careful not to trespass on the specific matters of the court hearing and, in particular, on whether Keighley should or should not be a member of any proposed super league, but will concentrate on the general issues. This is a short debate and I hope that I shall not have to remind hon. Members of the sub judice rule. At present, nine hon. Members have indicated that they wish to speak in this hour and a half debate. The Chair will be more than pleased if they are all successful.

11.31 am

**Mr. David Hinchliffe** (Wakefield): I express my appreciation for the fact that this morning we have the opportunity for a brief debate on some serious developments in the game of rugby league football, specifically professional rugby league football. There are two separate organisations; the amateur game, run by the British Amateur Rugby League Association—BARLA—is largely unaffected by the issues that we are talking about this morning.

I declare at the outset an interest in this debate. As is declared in the Register of Members' Interests, I have 500 shares in Wakefield Trinity rugby league football club. I am not sure what they are worth at present.

The issues are simple and straightforward. Why should a battle between two Australian media magnates result in my constituents losing something very important which we have had for 122 years—Wakefield Trinity rugby league football club? Why should a power struggle on the other side of the world mean that I should lose the team that I have supported through thick and thin since I was a small child?

It is very appropriate that you, Mr. Deputy Speaker, are in the Chair this morning. You have risen from humble origins in my part of the world to be a highly respected Member of the House. You have achieved a great deal politically but, most importantly to the people who matter, you once played for Featherstone Rovers. I have here your autobiography, "A Very Miner MP". The front shows a Castleford miner and a Featherstone miner together. There is a gap; perhaps a Wakefield Trinity miner should be included.

I refer to the book because it is clear from it that you, Mr. Deputy Speaker, more than anyone understand the community in which rugby league is played. You more than anyone understand how the events of the past two and a half weeks have shaken some of us to our roots because your roots, like mine, have been intertwined with rugby league football from the word go.

On Sunday, I attended what may well be the last match that my team, Wakefield Trinity, will ever play. Grown men wept. That grief has turned to anger at the way in which those ruling the game of rugby league in this country—Mr. Lindsay, the chief executive, Mr. Walker, the chairman, the club chairmen and others—seem to have allowed us to be used.

As you well know, Mr. Deputy Speaker, the root of the problem is that rugby league has become a pawn in a power struggle between Kerry Packer and Rupert

*[Mr. David Hinchliffe]*

Murdoch over first, television coverage of rugby league in Australia and secondly, the expansion of satellite television. When Packer won the right to show Australian rugby league on his Channel 9 station, Murdoch's News Corporation retaliated by planning a super league in direct opposition. Murdoch bought up many of Australia's and New Zealand's top rugby league players. When that strategy failed, he turned to Europe and to rugby league in this country.

After the £77 million deal between the rugby football league in Britain and Murdoch a couple of weeks ago, Packer's representatives came to Britain trying to lure our best players away. The prospect of Murdoch's money being stuffed into players' pockets to outbid Packer is clear; that is the reality of rugby league's present situation. Martin Offiah may become much richer than he is already, but the game of rugby league will be poorer as a direct result.

What could be achieved if the money being offered to some of the players was used instead to develop the game? As my hon. Friend the Member for Makerfield (Mr. McCartney) said to me this morning, it could be used for balls, shirts, boots and the other equipment that the kids in the community who want to play the game need. I hope that the likes of Ellery Hanley, who come from a social background that is pretty deprived, do not forget where they come from and what the money that they may receive could do for kids who have origins like theirs.

The implications are clear for many of us who are deeply concerned with the game of rugby league. Mergers have been agreed by club chairs of certain teams which will combine to enter, supposedly, the super league. I am aware that we cannot refer to certain issues on this point, but I shall refer to one or two matters that are especially relevant to the Wakefield area. There have been proposals for the destruction of long-established teams. There are practical questions of particular concern, such as the implication for jobs in an area that does not have many jobs.

There are more than 2,000 professional rugby league players in this country whose family incomes are substantially dependent on what they can earn in the game of rugby league. Many of them will no longer have a job as a direct result of the changes. People such as the coaching staff, the groundsmen and the people who, at my local club of Wakefield Trinity, work behind the bar have asked me what will happen to them if the club folds.

It is proposed that Wakefield Trinity, Featherstone Rovers and Castleford should merge and be called Calder. I am ashamed to say that Trinity's shareholders voted 2:1 in favour of a merger; I argued against the proposal. Perhaps the fact that the club had lost 86-0 to Castleford two days before had an impact on their judgment that day. It is interesting to note that when the local paper, the *Wakefield Express*, conducted a telephone poll, the result was 9:1 against any merger and to keep Wakefield Trinity as a separate entity.

**Mr. Kevin McNamara** (Kingston upon Hull, North): I come from origins as humble as yours, Mr. Deputy Speaker, so I have only two £1 shares in Hull Kingston Rovers compared with the 500 shares that my hon. Friend the Member for Wakefield (Mr. Hinchliffe) has in Wakefield Trinity.

When the question of the merger of the three clubs arose, was there any suggestion of a pecking order—of one club being more dominant than the others—or did the rugby league urge the clubs to go in with equal status and to merge their interests equally?

**Mr. Hinchliffe:** I cannot answer that question in detail. I have no information that any pecking order was ever suggested. My hon. Friend understands the passions in Hull which has a great history of rugby league, with Hull Kingston Rovers and the Boulevard. I suspect that he has shared in the debates, the arguments and the anger, as we have in Wakefield.

As you know, Mr. Deputy Speaker, a book has already been published, emerging from Wakefield, about the anger and the grief of people who are affected by the proposed mergers. The book talks of "the merger from hell" because that is the view of people in my area about the proposals. I congratulate the Yorkshire Arts Circus on its book, "Merging on the Ridiculous" and on its work to get across to people outside our area and in the game at high level just how passionately local people feel about what is going on and about the way in which they have been treated.

**Mr. Spencer Batiste** (Elmet): As the hon. Gentleman has rightly said, the whole problem has arisen because of the battle between two Australian media magnates, Rupert Murdoch and Kerry Packer, over their interests in Australia. Does he agree that the right way to deal with the problem here is by a reference to the Monopolies and Mergers Commission?

**Mr. Hinchliffe:** The hon. Gentleman may be aware that my right hon. Friend the Member for Copeland (Dr. Cunningham) has already written to the Office of Fair Trading about the matter. Perhaps the Minister may reflect on that when he responds to the debate.

May I for a moment crave your indulgence, Mr. Deputy Speaker, and quote from the book that I mentioned a few moments ago to show the House the strength of feeling in my area about this matter, especially about the way in which people have been treated over proposed mergers? One anonymous supporter sets out passionate feelings about such treatment. The book quotes him:

"A couple of dozen suits making a decision on behalf of God knows how many followers of the game is a disgrace. It's a bit like coming home one day and finding that your walls have been knocked through, and from now on you and your neighbour are all sharing one house. What do you say? 'Thanks very much. Another time, perhaps you'd like to ask me first.'"

That sums up the feelings of so many.

If I may briefly stray into Featherstone, if my hon. Friend the Member for Hemsworth (Mr. Enright) will allow me, I would like to quote a comment about Calder:

"What is Calder to the people of Featherstone, but a river somewhere to the side of Normanton, as remote as the Ganges or the Volga . . . Why not call it Thatcher? She did more for the region than anyone else and you could really get some buzz on the opposition terraces when our team came out."

The central point of that comment is that 20,000 mining-related jobs have gone since 1979 in the Wakefield area; the area of Wakefield Trinity, Featherstone Rovers and Castleford. People have lost their identity, their self-respect, their standard of living and their way of life. For many, the one thing left which gives them pride is the local rugby league team. The same philosophy of greed is about to take away that as well.

People in my area are fighting back. For the first time in history, in the pubs of Wakefield last night, people drank a toast to the people of Featherstone, because your members, Mr. Deputy Speaker, in Featherstone, voted by a large margin against the merger. I pay tribute to my many friends and colleagues in Featherstone for the way in which they have campaigned—rightly—against what has been handed down to them on a plate without any kind of consultation.

**Mr. Kevin Hughes** (Doncaster, North): I am grateful to my hon. Friend for giving way while he is on the subject of mergers, relating to what is happening around Yorkshire in particular and describing the anger in the communities. He knows that in my community of Doncaster, it has been suggested that the Dons should merge with the Sheffield Eagles. The same anger prevails among the Dons' supporters about that proposed merger and 3,000 of them have signed a petition against it. A meeting in Doncaster last week with Gary Hetherington from Sheffield Eagles was attended by 400 supporters and only 16 voted in favour. The feeling is the same up and down Yorkshire on this issue. Local communities feel that they are about to lose their local rugby clubs and they will not have that. They will not sit down and take that and they are fighting against it.

**Mr. Deputy Speaker:** Order. I appreciate that the hon. Member wants to make a point, but interventions are supposed to be brief and not mini-speeches.

**Mr. Hinchliffe:** I pay tribute to my hon. Friend for working hard to try to sustain Doncaster. I know that behind the scenes he has done an immense amount and he is as aggrieved as I am at the way in which the affair has developed. I think that Gary Hetherington is genuinely doing what he believes to be in the interests of rugby league in south Yorkshire, although I disagree with his strategy.

I shall move on to some of the wider implications of the recent deal and developments of which the House should be aware. First, I find it particularly galling, having worked hard along with many hon. Friends, given that rugby union has for more than 99 years disgracefully discriminated against rugby league, to find out, on the very day that I reintroduced the Sports (Discrimination) Bill, that my sport of rugby league will in future, through the Murdoch deal, be discriminating against people who are not involved with Murdoch. It is not on for people to say that the future Great Britain rugby league team will be exclusive to Murdoch.

I give a commitment here and now—the Minister is aware of the issues and that my Bill will, I hope get its Second Reading on Friday—that if the Bill goes into Committee, I shall certainly try to amend it to ensure that such discrimination is made illegal. Frankly, we cannot be hypocritical and say that union is wrong in doing what it is doing yet do the same in our own game.

**Dr. Norman A. Godman** (Greenock and Port Glasgow): May I point out to my hon. Friend that many Australian rugby league fans have very deep reservations about these developments? A few days ago I spoke to two such fans on the telephone and they expressed their concern. Incidentally, before they migrated from Scotland they were Glasgow Celtic supporters so perhaps, now that they are in Australia, they have come to their senses.

**Mr. Hinchliffe:** Time spent in the south of England has taught me that rugby league is indeed a civilising influence and I concur with my hon. Friend's comments. Let us consider—this issue is being discussed in Australia—the wider implications, for example, for news management because of the way in which Mr. Murdoch has moved into rugby league. Indeed, he is moving into other areas too. [HON. MEMBERS: "What about Channel 5?"] Indeed, as my hon. Friends say, I was interested to note that Mr. Michael Grade, the chief executive of Channel 4, only yesterday demanded parliamentary action to check Murdoch's tentacles. Frankly, it is not his tentacles that we are after in my part of the world.

I spoke last week to a rugby league correspondent whom I have known and respected for a long time. He told me—and I believed him—that certain writers and broadcasters are no longer free to report the facts about the super league. I shall be interested to see tomorrow's reporting of this debate by certain television stations and newspapers.

There is another side to the coin which is worth flagging up. It is fairly common knowledge to a number of hon. Members that at least one non-Murdoch tabloid is planning a highly personal attack on a key figure in British rugby league. I shall say no more about that. I am sad to say that in rugby league we are involved in a dirty business.

I pay a sincere tribute to my hon. Friend the Member for Makerfield for the way in which he has from the word go set out a principled position on behalf of the parliamentary rugby league group. My hon. Friend's line of opposition to the deal because of its wider implications was endorsed at a meeting of about 40 members—including hon. Members of another place—of the group last week. My hon. Friend, in particular, has pinpointed a number of implications.

My hon. Friend and I had a three-hour meeting on Monday with the chief executive and the chairman of the rugby football league, Mr. Maurice Lindsay and Mr. Rodney Walker. If my hon. Friend catches your eye, Mr. Deputy Speaker, he will no doubt talk about that meeting and cite some detail of the comments that we made and, indeed, their responses. In response to my belief that they were widely seen to have sold the game's soul, they said that they had had no alternative. Their response was about the current financial difficulties facing the game.

I concede that such difficulties have to be addressed at club and board level. There are difficulties arising from the contracting system, which of course came from Australia in the first place, and difficulties with the safety at sports grounds legislation. Soccer's problems have cost rugby league clubs such as mine £13 million since that legislation was introduced. With respect to the Minister's noble efforts, we are still waiting for some real help on that front and no doubt he will comment on that later.

**Mr. Gerry Sutcliffe** (Bradford, South): Many local authorities have supported the development of rugby league clubs' grounds because of the esteem in which those clubs are held in the communities. Local authorities are hard pressed and they have spent money that they do not have.

**Mr. Hinchliffe:** My hon. Friend is right. I pay tribute to Wakefield district council for the effort that it has made to support the three rugby league clubs. Wakefield Trinity is certainly criticising the council at present, but I said at the shareholders' meeting last week that there is a lot to

*[Mr. Hinchliffe]*

thank the local authority for in terms of the support that it has given to rugby league and Wakefield Trinity in the past.

I hope that the Minister will also mention the impact of the national lottery, which has wiped out the fundraising efforts at local club level for teams such as Wakefield Trinity. We have lost thousands of pounds as a direct result of the lottery, and the compensation that is supposed to arise from the lottery funds has not yet filtered down to the game of rugby league.

Following our discussions with Mr. Lindsay and Mr. Walker many questions remain unanswered, and I hope that we shall have further meetings with them and with the Minister. The central question that fans, supporters and people throughout the game ask me is how on earth a deal of such magnitude could be concluded without consultation with the various interested parties that surely have a role to play in the game. The players, in particular, are affected, as is the amateur game and as are a range of other organisations concerned with development.

The parliamentary group has worked hard in this place to press the interests of the game of rugby league, but we have been treated with contempt. For nearly a fortnight, no attempt was made to advise us about what was happening. The most important development in the game for 100 years was taking place, yet there was no fax, no telephone call, no letter. I feel rather aggrieved by the way in which we have been treated, and it is worth putting that on the record.

Much more important are the members of clubs, the people who pay for their season tickets and go through the turnstiles. Those are the people who fund the game where it matters—through the gates of the rugby league clubs. They feel that they have been treated with complete and utter contempt by the game's rulers, and in many areas they are angry.

I want to give my hon. Friends and Conservative Members the opportunity to make contributions, so I shall finish soon. But before I do I shall raise one or two specific questions that the Minister may be prepared to reflect on and perhaps to answer. My first question is: can the Government sit back and allow British sport to be taken apart in the power struggle that we are witnessing within the game of rugby league?

I know that the Minister's background is in rugby union, although I think that he has realised that there is a better form of rugby now that he has been to one or two rugby league matches. I am sure that he has worked it out for himself, but I must emphasise the fact that what is happening to rugby league now will be like a vicarage tea party compared with what will happen to rugby union. I do not think that many people involved with rugby union who know what is happening to rugby league are laughing about it. Despite the historic rivalries, when those people watch what is happening now they know that rugby union will be next. It will be hit in a big way and the game will be fundamentally changed.

What steps will the Minister and the Government take to defend British sport, and to alleviate the additional burdens imposed by the sports grounds legislation and by the national lottery, so that clubs such as Wakefield Trinity will be able to go it alone without Murdoch money and without the bribery that is bandied about to make people forget about their principles and forget about the history and heritage of the game of rugby league?

**Mr. Barry Sheerman** (Huddersfield): Is that not the crunch? Many of us share my hon. Friend's reservations about the way in which the deal was done, about Murdoch and about the lack of consultation, but there is one thing that we all know. I represent Huddersfield, where the modern game began 100 years ago, and I know it. We have to grasp the reality that we desperately need money and more spectators, and that we probably need a super league of some kind.

**Mr. Hinchliffe:** We need money, but do we need to prostitute ourselves on the street? That is a simple question that many of us feel deeply about. Rugby league is a game of principle, which I have supported all my life, but there are certain questions to be asked about the way that we have left some of those principles behind this time. I hope that the Minister will support the calls for an independent inquiry into the way in which the affair has been conducted. I know that the Select Committee on National Heritage has already been approached by its own members to consider the matter, and many hon. Members here today would support that request.

To be fair to the Minister, he knows about the game of rugby league and its qualities. It is primarily a local game, rooted in local communities and based on family relationships. We do not have problems at rugby league matches, and we do not really need police, whether the crowd is 77,000 or 500, because people are well behaved and have decent values. One of the strengths of rugby league is that the game itself oozes the values of decency and friendliness, and I believe that those qualities are well worth defending.

**Mr. Roger Stott** (Wigan): My hon. Friend will be aware that my local club, Wigan, will play at Wembley on Saturday.

**Mr. Hinchliffe:** Just by way of a change.

**Mr. Stott:** It is like playing at home. At last year's fixture Wigan were playing Leeds, the same club that they will play on Saturday. There were about 70,000 people at Wembley stadium last year for that cup final, and there was not one arrest.

**Mr. Hinchliffe:** My hon. Friend makes my point for me. There was a capacity crowd, yet I saw a police report on the match that questioned the need to police that Wembley event in future. For the record, even if Wakefield Trinity never appear at Wembley again, on the two occasions when we played Wigan we beat them.

This is an emotional issue for me—I make no bones about it. My team, Wakefield Trinity, began in 1873, based round the YMCA at Trinity church. It had its roots in Christianity, and I shall finish by quoting what one of that team's lifelong supporters, Elaine Storkey, said about the super league two weeks ago on Radio 4's "Thought for the Day":

> "It concerns the central values of our culture. When everything can be turned into a commodity for financial gain, it seems that nothing other than money has any ultimate meaning. Jesus asked 'What good will it be for someone to gain the whole world but to lose his soul?'. It warns us that something of soul could be lost in the north if the pleasure of local contests between neighbours is exchanged for global commercialisation. The cost may be the very meaning of the game, for even rugby league can lose its heart before the tyranny of Mammon".

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. Before I call the next hon. Member to speak, I should say that the great interest in the debate is obvious from the number of right hon. and hon. Members present in the Chamber. I do not recall having been in the Chair for an Adjournment debate when there have been so many people here. Bearing that in mind, I hope that those fortunate enough to catch my eye will remember that many hon. Members want to speak.

11.56 am

**Mr. Gary Waller** (Keighley): I am mindful of your reference to the sub judice rule, Mr. Deputy Speaker, so I shall choose my words with care. Recent days have seen much conflict and many expressions of anguish; indeed, there have been explosions of anger, and those are entirely understandable. The rugby football league has brought all that about by acting with unseemly speed and above all by failing to allow spectators to have their say, as they undoubtedly should.

Decisions have been rushed in a way unworthy of an organisation that celebrates its centenary this year. It took 100 years to create the rugby league in its present form, and surely it must be disloyal to those who have supported the sport week in and week out, year in and year out, to decide on revolutionary changes in a matter of hours.

Bearing in mind the origins of rugby league, and its creation in 1895 because of discrimination practised against rugby league players in the north of England, I, like the hon. Member for Wakefield (Mr. Hinchliffe), find it a matter for deep regret—indeed, I find it tragic—that the rugby football league has allowed itself to be drawn into a structure in which discrimination will be endemic.

I object especially to the element of the deal with Mr. Rupert Murdoch whereby a Great Britain team will not play international matches against an Australian team containing players not contracted to the Murdoch organisation. Some of us have fought against such discrimination, and will continue to do so.

Last year, the rugby football league published a far-seeing document entitled "The Way Forward", proposing better facilities and ways in which clubs should develop and promote themselves to a wider audience. We all support those objectives.

I want to say a little about my club. I shall not talk specifically about the composition of the super league, or give the reasons why my club should be part of it. As urged to by the rugby football league, the club has adopted a community-based approach. It has promoted in the ground every day what it calls the Cougars classroom, delivering the national curriculum to pupils. It has attracted families. It has admitted youngsters free of charge. It has initiated a scheme in which schools and pupils are encouraged to follow the pursuit of excellence. In two successive years, it has taken 1,000 schoolchildren in 20 or more coaches to Wembley to see an international match.

Now we see some of the results. Some 40 per cent. of spectators at home matches are women. Juvenile crime is said to have decreased in the town as a result of initiatives taken by the club. At Rochdale last Sunday, where the Cougars won 104-4 against Highfield, it was not just the achievements on the field that impressed. The stewards were amazed at the lack of problems among the huge crowd and the absence of litter after the game.

That community-based approach, matched by the creation of a superb team, has led to a dramatic increase in attendances from an average of 445 in 1986-87 to an average of 4,119 in the present season. Indeed, attendance has quadrupled in the past four years. A top coach, Phil Larder, and top players such as Daryl Powell, have been willing to come to a second division club to share in the excitement of reaching for the top. Obviously, however the league is organised, they expect to operate and play in the top flight.

In general terms, the exclusion of top-class teams which are doing now what some clubs still aspire to, epitomises what is wrong with the proposals. It is surely ridiculous to include teams which in some cases do not even exist yet or are incapable at present of playing top-class rugby, merely because they happen to be in the north-east, London, Humberside, Wales or, indeed, France.

It is not surprising that the majority of the mergers which Maurice Lindsay has advocated for a long time are already breaking down. How does he expect people who have followed historic clubs such as Castleford, Featherstone and Wakefield Trinity all their lives to give their loyalty to something called Calder? The hon. Member for Wakefield spoke feelingly on the matter. I know how he feels and how so many clubs and supporters feel.

**Mrs. Alice Mahon** (Halifax): It is interesting that, when the people who have supported the game all their lives were asked their opinion in a poll in the *Halifax Evening Courier*, in just an hour or two more than 3,000 voted against a merger with Bradford Northern and just 300 voted for a merger. So when they were given the opportunity to say whether they wanted to stay in Halifax, they chose to do so overwhelmingly.

**Mr. Waller:** I acknowledge what the hon. Lady says. Unfortunately, what she says is so accurate. Sadly, the chairmen of some clubs such as Bradford Northern and Halifax are among those who have been carried away by the hype that they have heard. Justifying the stance that he took in favour of the proposals, Chris Caisley, the chairman of Bradford Northern, wrote:

"now and again, there is a need to step out of Cougarland, put your feet on the ground, and get into the real world."

That was from the chairman of one of the clubs that have beaten a path to Cougars' door to find out just what Cougarmania is all about so that they can impart a little of it to their own promotion.

**Mr. Sutcliffe:** Does the hon. Gentleman agree that it is Mr. Caisley who ought to be in the real world and recognise that in 1985 there would not have been a Bradford Northern without local supporters and the local authority, just as there would not have been a Keighley Cougars without local supporters and the local authority? That is the real world. It is a bottom-up, not a top-down, process.

**Mr. Waller:** The hon. Gentleman is so right. He might be interested to know that Mr. Caisley, writing presumably about Members of this House who belong to the all-party rugby league group, many of whom are in the Chamber today, wrote:

"Don't be fooled by these wolves in sheep's clothing; they will disappear from the scene as quickly as they arrived. If they carry any real interest in rugby league they would be better employed minding their own business and looking after the genuine interests of their electorate."

*[Mr. Waller]*

Well, I think I know my electorate reasonably well. My guess is that, in a contest between Chris Caisley and me or any of a dozen hon. Members who are here today, I or they would win hands down. I think that Mr. Caisley owes an apology to the supporters of the Cougars and an acknowledgement that the all-party group has been around for a good few years and its members are in touch with the views of rugby league supporters from many clubs.

There are many educationists who seem to devise plans for schools which would work splendidly without any pupils. There are health professionals who reckon that the health service would be wonderful if there were not any patients. There are also some rugby league administrators who have great theories about the organisation of the game, but attach scant importance to the need to keep the fans it has right now.

Rugby league is about emotion. It is about appreciation of skill. Above all, it is about people. After all, it is the people's game. So let us have some rethinking. Let the rugby league start listening and open up the super league to fresh applications. Rugby league can still be the greatest game.

12.5 pm

**Mr. Ian McCartney** (Makerfield): I am speaking as chair of the parliamentary group, in a debate which I hoped would never happen. I hoped that today we would be debating the National Heritage Select Committee report which concluded that, after 100 years, the rugby football league had been treated disgracefully by organised sports such as rugby union on the issue of sham amateurism. Unfortunately, that will not be the case because, days before that report was published, a secret deal was done between a small group of administrators who control the rugby football league and the Murdoch organisation. The deal that was struck was clearly and simply to undermine, damage and destroy the Australian rugby league—an affiliated international organisation legally standing on its own with a constitution and a right to manage the affairs of rugby league in Australia—and to pick up the pieces and control rugby league on a worldwide basis as a franchised outlet of the Murdoch organisation.

As a supporter of Wigan rugby league club, I could take a cynical approach and see the matter in the short term. A small but significant number of clubs which are already successful will gain access to huge sums of money in a short five-year period. I could say to hell with the rest of rugby league. However, if we are real supporters of rugby league committed to the ethos of community and the honesty of the game, we have a responsibility to ensure that, in promoting itself, the game cherishes the reasons why rugby league is anti-racist, why it does not have a criminal element and why it is a community sport.

It is an outrage that the Taylor report has bankrupted the game of rugby league. As a result of horrific incidents that took place in soccer, there was a need to change the law in Britain to make sporting stadiums safer. We all supported that. The report also covered rugby league, but no resources were given to bring its clubs up to the standards set out in that report. In the intervening years, football has received £130 million. Who says that crime does not pay? Until a few weeks ago, rugby league had been given a paltry £2 million. Yet the accumulated debt of the sport as a whole is less than the cost of implementing the report. That left rugby league unable to resist the way in which the Murdoch organisation moved in.

In this debate I shall not criticise Maurice Lindsay or Rodney Walker. Maurice Lindsay is a good friend of mine whom I have known throughout my public life in the north-west. I have been traumatised by what this matter has done to our friendship. My trust in the views of him and other people on the future of rugby league was wiped out in three days because of Murdoch's ability to move in and place a gun at their heads. The gun was simply that if they did not sign up the sport exclusively to him, once he had destroyed Australian rugby league and the international boards, he would be back for the UK game, would pick it up for nothing and would bankrupt it.

Players are to be cherry-picked and millions of pounds will flow out of the game in the coming weeks, both here and in Australia. A small group of players will become instant millionaires while the sport at the grass roots will wither away, clubs will be left to go bankrupt and communities will see their teams and players made redundant. How can Martin Offiah honestly hold up his hand and say that he did a deal because he wanted to play for his country? The money secured in that contract alone would be sufficient to plough into an investment programme for the clubs left in the first division.

If we are serious about a super league, why will the first division be starved of capital resources, sponsorship and income, as well as the right, even if teams are successful, to apply to join the super league? A head cannot survive if the body is destroyed.

If, in Great Britain today, the Football Association announced that Terry Venables' English international team could not play a country unless that country had secured a deal giving Murdoch exclusive rights to that international programme, there would be international and national outrage. But this deal means that Great Britain cannot play rugby internationally unless the game is with a team that has a contract exclusive to Murdoch. What would be the reaction if David Platt, the England captain, could not play for England ever again because the club that he played for did not have an exclusive deal with Mr. Murdoch? That is precisely the position for Great Britain players.

Phil Clarke from Wigan is a top international athlete, not just in the international rugby league. Last year, he signed a contract, of his own volition, to play rugby league in Australia. In the past two days, he has discovered that his club has not signed up to the Murdoch deal in Australia. So the best loose forward in the world today will be banned forthwith from playing for his country unless he breaks his contract and turns his back on a legally binding document. How could such an arrangement be allowed to happen? It means that the sport has been purchased lock, stock and barrel. For the first time in Britain's history, a media magnate has bought not just a sporting event but a sport and, with that purchase, he will manipulate that sport on an international stage for the long-term aspirations of his company at the expense of the short and longer-term aims of rugby league, both here and internationally.

There are serious implications for the United Kingdom outside rugby league. The House must consider whether it is right that Mr. Murdoch or any other media mogul can decide the shape, size and rights of any sport. Is it right that a media mogul from outside the UK can control

virtually every major sporting event in the United Kingdom? Is it right that a media mogul can contract individual players and sports and, with those contractual arrangements, operate a virtual monopoly—a restraint of trade on individuals—which prevents access to that sport for any other sponsor or media agency without his prior approval?

If hon. Members want to surrender British and European sport to Mr. Murdoch, they should say so. He should not be allowed to use rugby league as a Trojan horse to undermine all those public issues.

**Ms Kate Hoey** (Vauxhall): Does my hon. Friend share my concern that someone—it is difficult not to mention names and personalities—who is involved with this deal, namely Mr. Walker, is the chairman of the Sports Council? Does he feel that people are confident in how sport in this country will be handled when the same person so quickly sells out a major sport?

**Mr. McCartney:** My hon. Friend makes an important point. Rodney Walker is a man of integrity but the deal seriously compromises the whole of rugby football league and the ability of its administrators to be regarded as independent in their role in other non-governmental agencies. The Minister must be clear about the future for rugby league outside the super league. Rugby league outside the super league is massive, and not just on the M62 corridor. With more than 50,000 players and thousands of teams, rugby league is played from Scotland to every constituent part of the United Kingdom. What happens to clubs that currently receive support from non-governmental agencies? They must not be treated as a franchise of Mr. Murdoch's and excluded from investment from other sporting bodies. Rodney Walker and others should consider whether, before making their hasty decisions, they should have thought the issues through more thoroughly.

If we are honest about the future of the game, we must also be honest about the fact that rugby league is virtually a bankrupt game. It is short of capital investment resources, and it is sometimes short of vision. But cherry picking and an international battle for a few players will cause millions of pounds to seep out of the game into the bank accounts of a few players, their agents and the lawyers who represent them, and the game will not be able to survive in the long run. The most damning indictment of the whole issue is how rugby league has lost control of events and the international rugby board has been smashed. The game can no longer be played unless Murdoch says that it can. Each day, the meter ticks on and the only people who ultimately will gain are the agents, a handful of players and a lot of solicitors.

The rugby league family must come together quickly. Some sanity must prevail in Australia and here to end immediately the cherry picking, bans and prescriptions. Unless that happens immediately, none of the £70 million will be left to invest. It will have gone for ever.

**Several hon, Members** rose—

**Mr. Deputy Speaker:** Order. I understand that the winding-up speeches will be at about 12.30 pm. Five hon. Members hope to catch my eye before then. I hope that they will be able to do so.

12.18 pm

**Mrs. Elizabeth Peacock** (Batley and Spen): First, I congratulate the hon. Member for Wakefield (Mr. Hinchliffe) on raising this matter at such a crucial time. I offer my apologies to the House because I should be in a meeting which started at 12 o'clock and I cannot stay to hear the end of the debate. I apologise to my hon. Friend the Minister.

As a member of the all-party rugby league group in Parliament, I must add my support to the protests against the super league proposals. I also add my protests on behalf of Batley rugby league club.

Undoubtedly, the game needs an overhaul and, as we have heard, an injection of cash, which I believe could come from worldwide television coverage. However, it appears that the rugby league authorities—whose names have been mentioned—have been unable to resist, and have jumped at the first available cash and television deal that anyone has dangled before them, which happened to come from Rupert Murdoch.

I find that surprising, when the authorities know that Rupert Murdoch is in fierce competition with his Australian rival, Kerry Packer, and they know what has happened previously. I do not understand why they could not have given the matter more thought and had the courtesy to consult some of the many people in this country, especially in the north of England, who have supported rugby league for most of their lives.

The Murdoch proposals, which demand the merger of well-known clubs throughout Yorkshire and the north-west, deserve to fail because they completely disregard the traditions of many clubs, which are synonymous with our way of life in the north.

More important, those proposals are unacceptable to the people of Batley. We are not in danger of merger but, following what my hon. Friend the Member for Keighley (Mr. Waller) said, we would be following in the footsteps of Keighley for promotion next season.

Our club has shown great determination, in the past few seasons, to gain promotion from the second division and to meet the demands of the rugby league authorities with regard to facility improvements. The club has had good sponsorship. Fox's Biscuits, a very well-known company in Batley, supports rugby league and has been most helpful. The club has achieved all its targets and is a runner-up in the second division to the champions, Keighley.

The Mount Pleasant club in Batley has spent £1.5 million on ground improvements and hopes to spend a further £2.5 million. It has no debt; although it is always desperate for money, it is not that desperate and certainly, as the hon. Member for Wakefield said, its members will not sell their souls for some immediate cash.

I have had a great deal of contact from people. I shall quote from a letter from Mr. Myers who wrote to me and with whom I have also spoken on the telephone. He says at the end of his letter:

"Please forgive my rambling on, but it is difficult to write down my true feelings when, after 60 years of supporting Batley, 40 years of doing my best"

in working and volunteering

"to help them survive and keep rugby league going in Batley, it seems that now we face another difficulty. With the greed of Mr. Lindsay and others, it is all going to be taken away."

That epitomises what people in my district believe.

*[Mrs. Elizabeth Peacock]*

If a super league format is to replace next season's planned premier league, clubs such as Keighley, Batley and others must be allowed to take part. They have fought and worked for it, and that achievement will be snatched away. They must be allowed to take their place somewhere in the transitional super league, which will be staged between August 1995 and January 1996. Better still, I believe that the rugby league authorities and Rupert Murdoch should reconsider their proposal, because the present one is unacceptable to us in Yorkshire.

Our message to Rupert Murdoch is, take your dollars back and have a rethink.

12.22 pm

**Mr. Doug Hoyle** (Warrington, North): I echo what has been said today—that the issue is not about the domestic game. The offer was made, not because the domestic game is in financial difficulties but as a result of a row between Kerry Packer and Rupert Murdoch in Australia.

If I might say so to my hon. Friend the Member for Makerfield (Mr. McCartney), with whom I always agree, clubs have been forced into bankruptcy, not only by the Taylor report but by the contract system. That is why they were in a weak position when that offer was made to them.

I echo what has been said about the chief executive and the chair of the rugby league—that they were concerned about the future of the game, and when an offer came that was worth about £75 million it was awfully difficult to resist. However, the fact that they and the chairmen of the respective clubs took that decision at Wigan in a matter of three to four hours, and tossed away 100 years of development and community spirit, caused frustration and anger the like of which I have never witnessed among rugby league spectators.

Mr. Deputy Speaker, I must congratulate your club, Featherstone, on speaking out. The members have said that they want nothing to do with it. The same thing occurred in Warrington. Neither Warrington nor Widnes wanted to be known as Cheshire. They are the fortunate ones; they have retained their identity, and they have retained it in the super league.

I read this morning that Martin Offiah has decided to stay in this country, but I was worried by the remarks of Mr. Robinson, the chairman of Wigan, who said that the club was enabled to put the contract together because of help from the super league and the Murdoch organisation. Will that apply to other players and other clubs when they come cherry-picking?

I mentioned Warrington and Widnes, but other mergers, such as that between Salford and Oldham, have run into difficulty. That is happening not just in Yorkshire; I understand that, in Cumbria, Workington will more or less go it alone.

I have repeatedly asked what will happen at the end of five years, because that money will be taken on a short-term basis, for five years only. If Rupert Murdoch does what Kerry Packer did in relation to cricket—if he walks away at the end of those five years—where will rugby league stand? Will 100 years of heritage have been thrown away for a mess of pottage?

12.26 pm

**Mr. Oliver Heald** (Hertfordshire, North): I love all rugby, but I confess that I am a union man and I would not pretend to be anything else.

I was surprised to hear the hon. Member for Makerfield (Mr. McCartney) criticising rugby union. After all, it was the rugby football league that broke away all those years ago, and I believe that rugby union has been entitled to protect its amateur status over the years.

**Mr. McNamara:** Carling!

**Mr. Heald:** I can hear one or two ribald comments from Opposition Members, but I think that is unfair, and I believe that it is right that the rugby union is now seriously considering the issue of payments for top players. That is to be reviewed in August.

One of the sorrows that I share from that experience is that it is likely that the vultures will be at the world cup, trying to poach some of the best players from rugby union for rugby league. That will damage rugby union, and I regret that.

I realise that there is an argument for a super league. The argument is that 26 of the rugby league clubs are bankrupt and more money is needed. We have witnessed already what money does. Wigan is a fantastic team. In the past three or four years, it has been in a league above.

**Mr. Stott:** Ten years.

**Mr. Heald:** The hon. Gentleman tells me that it is 10 years, but certainly in the past three or four years Wigan has been something very special. I believe that the reasons are that it picks the best athletes, it is able to have them as full-time players and it is able to train them at the highest level. Many rugby league clubs cannot do that. If we could have a league in which everyone could reach the standard of Wigan, what a spectacle it would be.

It is easy to criticise the authorities in rugby league and say that they lack a vision for the future, but if one were attributing to them the best motives for what they have done, one would say that they can envisage what it would be like to have a league in which all the teams were as good as Wigan and in which Wigan even found it necessary to raise the standard of its game further; what a splendid thing that would be.

An opportunity exists for rugby football league. I am not saying that the way in which it has been handled is right or that it could not be reconsidered. However, if it is possible to obtain £77 million—£1.1 million a year for each of those clubs in the next few years—it would be a tremendous thing for rugby league. I hope that those people who oppose that do not do so mindlessly and are prepared to consider options and ways forward that would not damage that opportunity for the sake of a history, which, I accept, is a proud one.

**Mr. Ian Davidson** (Glasgow, Govan): Given that the hon. Gentleman, like me, is predominantly a rugby union man rather than a rugby league man, does he recognise that the precedent that is being set in rugby league might be followed in rugby union? Indeed, in the *Evening Standard* today I read that a Euro-cup is about to be launched. I read that the only team that they have from Scotland is Boroughmuir. If amalgamations of Scottish clubs result, that would be inappropriate and unwelcome.

I hope that the hon. Gentleman will support me in urging the Minister to recognise that that would be an unfortunate precedent for rugby union.

**Mr. Heald:** I am grateful to the hon. Gentleman for his intervention. I accept that the arrangement creates real difficulties for rugby union.

I am pulled in two directions, as I think many hon. Members will be, given the sort of spectacle that can be achieved when the best athletes play the game to the very highest standard. There is no doubt that money has a lot to do with that. In American football, the teams with the most money play the game to an incredibly high standard and they are able to maintain that standard because of the vast sums of money involved. Therefore, although I would like to protect rugby union, I can see a role for a rugby league super league—even if it damages union in the process.

12.29 pm

**Ms Liz Lynne** (Rochdale): I am also very concerned about the future of rugby league. However, I am even more worried about the secret deal to form the super league that was stitched up behind closed doors. The Rochdale Hornets were not invited to attend the secret meeting that was held in Manchester and they are extremely upset about that.

Rugby league spokesmen said that all the chairmen of the proposed super league clubs were invited to attend the meeting. However, that was not the case. Rochdale is calling for a judicial review and I support the club in its bid, which also has the backing of a number of smaller clubs. It is asking the rugby league to consult properly about the proposals because it has certainly not done that up to now. The club is also requesting the league to consult financially. It is not too much to ask that the rugby league governing body should meet some of the smaller clubs.

The Rochdale Hornets have not seen any written proposals. What is the league afraid of? If rugby league splits in two—which is inevitable—the smaller clubs will definitely go to the wall. They must be safeguarded. We cannot allow Rupert Murdoch and his News International corporation to buy out the sport and have sole television coverage rights. The league should comply with its own byelaws.

The Rochdale Hornets are arguing for certain conditions and compensation. First, the club has requested a five-year deal, including £100,000 per annum to upgrade some of the stadiums. Secondly, it wants to retain the Challenge cup in broadly its current form—of course, Murdoch will want to scrap it. Thirdly, it favours a revised transfer tribunal scheme to provide a predetermined formula for disputed transfer deals which would stop the bigger clubs buying out the smaller ones. Fourthly—this will not benefit the club directly—the Hornets want to see a trickle-down of transfer fees to amateur league clubs to assist the development of the sport at the grass roots level. That is essential. The league must take account of the views of smaller clubs, otherwise it will be responsible for killing off rugby league as we know it.

12.32 pm

**Mr. Derek Enright** (Hemsworth): Mr. Deputy Speaker, you not only have had a distinguished relationship with Featherstone Rovers as both a player and a supporter over many years but have supported Castleford. In our area it is very rare, if not unique, to support both those clubs. It is therefore with a degree of diffidence that I shall outline a few points about the way in which our sport has been attacked.

I turn to the question of Mr. Maurice Lindsay's involvement in the proposal. Just one month ago wesupported the principles that he enunciated in his evidence to the National Heritage Committee when he said:

> "The discrimination continues . . . players who represented Japan, Morocco, the USA and Italy were effectively told that if they competed . . . they would be debarred from Rugby Union on their re-entry into their own country."

Yet that is precisely the effect of the agreement that Mr. Lindsay brought back from Mr. Murdoch. As my hon. Friend the Member for Makerfield (Mr. McCartney) pointed out extremely well in his speech, that is what will happen to those people who play for non-Murdoch teams. That is scandalous. Mr. Lindsay's evidence continued:

> "That discrimination . . . is based on hypocrisy."

No matter how one looks at it, that clearly amounts to a restraint of trade and it must be examined from that perspective.

We are also concerned about the arbitrary way in which the members of the super league have been chosen. No reason was given for debarring the whole of the second division. Mr. Murdoch has made selections within the game; he has cut people out and put people in in a totally arbitrary and unacceptable fashion.

Who is Mr. Murdoch? He is a man who was prepared to change his nationality because he wanted to buy a slice of the media in the United States of America. If a man is prepared to sell his origins in that way, how can we possibly trust him with the future of our game? If he will sell his origins, will he not sell rugby league if it happens to suit his purpose at any given time? Mr. Murdoch will control the television broadcasting rights of rugby league, which adds to the weight of the argument advanced by Mr. Michael Grade about the dangers of a Murdoch bid for Channel 5.

I should like the Minister to consider also the role of Mr. Rodney Walker. As has been said, he is the chairman of the Sports Council and he has overall authority for the sport. It was quite wrong for him to be involved in the manoeuvrings, and the Minister should address that issue in his remarks. I have a warm regard for Mr. Rodney Walker, but he has been wrong in this case.

I celebrate the results of both the Featherstone members' ballot and that conducted by the *Pontefract and Castleford Express*, which revealed that more than 90 per cent. of the voters opposed the current proposals. It may be that it is a case of David against Goliath—but David won in the end. The heart will not be ripped out of the Featherstone community. We will stand and fight for rugby league and for the interests of little people everywhere.

12.37 pm

**Dr. Norman A. Godman** (Greenock and Port Glasgow): Some hon. Members may wonder why I, as a Scottish Member of Parliament, wish to speak in the debate. However, I played rugby league as a boy—I was too slow to be a wing three-quarter and not big enough to be a forward—and I number among my family friends the

*[Dr. Norman A. Godman]*

late Mick Scott, Johnnie Whitely, Harry Markham, Tommy Harris, and many others whom you would recognise immediately, Mr. Deputy Speaker.

My father was a bit of a bigoted supporter. He always went to the Boulevard and he refused to enter Craven Park, even when Hull played there. As someone who played the game as a boy and who follows it still, I am deeply concerned about the recent developments. I plead with the Minister to set up an independent inquiry to examine the whole murky affair, particularly the role played by Mr. Rodney Walker.

I visited Australia over Christmas, and my wife and I stayed in Manly, which has a very famous rugby league team—as you well know, Mr. Deputy Speaker. I spoke to many rugby league supporters who are concerned about the way in which the game is shaping up in both Australia and England—it is still very much a Welsh and an English game. Nevertheless, they were concerned about what was happening in Britain and Australia. They told me to beware of Mr. Murdoch and not to trust him an inch.

I make a plea to the Minister to set up an inquiry and to play the game with rugby league, as, God knows, its players and supporters deserve it. If the Minister does not set up such an inquiry, the Select Committee should take on board forthwith this deeply disturbing affair.

12.39 pm

**Mr. Kevin Hughes** (Doncaster, North): I shall be brief, but I know that the local club in my constituency—the Dons—is also being pushed around. I have already mentioned the opposition within the community to the merger with the Sheffield Eagles. The story is the same whether it applies to Yorkshire or to Lancashire.

Rugby league is essentially a community-based game. The community spirit is being totally wiped out by the Murdoch deal, and that is not on. Our communities are not about to be walked over by Murdoch, Maurice Lindsay or anyone else. They will not sit down and take it because Murdoch, and so on, will not break the community spirit. I hope that the House gives its backing to those people and communities to ensure that rugby league remains a family and community game.

12.40 pm

**Mr. Tom Pendry** (Stalybridge and Hyde): I hope that the House will forgive me if I do not give way. The Minister will agree that we have cut down our speaking time to give many hon. Members with a real interest in the issue a chance to speak.

We have heard much from hon. Members on both sides of the House about specific examples of the disarray caused by the bid from Rupert Murdoch's News International.

I congratulate my hon. Friend the Member for Wakefield (Mr. Hinchliffe) on initiating the debate. His comments carry great weight thanks to his long-standing commitment to rugby league, having even played for the team which he loves and which he may have seen for the last time.

I share the concern of hon. Members who have spoken today and I hope that the Minister shares them, too. In the past, I was happy to praise the Minister's efforts when real progress was made, as it was last April with the announcement that rugby league was to be recognised within the armed forces. That was largely due to his efforts and those of my hon. Friends on the Back-Bench committee.

The Minister is highly regarded in rugby league circles and has my genuine recognition for that, which makes it all the more surprising that he should have remained silent about the matter during the past two weeks. I do not know whether he has been muzzled by the Secretary of State, but that will become clear when he replies to the debate. I hope, therefore, that he will not take lightly my points in respect of the history of the deal and the degree to which it is divisive and discriminatory and jeopardises the future well-being of the game.

We should remember why the deal was put on the table in the first place. It did not result from Mr. Murdoch's altruistic desire to help a sport in undoubted difficulty. Instead, it arose from a battle taking place thousands of miles away in Australia, where Murdoch's interests created the breakaway Star League as a way of poaching the coverage enjoyed by great numbers of Australians, but shown on the networks of Murdoch's long-standing rival, Kerry Packer. That has already been said, but now it is on the record and it is as well that everyone knows it.

We have seen that battle before. I am sure that hon. Members will remember Kerry Packer's television coverage which caused the first manifestations of pyjama cricket in the late 1970s. If the battle is allowed to rage on unchecked, we shall end up in circumstances similar to those in the United States, where commercialism is rampant.

I remind the House that Murdoch paid almost $400 million nearly a year ago for the rights to screen the National Football League in America on his subscription Fox TV channel, ending 34 years of universal coverage. Murdoch is in the right position to build up a monopoly with rugby league as a pawn in his game. He has access to vast funds by cross-subsidising his sports broadcasting with other areas of media activities. We can rest assured that once he has built up that monopoly, he will use it to generate sufficient profits to finance a bid for world domination in another sphere of his activities, which could mean sports fans paying through the nose.

In the deal before us today, although it changes from hour to hour, Rupert Murdoch's News International will effectively become rugby league's governing body. He will decide who plays where and when, taking to the extreme the developments within the Premier League in football, when matches are moved to suit BskyB.

The deal is the precedent that could set us on a slippery slope as it involves much more than television rights negotiated through the sport's own governing body. Restriction and discrimination run through the deal like words through a stick of rock.

The players are likely to be contracted to play only against other players also contracted to News International. Individual players are being asked to pledge their contractual allegiance to a single broadcaster as if they were actors in yet another Australian soap opera. It seems that that restriction is to be extended even to national teams, such as those for the forthcoming test series.

On the basis of that deal alone, we now face a clear progression to the day when a broadcaster buys the rights to athletes, for example—the hon. Member for Falmouth

and Camborne (Mr. Coe), an eminent athlete, is in his place—and can then say, "You can run the 100 m for Britain at the next international meet only if you sign for me." The governing bodies themselves will be reduced to near puppets, implementing the broadcaster's every whim.

Viewers will be discriminated against in an obvious fashion. If they cannot afford a dish or a subscription, they will not be able to watch the sport. It is that simple. What message does the Minister have for pensioners, among millions of others, who will be denied yet another sporting opportunity?

What about those who have enjoyed the BBC's coverage of the Silk Cut Challenge cup since 1964? The BBC's contract comes up for renewal next year. Although the event may remain, what will happen to its coverage? I have heard some favourable comments, but I should like some cast-iron guarantees from the Minister.

The Department of National Heritage made its position clear in response to the National Heritage Select Committee's report on sports sponsorship and television coverage, when it reasserted its faith in the market and the general public were as far from the top of its list of priorities. The Department stands condemned by its inaction.

Fans from families who have supported the same club for generations will suffer from the spectre of those clubs being consumed in some cases and left by the wayside in others just to fit Mr. Murdoch's five-year master plan. If he decides to move on at the end of those five years, what will happen to clubs that have been forced to abandon their core support?

My hon. Friend the Member for Wakefield expressed his profound concern about the proposed merger of three clubs to form Calder—a merger already rejected by one of the clubs involved, accepted by another and now rejected by a ballot at Featherstone Rovers—a ballot, a club and a history about which you, Mr. Deputy Speaker, also care passionately, and only the traditions associated with the Chair prevent that passion from surfacing during the debate.

The deal's rejection by Featherstone Rovers serves only to highlight the lack of consultation and the hurried nature of the deal. Secret negotiations in smoke-filled rooms are no way to treat a game with such loyal and committed popular support.

The Minister would do well to remember that the anger of the rugby league fans that was reflected in some of the comments we have heard today is very real and justified. Rugby league clubs provide a focus for many communities often not provided by other means. Professional and amateur clubs alike offer opportunities for young boys and girls to learn all that the sport has to offer. That is all at stake. Whole communities have been shattered. Although that may be of no concern to some hon. Members who feel that there is no such thing as a society, who could doubt the sincerity, passion and heartfelt commitment of the communities where rugby league is as much a way of life as a sport?

There can be no doubt that all those who have spoken in the debate have the best interests of the game and their constituents at heart. I recognise that before the deal the game was in a poor state financially and that has been accepted by many hon. Members. Clubs are in no position to try to hold on to their best players when there is a bidding war for Australian clubs, and the Government are by no means blameless in that state of affairs.

The House will no doubt recall that interventions were made by a number of hon. Members when we debated football ground safety in 1989 and 1990. It was pointed out that Lord Justice Taylor's report into the Hillsborough stadium disaster had exonerated the rugby league supporters who moved freely without trouble around the terraces, coming largely from the same socio-economic group. It was a shame that the Government felt unable to draw the same conclusion before imposing the burden of safety improvements without financial assistance. Consequently, rugby league clubs spent £30 million on ground improvements but received only £1 million from the Foundation for Sport and the Arts. Meanwhile, football was aided by more than £132 million from the Football Trust. The unacceptable financial burden on rugby league left many clubs on the brink of bankruptcy—although I recognise again the Minister's contribution to redressing the balance, albeit belatedly, by persuading the Treasury to forgo some revenue from the pools and expanding the remit of the Football Trust to rugby league.

When the Minister replies, perhaps he will say whether he was aware of the Murdoch negotiations with rugby league at the time of his or the Treasury's decision and give his views on the possibility of public funds being used to cross-subsidise that bid.

We heard today of huge sums of money being offered to individual players. What is the Minister doing to ensure that smaller clubs prosper, community schemes are maintained and the game flourishes in schools? What consideration has the Minister given to fulfilling those needs? He will know from last week's business questions—at column 340 of *Hansard* for 20 April—that my hon. Friend the Member for Dewsbury (Mrs. Taylor) received from the Leader of the House a commitment that the Minister would reply to that point in this debate.

Does the Minister believe that the predicted widespread player redundancies will help to improve the game? Sport has the potential for being a great leveller, breaking down barriers and bringing communities together. That should be the aim of the Minister. In the past, rugby league has been an example of how much good sport can achieve, yet it is threatened by commercial discrimination and the restrictions of Murdoch's proposals and Packer's counter-proposals.

My right hon. Friend the Member for Copeland (Dr. Cunningham) asked the Secretary of State for Trade and Industry to refer the matter to the Monopolies and Mergers Commission. I hope that the Minister will back that call, which has been made also by Conservative Members, including the hon. Member for Elmet (Mr. Batiste). Only yesterday, none other than Martin Offiah said of his signing to Murdoch that he wanted to play for Great Britain—which is something that he could not do outside the super league. If that is not a trade restriction, I do not know what is. If the MMC's terms of reference do not fit that particular case, the Government should alter its terms.

I urge the Minister to use his good offices even at this late stage to bring about a better deal for this great game.

12.55 pm

**The Parliamentary Under-Secretary of State for National Heritage (Mr. Iain Sproat):** In this extremely important debate, the passions deeply felt were well

*[Mr. Iain Sproat]*

controlled. I am sorry that we do not have time today to consider the matter in the detail and depth that it deserves. However, this is just the beginning of the debate and discussions that we intend—and I will return to that point later.

I thank the hon. Member for Wakefield (Mr. Hinchliffe) for initiating the debate and for something that he said on 28 April 1993, when I was sitting on one of the Back Benches, wondering how there could be a promised debate about rugby when the House was considering the Report stage of the National Lottery etc. Bill. The hon. Member for Wakefield made a powerful speech about what he saw as powerful discrimination by rugby union against rugby league. As a keen rugby union supporter, I was hearing for the first time the other side of the story. When, to my amazement, I became Minister responsible for sport shortly afterwards, I asked the hon. Gentleman to come to the Department for National Heritage to help sort out some of the difficulties that he had mentioned. I say that so that the House will know some of my bona fides.

At that meeting, the hon. Members for Wakefield and for Makerfield (Mr. McCartney) and my hon. Friend the Member for Keighley (Mr. Waller) made three points above all. They were, "We want rugby union and rugby league to talk, which they have not done since 1895. We want to get rugby league into the armed forces, where it is currently kept out. We want something done about the ludicrous situation whereby the hooliganism and other problems in association football results in it getting help with problems of safety, whereas rugby league, which causes no problems, is paying the price." The hon. Member for Wigan (Mr. Stott) mentioned that not one person out of a 70,000 crowd was charged even for swinging an odd punch after drinking at a Wembley cup final or international.

As a consequence of that first meeting, there was a meeting between Mr. Pugh and Mr. Rowlands, representing rugby union, and Mr. Walker and Mr. Lindsay representing rugby league. I do not say that it symbolised a great deal, but it was a start. Rugby league is now played in the armed forces, although perhaps not at the level that everybody would like, and the Foundation for Sport and the Arts has a sum of £8 million, some of which will be available to rugby league to sort out ground safety problems. We have made progress.

I thank the hon. Member for Stalybridge and Hyde (Mr. Pendry) for his kind words. When I arranged for the FSA to make £8 million available to games other than soccer, I did not know what Mr. Murdoch was up to.

Even in a one and a half hour debate, it is important that the House has a chance to air its views and to let loose the passion that is felt—even though it is clear that we will not reach any conclusions today. However, the world outside can see the passion that has been aroused. One hon. Member said that he went to Belle Vue and had seen grown men weep at what was happening to Wakefield Trinity. Those deep emotions must be expressed and the House is the best place for that. Serious principles are involved. The hon. Member for Makerfield referred to Phil Clarke, one of the finest loose forwards in the world—who, unless he breaks his contract, may find himself unable to play for his own country. One could mention many players and clubs, but that example encapsulates the problem.

As to restrictive practices and the Monopolies and Mergers Commission, letters have been written to the Director General of Fair Trading and to my right hon. Friend the President of the Board of Trade. I am not allowed to say that the implications of what is proposed for the super league are being looked at because lawyers say that if one is looking at something, one is implying that there is a conclusion. In any event, normal people would say that those letters are being looked at without prejudice, and no doubt we will shortly hear the sage advice of the director general and of my right hon. Friend.

The hon. Member for Wakefield said that what is happening in rugby league may turn out to be a vicarage tea party by comparison with what may happen to rugby union. With the world cup in South Africa in May and June, I am sure that rugby union will be the next target on which Mr. Murdoch and Mr. Packer will set their sights.

The hon. Gentleman and many others talked about an independent inquiry. As Minister responsible for sport I have a restricted locus in the matter. The Select Committee has already said that it may return to the subject. I suggest that it should do so. I will reply to the previous Select Committee report in the middle of June, if I can knock it out in time. It might be helpful if the Select Committee turned its mind to this other matter.

If I understood him correctly, the hon. Member for Huddersfield (Mr. Sheerman) said that he thought there was a role for a super league. I pay tribute to the integrity of Mr. Rodney Walker and Mr. Morris Lindsay, who believe that, with half a dozen clubs or more having gone into receivership in the past few years, and with the total debt of the 32 clubs amounting to about £10 million, and with few clubs turning a profit this year, something must be done.

We have heard today that rugby league needs an overhaul; it needs an injection of cash. It is not for me to tell rugby league what to do, but so much is fairly clear. We have to balance the financial problems of the game against the emotions, the community links, the culture of the game and the oozing of values to which reference has been made—decency, for one. All these are important.

I suggest that the Select Committee turn its mind to this subject again and conduct a forensic inquiry—that can be done quickly. Secondly, the hon. Member for Wakefield may like to bring a delegation to discuss the matter further with me.

## State and Private Education

1 pm

**Mr. George Walden** (Buckingham): My purpose in this debate is to bring to the Floor of the House a matter of great importance, yet one which both Government and Opposition spokesmen seem strangely reluctant to tackle. I refer to the willingness of a number of private schools to consider moving into the state sector of education.

The news that Manchester grammar school and other prestigious schools formerly in the state sector might be interested in returning to it was met with uncomfortable silence by spokesmen on both Front Benches. It will be a sad day for the Commons if new thinking on how to overcome the damaging gulf between private and state education, for which there would be wide support in the country, found no echo in the House.

The subject of independent versus state education is encrusted with myths. The central myth, subscribed to by all parties, is that it is possible to develop a high-quality system of state education in a country where the richest, most successful and most influential people have nothing to do with it. I refer, of course, to the 7 per cent. of parents who exercise their absolute right to send their children to private schools. I am not sure how far Front Benchers believe this myth in their hearts, and how far they find it necessary to subscribe to it out of custom and expediency.

In the world as it is developing, I see no future to speak of for this country unless it learns to live not off its past but quite literally off its wits. That means high levels of education for all. Yet, if the apex of an entire society shuns the state system like the plague, how will it ever be possible to attain high standards there? Other European countries have private sectors of education, but Britain is unique in one crucial respect: the best schools are in the independent sector, and they remain overwhelmingly the preserve of the socially privileged and the well-to-do.

That statement will cause irritation on both sides of the House. Some truths about Britain are so painful that mere mention of them arouses indignation on the left and on the right. The fact that, if people want good schooling for their children, they will be well advised to buy it is one such truth.

The left would object that there are good schools in the state sector. Provide them with sufficient resources, the argument goes, and they will give the private schools a run for their money. Obviously there are some good schools in the state sector, notably in well-to-do areas, yet to claim that the state system as a whole, properly financed, could challenge the private system on quality is self-delusion.

The reason lies in the misconceived philosophy of egalitarianism which, despite the Government's welcome attempts at reform, holds much of the state sector in its deadening grip. If our fundamental approach to education is flawed, we can have the best paid teachers in the world, wall-to-wall facilities and one-to-one teaching—and still produce mediocrity. Until the left faces up to that fact, its education policies will remain mired in dogma and social sentimentalism. My advice to the left is to go back to its pre-egalitarian roots, to the high ideals of the Workers Education Association in the 19th century, and to the thinking of Tawney, a stalwart opponent of levelling down.

We must get away from the old debate. I am not advocating a return to the grammar school/secondary modern system; I advocate a new system of differing schooling for children with differing gifts, in which the former direct grant schools would have their place in the education community. State education is in desperate need of peaks of excellence. If they existed, the private sector would get a run for its money indeed. If Labour is hag-ridden by the notion of selection by ability, how about access by aptitude? I am here to be helpful.

Conservatives have a more sensible education policy, but what is our position on private schooling? That it is an inalienable right I accept. Policies designed to damage it, whether by the imposition of VAT or by the discontinuation of charitable status, would be sterile exercises in class vengeance, that would do no one any good. But when Conservatives claim that private education is a matter of choice, they are producing the right's mirror image of the left's self-delusion about facilities and resources. Where is the choice for someone on £12,000 a year?

In our traditional debates on education, it is at this point that the assisted places scheme is brought up by our side. The truth is that many of the Opposition's objections to the APS are grounded in fact. It is enormously expensive. I know of no evidence to show that the money goes chiefly to those in need; and I could regale the House with shocking examples of taxpayers' money going to people in large houses who have fallen on a rough patch in their finances. There is evidence that some of the money goes to Lloyd's names. That is nice for the names, but is it really in the spirit of the assisted places scheme?

Even for the bright working-class child, is it such cause for self-congratulation that we award scholarships to children to rescue them from the state sector? I can see why the independent schools like the scheme. I can see how it can help this or that child as a sort of emergency exit. I can see why it warms our social consciences to hand out scholarships. In Dickensian times such a policy would have looked enlightened. But shoring up our apartheid system of schooling by subsidising private establishments seems a poor philosophy of education at the end of the 20th century. It carries with it a suggestion of defeatism, an implication that state schools can never hope to do well by poor, able pupils, so the latter had better get out. How much better to have the best available to all.

Voucher schemes are another form of evading the issue. The theoretical advantages are attractive, but in the Britain we know, the practical effects would be catastrophic. All that would happen is that the 7 per cent.—the escapees from the state sector—would swell to some 20 per cent., as those who could afford it topped up their vouchers and swam headlong for the other shore. The result would be that even more of the socially and financially advantaged would have even less of an interest in where the nation was going, in education terms, than before.

What is our aim? Do we want to end up like America, where the gulf between public and private widens by the year, where people with money convey their children to private schools in self-locking cars, then retreat behind the security gates protecting their homes to shield themselves from the social consequences of a sub-educated nation? Or do we want to aspire to the best continental models, where the good schools are state schools, open to all on the basis of talent, aptitude, hard work and intelligence?

In Britain, the best private schools have demanding teachers, small classes, adequate facilities and traditions of excellence, and have remained largely, although not

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entirely, immune from the experiments that have proved the curse of the state sector. Nothing should be done to damage them, but everything should be done to open them up to the country and to spread the habit of competition for excellence throughout the system. In modern Conservative thinking, it is called the internal market.

This cannot be done by coercion, and to describe what I propose as nationalisation is evidence of old thinking. If it is done, it must be done voluntarily. A few years ago, the idea of first-rate private schools opting into the state sector would have seemed a pious hope. What has happened recently has changed all that. It is not just Manchester grammar—alma mater, as it happens, of the new deputy Governor of the Bank of England, the illustrious Mr. Howard Davies, who said recently on the radio that his parents would not have been able to afford to send him there nowadays.

I have in my possession about 70 letters from the heads of the 120 former direct grant schools, written sometimes in a personal capacity, and indicating sympathy for my proposals. I expect more such letters. This is not a drop in the ocean. I am talking of the potential for 100,000 places.

Naturally, such schools are wary. They have had bad experiences at the hands of politicians in the past. They treasure their independence, and would consider a move only if they were allowed to enrol pupils by examination. Yet what strikes me most of all is that they are thinking in terms that have left the House of Commons unable to respond. Which of us is out of touch: the schools or the Commons?

What would be the reaction of the man in the street to the news that the most prestigious school in his area, closed to him for decades, was to be reopened to him free of charge? Undiluted approval. What is the Conservative response to the prospect? A strange reticence. It puzzles me why a party that has spent so much time denouncing the left for driving direct grant schools into the private sector evinces so little enthusiasm when those schools show signs of wanting to come back into the public sector.

Why is there such hesitation? Malicious critics may wonder whether our hearts are in state education or in the preservation of privilege. I understand the money problem. Reabsorbing such schools would be expensive, but the cost of our present system of educational apartheid, in terms of under-achievement and unemployability, is incalculable.

Moreover, as Manchester has shown, there is no reason why well-off parents who continue to qualify for entrance should not continue to pay a measure of fees. It would also be possible to redeploy some or all of the assisted places scheme money to help open such schools to able children—not as isolated acts of charity, but as of right.

Let us imagine for a moment that we showed enough imagination and resourcefulness to do that. Would Labour object on doctrinal grounds of opposition to selection? If it did, the Prime Minister could have a high old time at the Dispatch Box. He could ask whether Labour would prefer a continuation of selection by money. Would it prefer to keep some of the best schools in the country closed to many people who cannot afford them? Is Labour's to be a dog-in-the-manger policy? Is it prepared to tolerate high academic standards in the private sector, providing that they are not available to ordinary folk?

I am grateful to my right hon. Friend the Secretary of State for Education meeting me to discuss the subject. Before she did so, I was invited to meet the Leader of the Opposition, to whom I am also grateful. My aim is to open up a more constructive inter-party debate, of the kind that is beginning to take shape on grant-maintained schools. Former direct grant schools are hardly likely to take the plunge and leave the independent sector if Labour, in power, were to force them back.

I am aware that my right hon. Friend the Secretary of State for Education is somewhat preoccupied at the moment. The finances of our schools are a pressing priority, but, in the last resort, it is the ghost in the machine that determines educational standards. There are signs that the Opposition are edging up, slowly and crabwise, to the problem of quality. Whatever else he might be, the Leader of the Opposition does not give me the impression of being an unthinking educational dogmatist. Who knows where he might eventually go? It would be a sad day for the Conservatives if, like some exhausted marathon runner, we were seen to pass the baton of educational innovation to the left.

1.12 pm

**The Parliamentary Under-Secretary of State for Schools (Mr. Robin Squire):** I shall begin by saying how much I welcome the opportunity to have a wide-ranging debate on education in the state and independent sectors generally, and on former direct grant schools in particular. As my hon. Friend the Member for Buckingham (Mr. Walden) implied in his closing remarks, it makes something of a change from what might be termed the subject of many recent education debates.

I have enormous respect for my hon. Friend. As well as being a former Education Minister, he has the skills to write a regular and good newspaper column, and it would be easy for me to be jealous or envious, such are his skills. The House is grateful for the time that he has already put into this subject, which has attracted a great deal of publicity. In the light of what he said, I shall make one or two comments, but I begin with one or two queries.

The first query relates to the way in which my hon, Friend described the 7 per cent. of people who choose to use private schools. I do not have any scientific breakdown of the numbers involved, but my clear impression is that a considerable number of parents who use private schools can by no means be described as the richest, most successful and most influential people. None the less, they choose to forgo holidays and new cars in order to avail themselves of private education for their children.

Of course, that figure includes those who avail themselves of the assisted places scheme without attracting the full rebate, but also a number who somehow find the full fees without remotely being capable of being regarded as that "apex of society" to which my hon. Friend referred.

I understand from ISIS—the Independent Schools Information Service—that an estimated 54 per cent. of parents with children at private schools did not themselves receive such an education. I think we can agree that that is scarcely proof that there is some permanent ruling caste or clique that enjoys that status. I have here the latest income breakdown figures for those who use the assisted places scheme. They reveal that some 92 per cent. are earning less than £20,000, which is not a great sum in today's climate.

We should not forget that schools such as Manchester grammar school and Dulwich college could easily fill all their places without recourse to the assisted places scheme, but their commitment to the scheme is important, because it enables them to give as wide a social mix as possible—something in which they have always believed and with which my hon. Friend identified strongly.

One point that came through clearly during my hon. Friend's speech was the excellence of former direct grant schools. They are not only popular with parents and pupils—if schools could ever be deemed to be popular with pupils—but appear to be especially popular with many shades of politicians. As the House will recognise, that is quite an achievement. However, such schools are deservedly popular. They have an exceptional academic record, but their contribution to the children in their care goes far beyond academic results. They also have an excellent record in meeting the needs of their pupils, guiding them towards their ambitions and instilling a sense of pride in their achievements. Many are in inner-city areas and no strangers to deprivation. They have provided ladders of opportunity for many able children. Moreover, they have done so for many years.

Until the Education Act 1944, secondary education was provided only for a minority. Schools were conducted by voluntary bodies or local authorities, which received appropriate grant from central Government, but fees could also be charged. In 1944, fees were abolished in secondary schools maintained by local authorities. Schools run by voluntary bodies and receiving grant from local authorities therefore became voluntary-aided or voluntary-controlled.

More than 230 schools receiving direct grant—or DG—at that time had the option to retain DG status on new terms, becoming voluntary-aided or voluntary-controlled, or becoming independent. The new terms of the Education Act 1944 stipulated that, in DG grammar schools, 25 per cent. of places should be free and filled by pupils educated for at least two years at a maintained or grant-aided primary school, a further 25 per cent. of places or more could be reserved by the local education authority, and fees for remaining day places should be remitted according to sliding income scales. Assistance with capital costs was also available.

When, in 1975, the then Labour Government made clear their intention to end all forms of selection in secondary schools, there were 167 DG grammar schools, catering for some 104,000 pupils. Legislation followed, and, under the Direct Grant Grammar Schools (Cessation of Grant) Regulations 1975, 42 DG grammar schools became maintained—in other words, they moved completely into the public sector—five closed, and 120 became registered independent schools.

When the assisted places scheme was established under the Government in 1981, it was expected that the former direct grant grammar schools that had become independent would wish to join the scheme. The scheme would enable them to remain true to their overriding ethos of maintaining as wide a social mix as possible. All but one of the 120 schools applied, and were subsequently admitted to the scheme. Although they represent only 40 per cent. of the schools in the scheme, they presently cater for about 65 per cent. of the pupils.

There are now 294 schools in England in the scheme, offering more than 34,000 assisted places altogether. It is reaching those we intended to help. Nearly 70 per cent. of the pupils have come from maintained primary schools; well over a third qualify for a totally free place; and, as I said earlier, 80 per cent. have family incomes below the national average. Assisted place pupils achieve pass rates that average more than 90 per cent. at GCSE and A-level—better than their peers in independent or maintained schools—and 90 per cent. go on into higher education. It is scarcely surprising, then, that there is a full take-up of available places on entry.

The scheme is an outstanding success. Standards in schools that participate in it are among the highest in the country. The Government want to see the benefits offered by good independent schools enjoyed more widely. The scheme is reaching those we intended to help, and gives a real and meaningful choice to those who would never otherwise be able to consider an independent education. It gives excellent results, and we intend that it should stay. We believe that it is vital to make independent education available for able pupils from less well-off families.

Our records show that the number of pupils at those schools has remained fairly constant over the 20 years since DG was abolished. Indeed, the 120 schools show a slight increase in numbers over the past four to five years, with more than 98,000 pupils now on their rolls.

I am sure that my hon. Friend believes, as I do, that former DG grammar schools should continue to be able to offer the excellent education they do, and be true to their original ethos of having as wide a social mix as possible. Where we perhaps differ is how that objective should be achieved.

We need to be aware of the scale of the costs involved should the former DG schools come into the maintained sector. I shall take as an example Manchester grammar school, to which my hon. Friend referred. The school has at present approximately 1,430 pupils on roll, and fees are about £4,000. Some 260 pupils at the school are assisted place pupils, and the average cost to the Department of those pupils in the academic year 1993-94 was about £3,100. The total sum paid to Manchester grammar school by way of fee remission for its assisted pupils last year was therefore about £820,000.

There are many ways in which one could cost out a possible re-entry of Manchester grammar school to the maintained sector, but, for the purpose of illustration, let us assume that we were to fund all pupils on the same basis as they are at present funded by the APS—the scheme does, after all, contain an element of "topping up" of fees by parents, which is quite appropriate for what we are discussing today.

In all, the cost would be about £3.5 million to £4 million. That is, of course, based on the current level of funding at the school, but at first sight it would be unrealistic to assume that the funding for former DG grammar schools could be significantly higher than it is for other maintained schools, should they re-enter the maintained sector.

We have been debating whether the former DG grammar schools should or could re-enter that sector, but, of course, there is already in place a specific mechanism for independent schools to do so, and I make just passing reference to that.

In our most recent piece of legislation, we provided the opportunity for independent schools in general to become grant-maintained. Since 1944, independent schools have been able to look to the voluntary-aided route into the

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maintained sector. The extension of opportunities to provide for the GM route fills a gap. That route is open to all types of school, including those that select by ability.

Naturally, we need to know the extent to which additional places are needed in the area, but a key factor is also the contribution that such schools could make to enhancing the choice, diversity and quality of provision in the area—and therefore contribute to our policy aims of raising standards and increasing opportunity.

**Mr. Walden:** The tendency of my hon. Friend's argument worries me slightly, because it seems to be pointing in the direction of inaction. By arguing that it would cost money to bring in former DG schools, and then saying, as I believe he did, that he could not envisage a situation in which some schools in the state sector would be financed better than others, and going on to point out that of course there are grant-maintained schools, and that technically it is possible for a private school to come over now, he is, in real life, shutting the door to any significant movement across the frontier between state and private.

As I know from my inquiries of the Department, schools of the calibre of Manchester grammar or the other former DG schools are not coming across into the state sector and never will if they have to cut their costs to state costs and abandon their selective entry. I am afraid that my hon. Friend's argument is tending towards a policy of passivity on what I regard as the fundamental problem of the British educational system—our two-nation approach.

**Mr. Squire:** I am grateful to my hon. Friend for further clarifying and underlining his view in that respect. I hope that I am not—and will not be, particularly when I finish my speech—open to the charge of passivity, which he alleges. There is still an extra dimension, to which I shall return in the remaining few minutes, which will make reference to the only other aspect that could meet my hon. Friend's desires.

My hon. Friend made reference to the attitude of the Opposition. I simply observe in passing that the Opposition claim to be meritocratic, but are opposed to selection on merit. They are opposed to the assisted places scheme, and have not withdrawn their commitment to phase it out. They also appear to have set their minds against charging parents for any curriculum activity. Those three points lead me to conclude—cautiously, I stress—that the former DG schools can in practice expect little solace from the Opposition when they discuss how their future may be secured.

Let me go to the heart of the matter in the remaining minutes at my disposal. The proposals by Manchester grammar school, which started this debate, indicate an entirely understandable desire to ensure and guarantee the funding of the former DG schools, and to maintain their social mix. But we should be clear why they are entering the debate at all. Clearly, they are responding to the energetic endeavours of my hon. Friend, but they are also entering the debate—as I know my hon. Friend would concede—because of the Opposition's hostility to the assisted places scheme. If it were not for the commitment of the Labour party to phase out that scheme, DG schools would not be forced to consider how they might be able offer places in their schools to the very children whom the scheme now funds.

When looking at the alternatives, it must be understood that the level of funding, with which my hon. Friend and I are in total agreement, from those schools' fees gives them a significantly higher level of funding than they could expect from state funding, whether they were grant-maintained or voluntary-aided. Increased public expenditure of that order would be difficult to justify, and the reality would certainly be increased costs. We are all agreed on the excellence of the schools that we are debating, but it is by no means unusual for their fees to be about £5,000 or £6,000.

Of course we must seriously consider the future of the schools, and I underline to my hon. Friend that we shall continue to listen to their concerns and the concerns that he has expressed today. But I am not convinced at the moment that we should necessarily turn the clock back some 50-odd years and contemplate charging for state-funded education for the compulsory years by some top-up mechanism for those parents who can afford it. I know that my hon. Friend recognises that that is the other way in which, without extra funding from the Government, the circle could be squared on the funding aspect.

The best answer that we have is a system which gives the choice of independent education for as many as possible regardless of income, and, in so doing, to target the finite resources that we have as effectively as possible. We already have such a solution, which I believe is an excellent solution, in the assisted places scheme, which is a meaningful plank in our overall Government policy of choice and diversity.

I willingly undertake today—

**Madam Deputy Speaker (Dame Janet Fookes):** Order. We must move on to the next topic.

## Non-domestic Rates (Scotland)

1.30 pm

**Mr. Archy Kirkwood** (Roxburgh and Berwickshire): Thank you, Madam Deputy Speaker, for affording me the opportunity in this Adjournment debate to address some of the difficulties being faced in Scotland as a result of the non-domestic rates that have been announced for the current financial year.

At first blush, it might appear to be passing strange for me to be registering vigorous protests with Ministers such a relatively short time after many of the anomalies of the differing systems of business rates north and south of the border have been resolved and a uniform business rate achieved for the first time. I want to say early on, and without qualification, that that is welcome as far as it goes. Some of the anomalies with which we have had to live in the past were quite untoward. The Government were right to recognise that, and the parity that has been established is extremely welcome.

But the uniform business rate is a uniform business rate poundage. It is nothing more or less than that. It does not mean that we pay the same rates; it means that we pay rates bills which are based on rateable values multiplied by a common uniform rate poundage.

The one factor that is not uniform is, alas, as I shall seek to argue, particularly in relation to south-east Scotland, the rateable value, and that in turn is dependent on factors which are highly variable region by region. Scotland is now in some respects at the disadvantage of playing the business rates game on a level playing field with England.

I am not aware—I am sure that the Minister will put me right if I am wrong—of any area in Scotland where commercial rentals have significantly dropped during the past five years. Contrariwise, at the same time, London rentals have decreased by up to 60 per cent. in some specific cases during that same period.

The national average valuation increases have been significantly depressed by the changes that have occurred in London and in other parts of the south-east of England, where property rentals have fallen due to the recent depression. However, virtually all Scotland is now left with increases above that average. Apply the uniform business rate poundage to the above-average valuation increases, and we have a problem of above-average rate bill increases in Scotland, certainly in some areas such as the Borders region.

I should like to know how the figure of a rate poundage for Scotland was arrived at. If the Minister cannot deal with the point today, he might take the trouble to try to explain it to me in writing. We have been in correspondence about a couple of constituency cases, for which I thank him.

For example, I should like to know what power the Secretary of State had at his disposal to set the uniform business rate at a lower level in Scotland. If he did have the power to set it at a lower level than 43.2p, why did he not choose to exercise that power?

Will the Minister confirm, as I am sure he can, that that power was used in Wales to set a uniform business rate different from England at a level of 39.8p? There is certainly a body of opinion within the business community in Scotland that believes that the rate could easily have been set at a lower level, perhaps 2p or 3p in the pound lower, during the five-year revaluation period. There are some who believe that a rate as low as 35p could have been set. But what is the Government's response to the charge that the overall tax take from business in Scotland is too high during this revaluation period?

Further to the inquiry about the process by which the figure was arrived at for this year, on 29 November 1994 the Secretary of State issued a press statement publishing figures of forecast average movements in rateable values for broad categories of business property by local authority region. There was a written answer from the Secretary of State for Scotland to a question tabled by the Minister, who was then at a lower level of life as a Back Bencher, no doubt assiduously doing his constituency work, asking questions that would never otherwise have occurred to him. That was a helpful answer as far as it went, one sentence of which said:

"Taking together the effects of the forthcoming revaluation with this decision on the level of the rate poundage, I estimate that there will be significant local and sectoral shifts in rate burdens."

I repeat:

"significant local and sectoral shifts in rate burdens."—[*Official Report*, 29 November 1994; Vol. 250, c. *687*.]

I should like to know exactly what evidence the Minister had of the extent of those changes and differences. I have real fears that the survey system that he used was inadequate for the task. I should like to know what level of information was provided by local assessors, who, of course, are responsible for the process of revaluation in relation to a sample of property throughout the country.

But the decision that was taken to set the uniform business rate at 43.2p in the pound must have been taken only after careful assessment of those estimated average figures by the assessors for regions throughout the length and breadth of Scotland. The figures that were produced by the Government in the process of setting the uniform business rate included an average forecast figure of an increase for the Borders of 23.2 per cent. That was the figure on which the Government's decision to set the uniform business rate at 43.2p in the pound was based.

I was puzzled at the time that that increase was as low as it appeared to be, but I received confirmation of that concern when a report published by the director of finance in Borders regional council in January stated that the provisional estimates provided by the regional assessor to him showed that, on average, rateable values—admittedly, excluding formula-valued public undertakings—would increase not by 23.2 per cent. but by 32 per cent. That is a significant difference.

The director of finance went on to confirm what was said to the Minister in the written answer of 29 November, when he said that the result of the changes would be

"very significant shifts in the rate burden both between different sectors of non-domestic ratepayers and different areas of the country".

I am well aware of the transitional protection scheme. The Minister will make much of that, because he has done so properly in the correspondence that we have had on the various individual cases that I have raised with him.

I have a strong sense of deja vu in all this, because in 1985, when the Minister was otherwise engaged in business, earning perhaps a more honest living than he is as a Minister at the Scottish Office, when the present Lord Younger was the Secretary of State for Scotland, I, through the various opportunities available to Back-Bench

*[Mr. Archy Kirkwood]*

Members of Parliament—I think, from memory, that it was a ten-minute Bill—tried to get the Government to see the difficulties experienced by businesses faced with swingeing revaluations.

I brought forward a scheme on the information available to me on the increases that were being imposed on businesses, particularly small businesses in the Borders. I openly admit to doing a calculation on the back of a cigarette packet, which suggested that at least £5 million was necessary in order to remedy the problems of the day at that stage.

I remember the ignominy of being taken to task by Ministers, who subsequently recognised the error of their ways and introduced a scheme that eventually cost nearly £15 million. I was then attacked for asking for only £5 million, which was pretty rough justice. I have felt badly about that ever since. I hope that the Minister bears that in mind when he contemplates the result of this afternoon's debate.

I am aware that the transitional protection scheme is in place. It is fine so far as it goes, but it is extremely inadequate in a number of different respects. First, I am sure that the Minister will confirm that transitional protection does not apply to water and sewerage rates. Certainly, in south-east Scotland, water and sewerage rates are a significant factor in businesses' total rate bill. To exclude any transitional protection from that element of bills will be a penal impost on some businesses, especially those that use a lot of water.

Secondly, the transitional protection scheme is to be phased out over a five-year period. The Minister may know that I tabled a prayer to the order that introduced the scheme. I was hoping to have a debate in a Statutory Instruments Committee, so that I could argue that the scheme was inadequate. I was happy and lucky enough to secure this Adjournment debate, which serves the same purpose, so I shall not pursue the prayer and seek a debate.

In considering the detail of the scheme, I was anxious to try to get the Government to be as forthcoming as possible—I understand that constraints exist—about what will happen in the subsequent four years if the protection level that has been announced and is clear for this year is not maintained throughout the five-year period. It would be helpful if the Minister could say a word about that.

The Minister must understand that, even with the benefit of transitional protection, many of my constituents will face an annual increase of 12.4 per cent. for the next five years—the full period of this revaluation. They will not catch up. They will always be in the transitional protection scheme. Those valuation increases will be further compounded by the next revaluation in the year 2000. Those businesses face increases far beyond what we all hope and anticipate the increases in the inflation level will be over that period.

In addition, industrial derating is to be summarily withdrawn. I understand the reason for that—it is part of ensuring parity with the position in England—but it places businesses in the Borders and throughout the rest of Scotland in a serious position.

Derating of caravan parks is being abolished. I have already been in correspondence with the Minister about that. As I have said at least twice, he has responded in writing, but that does not take the situation forward very much for Greenlaw caravan park, for example. Last year, it had a rateable value of £7,000; this year, it is £17,700. Of course, the 10 per cent. transitional process will protect it to a certain extent, but it will take years, if ever, to get around the withdrawal of the derating of caravan parks. Such an increase is unconscionable.

As if all that were not enough, a 50 per cent. charge is about to be imposed on persons entitled to possession of properties that have been unoccupied for three months. I understand why that has been introduced—again, it is part of ensuring parity with the position in England—but 500 properties that have been left empty in the Borders will suddenly and summarily be hit with a bill. Some of them will be hit on 1 April if they have been left empty for the previous three months and are not in any of the exempt categories. That will come as a shock, and a considerable financial impost, to the 500 property owners in the Borders in that position.

Many of my constituents and the constituents of my right hon. Friend the Member for Tweeddale, Ettrick and Lauderdale (Sir D. Steel) will face considerable increases in rate bills in 1995-96 and in later years, even with the proposed transitional arrangement.

I do not know for sure, because I do not have the same direct experience of other parts of Scotland, but serious and legitimate concerns exist about how the revaluation in relation to the uniform business rate, transitional protection and the other factors will affect the viability of businesses in future.

From a regional point of view, a serious consequence exists. One of the few competitive advantages available to Borders businesses has been in the form of rate poundages, which have consistently been among the lowest in Scotland. Significantly, following the introduction of this year's uniform business rate, that advantage will be lost.

1.44 pm

**The Parliamentary Under-Secretary of State for Scotland (Mr. George Kynoch):** I welcome the opportunity given by the hon. Member for Roxburgh and Berwickshire (Mr. Kirkwood) to deal with the subject of non-domestic rates in Scotland. The advent of the uniform business rate, coupled with revaluation, has introduced some misunderstandings and concerns throughout the country. It gives me the opportunity to go through once again some of the announcements which have been made in past months, but which perhaps have not all been brought together so that people can understand the position.

Obviously I welcome the fact that the hon. Gentleman appreciates the advent of the uniform business rate. Clearly, for many years, businesses in Scotland had been looking for a level playing field north and south of the border. In the past five years, the Government have been progressively reducing the rates burden on Scottish businesses. By last year, Scottish businesses were paying some £500 million less than they would have been if the poundages previously set when under local authority control had continued to rise in line with inflation.

Instead, the Secretary of State for Scotland provided the resources to reduce the burden, and all businesses share the lasting benefit of the progressive reduction, with the introduction this year of the uniform business rate at the same level as south of the border.

The hon. Gentleman asked whether the Secretary of State could have introduced the uniform business rate at a lower level. To an extent, he could have, but he has already said that the maximum difference that he could have set was between 1p and 2p less. Clearly, he rightly chose to pursue the linkage with business rates south of the border, which was the long-term objective of business in Scotland. It has asked for a level playing field.

If the equation went the other way, the hon. Gentleman would not wish the uniform business rate to be set higher in Scotland, with rates back to being higher than south of the border. My right hon. Friend has taken the long-term view, to try to give business the stability and security it seeks.

The hon. Gentleman has talked about assessment in relation to revaluation. The revaluation draws on recent rental evidence to update the relativities in the rates burden between different properties. As he appreciates, that means that, for some properties, values will go up, whereas for others they will go down. Not surprisingly, at the level of rateable value, more rise than drop.

Rates bills take account of those new rateable values, together with the new rate poundage. On that basis, increases in rates bills are not as great as they might have appeared when people received their rateable value assessments. I know that the hon. Gentleman appreciates that, but I state it so that the complete story is on the record.

It was important to the Secretary of State to ensure adequate transition to prevent any significant rise. On the method of revaluation, as the hon. Gentleman will appreciate, to set the uniform business rate level, my right hon. Friend had to have an assessment of what would happen after the revaluation. The assessors had until 15 March to prepare the valuation rolls, which was obviously not in time to determine the rate poundage which would take effect from the beginning of April.

As the assessors were preparing for the revaluation, the Scottish Office sought estimates of the emerging picture from them and from our colleagues in the Department of the Environment who were obtaining similar estimates from the Valuation Office Agency south of the border. On the basis of those estimates—I emphasise that they were estimates of the emerging picture—we determined the appropriate poundage and the transition arrangements. From the figures, which were published in November, it was clear that there would be a wide divergence in the movement of rateable values and rate bills between different regions and between business sectors, as the hon. Gentleman has said.

It is too early to get carried away and to say that the estimates were anything other than good estimates. As the hon. Gentleman will be aware, all of us as constituency Members of Parliament have had a significant number of businesses complaining to us about the high level of percentage increases. However, to get an average, one has to have people who are above the average and people who are below it. Inevitably, those who are below the average and who have calculated the amounts are less likely to come to us than are those who have big increases.

I may be able to give the hon. Gentleman some comfort. I have ensured that my officials have embarked on a detailed analysis of the actual valuation rolls, to assess how close the actual has been to the approximation.

**Mr. Kirkwood:** That is at least half an answer to my question; half a loaf is better than no bread. I understand that we are in a hiatus, because we shall not know the exact position until the full published revaluation rolls are available in May. Will the Minister undertake in the intervening period to let us know what the sample size was? I do not expect him to give an answer this afternoon. Will he, in the fulness of time, make it absolutely clear what the sample surveys were which informed the decision taken in November to set the UBR at 43.2p?

**Mr. Kynoch:** I will indeed ensure that a letter is sent to the hon. Gentleman. I am glad that he appreciates that one could operate only on a sample at that stage, to have the estimate on which one could base the calculation for the level of business rate. It is important to ensure that local authorities have adequate funding to provide the services that they have to provide.

I now move on to the transitional period which the hon. Gentleman has rightly welcomed—

**Mr. Kirkwood:** Grudgingly.

**Mr. Kynoch:** The hon. Gentleman says that he welcomes it grudgingly. One has to use judgment in the adjustment in the revaluation process which takes place once every five years. In every revaluation process, there can be winners and losers. Some people have seen the prospect of significant gains in their rateable values. Those gains are, as I am about to describe, restricted in the transitional scheme, partially to fund the transitional arrangements for those who will lose.

The extremely important point for the Government in the whole exercise was to try to avoid sudden changes in outgoings which could fall on businesses, especially small businesses. I know that there is a significant number of small businesses in the Borders, and to that extent, the transitional scheme may have a greater effect there than in areas where there is a higher proportion of larger businesses. It is important that we try to ensure that small businesses do not have enormous outgoings.

On that basis, my right hon. Friend the Secretary of State introduced the transitional scheme, which will restrict the amount of business rate increase paid by anyone who has to suffer an increase. The increase for properties with rateable values in excess of £10,000 is restricted to 10 per cent. in real terms. For smaller businesses with rateable values of less than £10,000, the figure is restricted to an increase in real terms of 7.5 per cent.

The good news for the hon. Gentleman is that that protection will continue for the full five years at the level of 7.5 per cent. and 10 per cent. in real terms. It will continue until the next revaluation in 2000. There is no reason for anyone to fear an undue increase in rating bills in the next five years. The scheme is being funded this year, partly through the restrictions on gains for those who have benefited, and partly through the £72 million which the Exchequer has granted to my right hon. Friend the Secretary of State.

The hon. Gentleman talked about the impact on small businesses. I want to get across the point that small businesses have received their revaluation notices. In some cases, the figure is significantly up from previous valuations. Clearly, those businesses have time to appeal against the valuations if they believe that they are not right.

For the sake of the record, I tell the House that businesses have from now until September, or six months from the date of their notice, to appeal. The appeal will,

*[Mr. Kynoch]*

of course, be considered by the local assessor, and, if agreement cannot be reached with him, by a totally independent valuation appeal committee.

The hon. Gentleman referred to the Borders region in particular. Although I do not want to invite a surge of appeals—

**Mr. Kirkwood:** The Minister will get them anyway.

**Mr. Kynoch:** From the information that I have gleaned so far—obviously, it is early days—the level of appeals submitted in the early days is not unexpectedly high; it is at the level anticipated. The appeals procedure is there to try to ensure that a fair valuation is achieved. In some cases, the figure may be brought down on appeal.

The hon. Gentleman talked about industrial derating being withdrawn. The whole point of industrial derating was to try to ensure that there was a level playing field between the methods of valuation north and south of the border. We are assured by both the Valuation Office Agency and by the assessors that we now have complete harmonisation in the valuation procedures north and south of the border, so there is now no longer a need for that derating.

The hon. Gentleman referred to caravan parks. I suspect that the reason why he wrote to me about a particular caravan park was that a circular was sent to caravan parks in England and Wales which alerted them to the significant increases they might face.

Derating for caravan parks in Scotland was reintroduced in 1990. We had believed that we had complete harmony between the two methods of valuation. When we discovered that we did not, the assessors agreed that we should have a derating policy for caravan parks. However, I am happy to look at the case of Greenlaw caravan park, to which the hon. Gentleman referred. If the caravan park owner believes that it is not a fair valuation, he should go through the appeals procedure.

**Sir David Steel** (Tweeddale, Ettrick and Lauderdale): He is not the only one.

**Mr. Kynoch:** The right hon. Gentleman says that it is not the only case, and I understand that point. His hon. Friend gave the caravan park as an example. If any other caravan park believes that it has not been assessed fairly, it can go for appeal, and it will then have a valuation on which it can work. Caravan parks are protected thereafter by the transitional scheme. I hope that, as a result of all this, there can be a fair basis of valuation.

The hon. Gentleman mentioned water, which I shall refer to briefly in the final few seconds. Water, of course, is a different issue and it is open to any business to apply for metering of water supplies and be charged on that basis if it does not like being charged through the rating system.

In short, I believe that the advent of the UBR and, indeed, the harmonisation of the valuation procedures north and south of the border provide the level playing field which we have all sought for business in Scotland. Business has long sought the ability to compete on a level playing field and I believe that it now has it. It is interesting that the Opposition and the Labour party in particular advocate a clear return to the setting of business rates by local authorities. I say to all businesses in Scotland, God forbid the day that that should ever happen, because if it does, rates will soar, businesses in Scotland—

**Madam Deputy Speaker (Dame Janet Fookes):** Order.

## National Health Service (East London)

2 pm

**Mr. Nigel Spearing** (Newham, South): I am not pleased at having to raise this topic—it should not be necessary to do so. The health services in east London are in a parlous state. None the less, on 5 April, when the Secretary of State was dragged to the House, she said:

"I am determined that, as a result of these changes, we shall have a health service in London that is fit for the 21st century, in which we can all take great pride."—[*Official Report*, 5 April 1995; Vol. 257, c. 1736.]

I invited the right hon. Lady to today's debate. The Minister, who is present and who met a deputation on the matter a week before the Secretary of State's comment, is not responsible. The Secretary of State is responsible.

A week before the Secretary of State's comment, five Members of Parliament from east London with eight women officers of the community health councils told the Secretary of State personally that it would be disaster if the changes which she had authorised were to go ahead in the area of the East London and the City health authority. That area has a population of 500,000—the size of a large city. It is organised by one authority, whose officers and members are agents appointed by the Secretary of State. Indeed, this debate may be the first-ever opportunity for the right hon. Lady, who once again has not come to the House to take responsibility, to look at what is happening in a particular area. It is only when one sees what is happening in one area that one can see the impact of the changes introduced by the present Administration.

In east London, the City of London, one of the highest-earning areas, is next to three boroughs—Hackney, Tower Hamlets and Newham—which, on statistical terms at least, are three of the most deprived in the country. It is interesting to note that today a report has been published about the connection between income deprivation and health. Indeed, I believe that my hon. Friend the Member for Hackney, South and Shoreditch (Mr. Sedgemore) gave an example of that connection which was reported in the media. There is therefore a juxtaposition of some of the most privileged people, and some of the least privileged people, whom my hon. Friends and I represent; those immediately to the east of Aldgate pump and those stretching out in a segment to north-east London.

The main plans were to close hospitals. The 1,035 beds in the East London and the City health authority are to be reduced over six years to 738—a reduction of roughly 30 per cent. That takes account of the net closure resulting from St. Bartholomew's, the closure of the London Chest hospital—we all know how respiratory diseases are on the increase, especially among children—and the proposed closure of St. Andrew's by Newham Healthcare trust. So two saints in the east are going west and that is not good news for east London at all. The reason for the closures is the belief of the Secretary of State and her officers that the need for beds will go down, despite all the trolleys serving as beds in hospitals in east London, to which I shall refer in the moment.

The key to the operation is the Whitechapel site in the constituency of my right hon. Friend the Member for Bethnal Green and Stepney (Mr. Shore). Indeed, 165 additional beds are to be provided there, together with supporting services. The figures that I gave take that into account. When will that facility be built and where is the money coming from? I understand that, at current prices, £230 million has been allocated for that development, but Ministers have not given a guarantee of when, that will be available or if it will be available. Letters of comfort to the non-existent North Thames regional health authority chairman, who has now been phased out, do not provide the sort of guarantee that we want. We have heard such stories about replacement beds before and so have people all over the country. We want guarantees that the money will be available and that that facility will be built before the reciprocal numbers of beds elsewhere are reduced. Is that not a reasonable request, given that the commitment to provide them has been given?

The second area of questioning concerns secure psychiatric accommodation. A case arose in an east London magistrates court because at one time there were no proper secure beds available in east London. The Secretary of State could have attended but instead she sent somebody else. The recommended number of secure beds—of course it is more than a bed; it may be somewhere where people may be able to help their condition—is below that recommended by the royal colleges. I understand that secure places have not been found in north-east London for 63 people, and that the 63 places that have been found are scattered over the country as far away as Yorkshire and south Wales. Are those the sort of conditions in which relatives and others may help?

Two horror stories have been supplied by the Hackney and Newham community health council representatives retrospectively and I shall read them out because such stories convey the truth of what is happening much better than statistics, however much they impress those who can read them.

The first case study is of a Hackney man, whose mental state was deteriorating rapidly. He threatened a health worker with a knife, tried to pull out his own tongue, locked a GP in his room and attacked and tried to strangle an elderly woman in the street, yet there was no bed for him in Hackney. Only after the intervention of somebody from the office of the Secretary of State for Health was a bed found. Presumably, somebody was turfed out to make room for him. Such turfing out produces the curious anomaly of 120 per cent. bed occupancy, which I understand is the figure for Newham.

Case study two is of a 15-year-old Newham girl who could not be contained in local authority accommodation. She was eventually put through the courts and sent to gaol because there was no psychiatrist available to see her. Newham currently has one psychiatrist in post to cover the whole adult population of the borough—about 250,000 people.

One of the reasons why people do not fill vacancies in the borough is the extremely hard work load and the unreasonable demands made on loyal, skilled and hard-working staff. Indeed, the health of some of them suffers as a result.

The casualty scene is perhaps the most spectacular. Bart's had a casualty department. Its closure has meant greater pressure on adjacent casualty units—those at the London Chest hospital and the Homerton. I am told that, since January, the Homerton casualty unit has had to be temporarily closed on 20 occasions. Although it may have been for only half an hour or half a day, that means that ambulances have to go further and everybody's morale

*[Mr. Nigel Spearing]*

goes down. To keep the unit's head above water, beds have had to be put in the waiting room. It is not the only casualty unit affected by the closure of Bart's casualty. The closure has had a ripple effect throughout east London, including Newham general, where at the moment patients have to wait anything between four and eight hours in the casualty unit. Eleven posts for junior hospital casualty officers were advertised not long ago, but only seven could be filled, adding to the pressure on those who responded to the call.

I understand that, quite properly, the Government have reduced the pressure on junior doctors. I have also heard that, for some reason, the Royal College of Surgeons—for all I know, the Royal College of Physicians may have done the same—has reduced or eliminated the requirement for young doctors to have such experience. The supply has dwindled. Who would blame young doctors for not choosing to go into a situation in which the stress is greatest and the staff shortages are the worst, if they do not have to? There is a descending vicious spiral.

The Secretary of State—or rather the Minister, as he is here, although it should be the Secretary of State—may know about that problem and want to make inquiries. I hope that he will be able to tell me now whether what I have said is true, because if he cannot it shows that either he or his Department is not up to the job.

There was recently a scare story—or rather, not a scare story but a factual story—in *The Sun* about a theatre orderly being involved in an operation. That may have been medically justifiable—I do not say that it was not—but we know that the orderly had to stand in for a doctor who was called away to fill a gap in the Newham general hospital casualty department. Perhaps he was trying to save somebody who was dying. Who is to know?

A couple of weeks ago a chap came to my advice service and said, "I was driving my van down the street, Mr. Spearing, when I had pins and needles and I went numb all down one side. I drove slowly and quietly to Newham general and said, 'I think I have had a stroke.'" Two nurses, no doubt under pressure, assured him that he had not had a stroke, and told him to see his general practitioner. The next morning, having driven quietly home, the man went to see his GP, who confirmed that he had had a stroke. I have verified those facts with the community health council.

Those stories show what problems there are in the casualty departments, which are the most critical facilities of all. And those problems stem to some extent from the ripple effect of the Bart's closure. Last week, my right hon. Friend the Member for Derby, South (Mrs. Beckett), the shadow Secretary of State for Health, asked what use was to be made of the St. Bartholomew's site, and the last sentence of the written answer by the Minister for Health read:

"The Royal Hospitals trust has also been in discussion with the city initiative on possible uses of the site for health-related services."—[*Official Report*, 18 April 1995; Vol. 258, c. *119*.]

I know that the City is worried about the reduction in local emergency facilities. It does not like the disappearance of St. Bartholomew's casualty department. If I were a City financier or somebody with plenty of money and a bit of organisation, I would say, "Can't we use some of that site for a private organisation?" City firms—there are enough of them—could get together and say, "What about some form of accident and emergency facility there?" That is possible; there is talk of it happening. Somebody from abroad might think of such a project as a good thing. It might be a paying game, and make a profit. Someone will say, "What about a market in accidents and emergencies in the City, eh, boys? Shares?"

That is the sort of development that the Government are encouraging in health. They think that there is a market in health care. Well, we do not. That is the big difference between us. It is typified, as in a sort of parable, in the contrast between the City, Aldgate and the rest of east London. I do not say that what I suggest will happen, but I suggest to the Minister that it might.

Let us suppose that a taxi driver—John Bull, one of my constituents—had a heart attack at the Bank of England. Would he be eligible for treatment at such a place? We do not know. We can think of other representative people, too. Lots of people live in that great Barbican block. Let us think of a typical name in London—John Smith, perhaps. Would a John Smith in an organisation which had no share in that accident and emergency facility, and did not pay money to it, be eligible? No.

I do not say that that will happen, but I suggest that, under the Minister's philosophy, it could happen—unless he tells us to the contrary, so that people, not only at home but abroad, can hear him. I hope that it will not happen, but there is only one way to stop it—to reopen the much-needed Bart's casualty facility for everybody, as it was designed for the national health service and as it operated until recently.

In the East London and the City health authority, we see an example of what is happening all over the country. We often hear about social and other types of problem in other parts of the country; we read about them in black and white and we see them fuzzily. But in east London, where there are all sorts of problems, we see them not fuzzily but in focus, and not in black and white but in sharp technicolour.

In east London we have seen the closures that the Secretary of State, whose hands are not safe, announced a few weeks ago. My hon. Friends and I, who represent constituents who live in east London in the deprived boroughs, have to bring those facts out, and say that the health service there is not good enough. The Government ought not to be proud of it now, and I fear that, despite what the Secretary of State said, we shall not be able to be proud of it in the next century, either.

2.15 pm

**Mr. Stephen Timms** (Newham, North-East): I congratulate my hon. Friend the Member for Newham, South (Mr. Spearing) on having secured the debate. I shall add a few brief remarks of my own, because I want to comment on the level of resources available for health services in east London. Before I do so, I shall express one note of commendation for a recent Government decision, because this is the first opportunity that I have had to do so.

I welcome the decision to have three community health service trusts, rather than the one initially proposed, in east London. My hon. Friend and others, including myself, reflecting representations made in east London, have expressed that view to the Minister in earlier debates, and I am pleased that it has been decided to go for three

trusts rather than one. That will give us a better basis for the future of community health services in east London than we should otherwise have had.

However, that decision has already shown what an extraordinary disparity there is between the budgets of the three new community health service trusts. That has again thrown into relief the question of the resources made available for the health services in east London to deal with the problems that my hon. Friend has so eloquently described.

We need a funding regime to reflect the immense need created by the deprivation that we endure in east London. We have not yet got that. Of all the myriad examples that could be cited, I shall mention the formula for the funding of the psychiatric services, which contains no reference whatever to the level of unemployment in an area.

It has been well known for many years that high unemployment contributes to psychiatric problems, yet that knowledge is not reflected in the funding formula. This morning's King's Fund report, which my hon. Friend mentioned, shows that resources must reflect far more fully than they do the deprivation that leads to and accompanies poor health. If we can make sure that that happens, east London will have a much better slice of the resources than it does, and we shall be able to look forward to resolving some of the problems that my hon. Friend has described.

2.18 pm

**Ms Margaret Hodge** (Barking): I thank my hon. Friend the Member for Newham, South (Mr. Spearing) for allowing me a brief intervention. I represent a constituency slightly to the east of my hon. Friend's constituency, in which, despite massive local opposition, the Government have given the go-ahead for the closure of the accident and emergency unit at Oldchurch hospital. Hon. Members on both sides of the House have long expressed our real fear that that decision marks the first nail in the coffin of Oldchurch hospital as a whole.

The people whom I represent desperately need the services provided by that hospital. They have already lost too much—Barking, Rush Green and now Oldchurch. Now they are to be expected to go to Newham general hospital—we have heard about the problems there. My constituents will be left with one hospital serving almost half a million people.

The people of Barking are more likely than average to be old, to be sick and not to have the use of a car. Yet they are now expected to travel on lousy public transport all the way to Harold Wood hospital or Newham general hospital for accident and emergency services. It will be a catastrophe.

I seek two assurances from the Minister today. Is the impact of the closure of the Oldchurch unit being monitored by his Department? If so, will he report back to the House? Is the future of Oldchurch hospital as a whole secure?

2.19 pm

**The Minister for Health (Mr. Gerald Malone):** I congratulate the hon. Member for Newham, South (Mr. Spearing) on securing this debate on an extremely important, and controversial, matter. I am pleased to come to the Dispatch Box today to explain the Government's policies and the reason behind them. Rather than concentrate on the general strategy, I should like in the moments that remain to me to get into the meat of the arguments that have been raised by the hon. Members for Newham, South, for Newham, North-East (Mr. Timms) and for Barking (Ms Hodge). I shall deal with as many of the points as I can.

I shall deal first with the points about beds. A range of research published over a period suggested that general bed reductions were required in London. The debate gets off on the wrong foot if anyone suggests that there are prescriptive figures tied to a definite timetable from which no one will depart. I remind the House that health authorities are given by the Government a fundamental statutory responsibility to provide adequate services, whether that means acute beds, what are described in the language of academics as low-tech beds or long-term beds. The health authorities have to get the balance right.

I am sure that the hon. Member for Newham, South will concede that the reductions are not being done according to a strict timetable with a ratio of beds dropping according to some formula that was fixed some time ago, on which the Government are being inflexible. Nothing is further from the truth.

The figures that underpinned Tomlinson were essentially predictions of trends in bed use. Therefore, actual bed reductions are broadly in line with the predicted trend. That is what we have seen. The Government's policy in London, as in the rest of the country, is that it is for individual health authorities to plan what level of provision is appropriate in their area, taking into account all the factors of need, demand and availability, and the desirability and adequacy of other services.

An impression has emerged that the report that underpinned the reforms that are now taking place is out of date. The report is being questioned. It is important to remind everyone who is interested in the matter that the King's Fund still holds to the view that, as a result of changing medical practice and the reduction in referrals to London hospitals from outside the capital, London will need fewer acute hospital beds in the future in general terms. Most people would concede that point.

I understand that those who represent London constituencies wish to make their points in their own way, but the principle is that the number of beds must be adequate. There is an overview. Restructuring will mean that, in time, a different pattern will emerge in London. That is something with which the House is familiar. It is broadly accepted outside London, especially in areas which previously referred to London hospitals to a great extent, but now find that they do not do so as much. The pattern has changed and the demand from the local area is that the hospitals that serve local people should take much more of the case load than in the past.

On a point referred to in passing by the hon. Member for Newham, South, there is one saint in the east which is not going west. St. Andrew's hospital will not close. In-patient services will be transferred to Newham, with concentration of day care and out-patient services at St. Andrew's. That proposal is subject to public consultation, as are all the changes proposed.

The hon. Gentleman asked how we were to guarantee that changes would take place smoothly and services would be preserved. It was a fair point. As he knows, it is impossible for any Minister to give specific guarantees from the Dispatch Box of funding other than on a

*[Mr. Gerald Malone]*

year-to-year basis from committed funds. I ask the hon. Gentleman to consider, first, the level of capital investment that has already been committed in London and secondly, the capital and running investment provided through the London initiative zone for primary care. I suggest that if he is looking for an earnest of the Government's intentions, the flourishing of primary care schemes, not least in his constituency, is the clearest possible evidence.

**Ms Mildred Gordon** (Bow and Poplar): Will the Minister give way?

**Mr. Malone:** If the hon. Lady does not mind, I will not give way. I agreed to allow three hon. Members to speak in the debate, and I have only a short time to make my speech. I must answer the points that have been made. I apologise to her. Perhaps, on some other occasion, I could respond to her points. I understand that we may be offered an occasion at some point in the future.

The hon. Member for Newham, South should bear in mind the pledge that my right hon. Friend the Secretary of State and my predecessor gave to the House about casualty departments, to which he specifically referred. My remarks on this subject are also directed at the hon. Member for Barking. No facility shall close unless there is an equivalent, if not better, facility in place. The hon. Gentleman talked at some length in a rather dramatic way about unlikely scenarios for the future of the site at Bart's. I ask him to bear in mind the views of a great body of professional opinion. It is not me or even great academics who are telling him this. If the hon. Gentleman talks to a casualty surgeon—a specialist consultant in a new field—he will be told that there needs to be a critical mass and there needs to be reorganisation. I understand that reorganisation is painful, but on the Bart's site there is now an excellent minor injuries unit to deal with the everyday needs of the local population. Those developments across London are highly welcome.

The hon. Member for Newham, South also referred to mental health. Mental health services are a high priority in east London. There is a pressing need for better services. The health authority has set up an action research project to consider how best to meet those needs. There are 109 mental health beds in Hackney, including 15 psychiatric intensive care and 15 low secure beds. There are 91 beds in Newham and 101 in Tower Hamlets. That is a total of 301 beds.

The demand for psychiatric beds greatly fluctuates. As the hon. Member for Newham, South rightly said, there are pressures. On occasions, in order to meet demand, placements have been made outside the district. That is why the district health authority is working to provide a further 15 intensive care beds in Newham to meet need in that part of the district.

On the point about pressures and over-occupation, much of what appears in the statistics of over-occupation is cases in which people are released into the community, in the care of their family, for a fixed period. That person's bed then becomes available and is used in the interim. No one would suggest that the corollary which the hon. Gentleman implies is that the bed should lie vacant in the meantime. Proper use is important.

The hon. Member for Newham, North-East raised the general question of resources. With the new formula, which concentrates more on capitation than before, resources are moving exactly in the direction in which the hon. Gentleman suggests he wants to go. Deprivation and problems in east London have been recognised in other ways as well—in primary care, not least through the London initiative zone and through the fact that deprivation payments are now well established. Those are important ways to get into what I would describe as the "front line" of care. The hon. Gentleman will agree that this year's increase of 4 per cent., or £322 million, which the East London and the City health authority will receive, is welcome.

The hon. Member for Newham, South asked a specific question about the future of the Bart's site. The Government welcome the trust's intention to explore the possibilities of a continuation of medical care on the most historic part of the Smithfield site. The contribution that will be made by the project team, led by Sir Ronald Grierson, will be welcomed. The team will look at the practical options involved, which are likely to be at the less spectacular end of the spectrum that he painted to the House today.

The policy that the Government have put in place will bring better health care to Londoners in the future. It will bring to London's health care a 21st century standard, which is now met in many other parts of the country. That is broadly welcomed by those close to providing the service. Ultimately, to shirk from making change where it is necessary is an abrogation of responsibility, not just by the Government but, if she failed to take the challenge, by my right hon. Friend the Secretary of State.

*It being half-past Two o'clock, the motion for the Adjournment of the House lapsed, pursuant to Order [19 December].*

# Oral Answers to Questions

## SCOTLAND

### Miscarriages of Justice

1. **Mr. Mullin:** To ask the Secretary of State for Scotland what are the arrangements for dealing with alleged miscarriages of justice in Scotland; and if he will make a statement. [19569]

**The Secretary of State for Scotland (Mr. Ian Lang):** Alleged miscarriages of justice in Scotland may be reviewed by the High Court of Justiciary either on appeal or when a case is referred by me under section 263(1) of the Criminal Procedure (Scotland) Act 1975. Any convicted person may petition me seeking review of his or her case and I may refer a case to the High Court with or without a petition. It is also open to me in exceptional circumstances to make a recommendation to Her Majesty concerning the royal prerogative of mercy.

**Mr. Mullin:** Is it not extraordinary that the Scottish legal establishment should seek to exempt itself from the provisions of the Criminal Appeal Bill, which will apply to every other part of the United Kingdom, including Northern Ireland? Unless I am mistaken, there is a certain complacency about the Scottish legal system's approach to alleged miscarriages of justice. From the many letters that I receive from prisoners in Scottish gaols alleging that they are innocent, I know that there is no cause for such complacency. Should not something similar to the review tribunal proposed in the Criminal Appeal Bill be set up shortly for Scotland?

**Mr. Lang:** I assure the hon. Gentleman that there is no complacency. Although circumstances in Scotland differ from those south of the border, we have set up a distinguished independent committee under Professor Sir Stuart Sutherland to review the complex issues of handling alleged miscarriages of justice. The committee is expected to report next year and we shall take action on its findings.

I should also point out that the Labour party consultation document, "Protection and Justice", agreed that the procedures for handling alleged miscarriages of justice should not be changed until the effect of possible changes to the criteria applied by the Appeal Court had been considered.

**Mr. Hood:** Is the Minister aware that there is great concern within the legal profession in Scotland about the disparity between what happens in English courts and in Scottish courts? I remind the Secretary of State that if George Beattie's appeal had been heard in an English court it would have been upheld and he would have been given the justice that he deserves. The Scottish legal system failed George Beattie as it has failed many Scottish people in similar situations over the years. It is time that it was changed and I hope that the Secretary of State will have the courage to come to the Dispatch Box and make that change.

**Mr. Lang:** The hon. Gentleman makes some rather contentious remarks. The Scottish system suits Scottish circumstances. If we tried to emulate the English system and remodel our arrangements on that, I suspect that there would be a great deal of opposition from both sides of the House. On George Beattie's case, the hon. Gentleman has already said that a further petition on his behalf is to be submitted. I am ready to consider any such petition when it arrives.

### Local Government

2. **Mr. Canavan:** To ask the Secretary of State for Scotland what assessment he has made of the future of local government as a result of the local government elections on 6 April. [19570]

**Mr. Lang:** The structure of local government put in place under the Local Government etc. (Scotland) Act 1994 provides a framework within which services can be better tailored to local needs and more effectively delivered. I look to the new authorities to make the most of the opportunities afforded by the new structure.

**Mr. Canavan:** Now that the Tories have suffered a complete wipe-out in the Scottish local elections, does the Secretary of State agree with his hon. Friend the Member for Eastwood (Mr. Stewart) that the Scottish Tories face the prospect of yet another wipe-out in the next general election in Scotland, and deservedly so? Does the Secretary of State agree that the Government's policies have been an unmitigated disaster for the people of Scotland and that any sell-out of Scottish Nuclear may turn out to be the last straw?

**Mr. Lang:** The hon. Gentleman considerably oversimplifies my hon. Friend's remarks and therefore draws entirely wrong conclusions from them. As for the prospects of the Conservative party in the next general election, I refer the hon. Gentleman to similar remarks that he made shortly before the last general election.

**Mr. Raymond S. Robertson:** Does my right hon. Friend agree that the real danger facing local government in Scotland comes from plans to create a directly elected Scottish Assembly which, in order to play a worthwhile role in the life of Scotland, would certainly take power from this House and would also take powers and responsibilities from every one of the new unitary local authorities throughout Scotland, thereby denying local communities the right to become involved in local decision making? Does my right hon. Friend agree that everyone who believes in strong, accountable, genuinely local government should join us in opposing the Labour party's plans?

**Mr. Lang:** My hon. Friend is absolutely right. Our plan for the single-tier structure now being brought into being is to create a strong, robust system of local democracy, with single-tier, all-purpose authorities throughout the country and having power decentralised in that way. I believe that that is very much to the good of local government. The Labour party's plans to create a Scottish Parliament would clearly draw powers from the outlying parts of Scotland to that Parliament—a centralising process which would be intensely damaging to local government.

**Mr. Welsh:** Given the complete rejection of the Conservative party and its policies by the Scottish people, does the Minister consider that he had a mandate for appointing the chief executives and chairmen of the unwanted and unnecessary water quangos?

**Mr. Lang:** It is not a matter of a mandate; it is a matter of parliamentary authority and requirement so to do.

On the results of the local elections, I cannot think that the hon. Gentleman's party has anything to crow about. We are all starting to wonder what happened to the great Scottish National party breakthrough.

**Mr. McLoughlin:** When the Local Government etc. (Scotland) Bill was passing through the House, my right hon. Friend was accused of gerrymandering the boundaries. Is he aware that many of us in England are envious of his bold decision to create unitary status local authorities and that we would very much like to have seen them repeated in England? Does that not show that there was no gerrymandering? My right hon. Friend acted in the way he thought best for local government in Scotland.

**Mr. Lang:** My hon. Friend is absolutely right in his conclusion, and I am grateful to him. Nevertheless, I would not urge my English colleagues to emulate Scotland in every respect.

**Mr. Watson:** The Secretary of State will be aware that one of the responsibilities of local government in Scotland is that of running the district court system. In 1994, 7,000 cases referred by the procurator fiscal's office to the Glasgow district court had to be discontinued as a result of lack of court space and court time. Will the Secretary of State comment on what must be the ultimate miscarriage of justice—when there is no justice because there is no hearing whatsoever? Will he comment on the resources available to Glasgow district court? Will he also liaise with his colleague, the Lord Advocate, to whom I have written about that matter, to ensure that there are adequate resources so that all cases passed by the procurator fiscal's office come to Glasgow district court?

**Madam Speaker:** I think that the hon. Gentleman must be rather frustrated. His supplementary really relates to the first question. He has rather taken advantage of another question, on local government. If the Secretary of State is willing to answer, of course, then he may do so.

**Mr. Lang:** I am happy to answer, although I think—indeed, I am sure—that you are right, as always, Madam Speaker.

**Madam Speaker:** The right hon. Gentleman must be looking for favours from me.

**Mr. Lang:** Bread upon the waters, Madam Speaker.

There is, of course, a measure of protection in relation to the bringing of cases to court in Scotland under Scots law. If the hon. Gentleman wishes to write to me with full details of his specific worries, I will pursue the matter further.

**Sir David Steel:** As Tweeddale, Ettrick and Lauderdale is now a Tory-free zone, does the Secretary of State accept that the Prime Minister is quite wrong in ascribing the defeat on 6 April to divisions in the Conservative party, and that the hon. Member for Eastwood (Mr. Stewart) was right—and he should know—when he talked about the disastrous Government policies in Scotland? Will the Secretary of State therefore change the Government's policies in Scotland, stop resisting home rule, stop rail privatisation and stop de-trunking roads?

**Mr. Lang:** In terms of control of local authorities, Scotland is also a Liberal-free zone. The Liberals received the lowest proportion of the vote of all parties participating in the local elections, so I do not think that the right hon. Gentleman has a great deal to crow about. I am confident that the Government are pursuing the right policies. They are delivering excellent results in all the main theatres of Government activity, and that will prove increasingly to be the case.

**Mr. Bill Walker:** Does my right hon. Friend agree that, while the local election results were not good for our party, we have been down that road before and come back? The Conservative party is the oldest party in the United Kingdom, and one of the reasons why we are the oldest surviving functioning party in government at a national level is that we take note of experiences which are not pleasant and act upon them.

**Mr. Lang:** My hon. Friend is absolutely right. I have no doubt that we shall act upon the results of the local elections on 6 April and our consideration of them. I am equally confident that at the next general election the Conservative party will be seen to advance further from the position to which it advanced at the last election.

**Mr. George Robertson:** May I ask the Secretary of State whether, in all modesty, he still believes that the humiliation that he and his party suffered at the hands of the electorate on 6 April had absolutely nothing to do with policy? Does he really believe that the drubbing that the Government received in the elections—which, after all, were created and carved out in the interests of the Scottish Conservative party—had anything to do with what Sir Michael Hirst described as "ingratitude" on the part of the Scottish people?

Will the Secretary of State and his party recognise that the Conservative party received a miserable 11 per cent. of the vote in ballot boxes all over Scotland as a serious punishment for the policies that the Government have been practising? Will he bear in mind the comments of the hon. Member for Eastwood (Mr. Stewart), who shared the Treasury Bench with him just a few months ago? The hon. Gentleman said:

"The Government cannot afford to take measures that don't reflect public support."

Will the Secretary of State abandon once and for all the Government's hostility to creating a Scottish Parliament? The Scottish people have spoken: surely the Government must now listen.

**Mr. Lang:** I would not disguise for one moment the fact that the results were extremely disappointing for my party in Scotland. We have already made that clear. We are considering the implications of the results. As I have said, we shall learn from them, recover and advance.

I assure the hon. Gentleman and the House that the creation of a Scottish Parliament is not the cure for Scotland's ills. The creation of a Scottish Parliament, with tax-raising powers and the ability to draw power from local government all over Scotland, would be extremely damaging to Scotland's future within the United Kingdom as well as being economically, socially and constitutionally damaging. We shall resist any such moves.

### Green Belt

3. **Mr. Harry Greenway:** To ask the Secretary of State for Scotland how many acres of Scotland are currently designated as green belt; what the figures were in 1974 and 1979; and if he will make a statement. [19571]

**The Parliamentary Under-Secretary of State for Scotland (Sir Hector Monro):** The currently designated area of green belt in Scotland is 384,000 acres. The figure for 1974 was 320,000 acres and for 1979 it was 540,000 acres.

Our policies continue to provide resolute protection of Scotland's green belts, which are firmly established in planning authorities and in local plans throughout most of Scotland.

**Mr. Greenway:** I welcome my hon. Friend's commitment to maintaining Scotland's natural environment, but will he explain those rather puzzling figures and renew the Government's commitment to securing more green belt areas? That contrasts with the Labour party's behaviour in my constituency, where it seeks to build on every blade of grass it can get hold of, including school playing fields. I hope that the Labour party will not do that in Scotland and I hope that it will not be allowed to continue to do so in my constituency.

**Sir Hector Monro:** The figures are easily explained: the big reduction in acreage comes largely from the reduction in the Dundee green belt, which no longer exists, and a loss of green belt area at Aberdeen—some 146,000 acres in Aberdeen and 36,000 acres in Dundee. Both local authorities concerned continue a robust countryside policy and are very active in seeing that the countryside is developed properly. I reassure my hon. Friend that the Secretary of State and I and our other colleagues involved in local government administration are very keen to see the green belt policy continue and we will ensure that it is carried out properly.

**Mr. Michael J. Martin:** The Minister may be aware that some years ago the Secretary of State gave permission for building what amounts to a very small town on 500 acres of grade A agricultural land at Robroyston in my constituency. If the Minister is allowing the development of green belt sites such as Robroyston, will he not only allow houses to be built, but ensure that developers provide facilities such as schools and community services? Houses have been built, but absolutely no services have been provided.

**Sir Hector Monro:** The hon. Gentleman makes an important point. It is essential that when the local authority involved gives planning authority it should make sure that facilities are available. I should not comment on each individual case as the Secretary of State has the final say in such matters, but I will make certain that the point that the hon. Gentleman has raised is given careful consideration and that I or my colleague will write to him.

**Mr. Stewart:** Does my hon. Friend agree that the development of brown-field sites is essential to restrain pressure on the green belt sites? Will he say a word about the Government's policies in relation to that?

**Sir Hector Monro:** I commend the exceptionally good work of my hon. Friend while he was the Minister responsible for local government in Scotland, particularly towards urban regeneration in relation to alternative sites and recycled brown-field sites. The Government's plan provides £9 million from Scottish Enterprise over three years for the development of derelict land. Scottish Homes also plays an important part in developing some derelict sites. That shows that the Government are very concerned about brown-field sites and we are moving in the right direction with the co-operation of the local authorities concerned.

## Health Boards

4. **Mr. Donohoe:** To ask the Secretary of State for Scotland when he next expects to meet the chairmen of the health boards to discuss finance. [19572]

**The Parliamentary Under-Secretary of State for Scotland (Lord James Douglas-Hamilton):** My right hon. and noble Friend the Minister of State meets chairmen of health boards regularly to discuss a wide range of strategic issues affecting the national health service in Scotland. Many of those issues may have financial implications. The next meeting will take place on 23 June 1995.

**Mr. Donohoe:** When the Minister meets the chairman of Ayrshire and Arran health board, which has become a trailblazer towards privatisation, will he suggest that its latest proposal to contract out ante-natal clinics at a rumoured £60 per patient will allow the high level of infant mortality in Ayrshire to continue? In those circumstances, the Government stand accused of causing deaths and infant mortality.

**Lord James Douglas-Hamilton:** One of the important principles in contracting out services or main contracts by health boards is that the quality of service and standards must be properly maintained. In addition, appropriate costings and accessibility are key factors to influence such decisions. The hon. Gentleman can rest assured that we want to maintain the highest standards and we shall be very concerned if there is any dropping away from them. Health spending in Scotland this year will be more than £4.3 billion, which is 53 per cent. higher than 1979.

**Mr. John Marshall:** Can my hon. Friend tell the House how spending per capita on the NHS in Scotland compares with spending per capita in England? Would he expect that difference to be maintained by an independent Scotland or by a Scottish Assembly?

**Lord James Douglas-Hamilton:** There is a considerable difference between Scotland and England. Spending per capita in Scotland is almost £150 more than in England. This year it will be £798 per head in Scotland, but only £649 in England. If a Scottish Parliament were established with tax-raising powers, I believe that the extra cost of that would have an impact on other key services in Scotland.

**Dr. Godman:** In response to what the Minister said about wide-ranging issues with financial implications, the Argyll and Clyde health board is in one hell of a mess over its hospital closure and reprovision programme. The families of patients in the Merchiston, Bridge of Weir and Ravenscraig hospitals are deeply concerned about dilatoriness on the part of the health board. I would not trust that outfit with the management of an ice cream cart or running a menage.

**Lord James Douglas-Hamilton:** Before any hospital closure can occur, there must be full consultation. Proposals must go to my right hon. Friend and to the Minister of State, and they would be considered in the greatest detail. The hon. Gentleman's representations and those of his constituents would be carefully borne in mind.

**Mrs. Ray Michie:** When the Minister meets health board chairmen, will he tell them how he proposes to tackle the significant shortage of doctors in specialties such as anaesthetics, orthodontics and particularly urology? Is the Minister aware of the critical situation in the many trust hospitals which are unable to fill vacant posts? Whether that is due to mismatching or mismanagement, there is no doubt that the shortage of specialists is contributing to longer waiting lists.

**Lord James Douglas-Hamilton:** The hon. Lady touches on the important point that medical demands and technology are changing. In accordance with consumer demand, we must make certain of the necessary number of general practitioners, which has increased 19 per cent. since 1979. The number of consultants has risen 20 per cent. and the number of nurses by 18 per cent. since 1979. Waiting times have fallen and more people are receiving treatment. There has also been increased investment in improving hospitals. The hon. Lady is right to say that we must consider the problems of the future. Many of the old diseases such as typhoid are with us no longer to the same degree as in the past, and we must adapt to changing circumstances.

### Electricity Generation

5. **Mr. Gallie:** To ask the Secretary of State for Scotland what discussions he has had with the electricity supply industry in Scotland concerning greater utilisation of coal-fired generating plants. [19573]

**Mr. Lang:** I meet representatives of the two Scottish electricity supply companies from time to time to discuss a range of issues. Any plans for greater use of coal-fired generating plant are for the companies themselves, provided that they can continue to operate within environmental constraints.

**Mr. Gallie:** Does my right hon. Friend agree that the planned uprating of the east coast overhead lines from 250,000 volts to 440,000 volts is good news for English customers cost-wise and for Scottish jobs in the electricity supply and coal industry, and good news environmentally in view of the low sulphur content of Scottish coal and the transportation factor of coal by wire?

**Mr. Lang:** My hon. Friend is right. The quality of Scottish coal is high in terms of the low sulphur content. Consumption increased by 400,000 tonnes last year. If plans for upgrading the interconnector from 1,600 MW to 2,200 MW come to fruition, that will be good news for the Scottish electricity generating industry and for English consumers.

**Mr. Ingram:** Will the Secretary of State acknowledge that the proposal to subsume Scottish Nuclear into Nuclear Electric has united all political opinion in Scotland—including the Scottish National party, which until now wanted to close down the industry? Does the right hon. Gentleman support the merger proposal? If so, is that not a further example of his selling Scotland short for short-term tax cuts?

**Mr. Lang:** That is pretty rich coming from a member of the Labour party, whose 1992 manifesto stated:

"Britain's dependence on nuclear power will therefore steadily diminish."

The hon. Gentleman is right to say that the SNP manifesto promised a non-nuclear Scotland, but Labour also promised to run down the nuclear energy industry. I am concerned to secure the best long-term future in Scotland for the Scottish nuclear generating industry. The scaremongering, alarm and speculation stirred up by Labour is entirely misleading—above all, to those people whose employment depends on the nuclear industry in Scotland.

**Mr. Salmond:** Will the Secretary of State now answer the question? Is he personally in favour, as press reports suggest, of a merger of Scottish Nuclear and Nuclear Electric before privatisation? If so, is he aware that no one outside the Scottish Office shares that opinion? Opposition to it ranges from nuclear enthusiasts such as James Hann and Donald Miller to nuclear sceptics such as myself and Friends of the Earth—*[Interruption.]* To unite Donald Miller and Friends of the Earth is a substantial achievement. What has changed since the late 1980s, when it was decided to leave Scottish Nuclear under Scottish control and under public control? Is it really that the Government just need the money for tax cuts, at any expense to Scottish jobs or to nuclear safety?

**Mr. Lang:** The Government are concerned to achieve the long-term future of the nuclear generating industry. That is something which the hon. Gentleman and the Scottish National party are pledged to destroy and which the Labour party would also destroy. We are working towards a solution which will maintain high employment, quality jobs and a successful nuclear generating industry in Scotland, and in due course such a solution will be announced.

**Mr. Home Robertson:** The Secretary of State will be aware that I have a constituency interest both in coal burning, at Cockenzie, and in Scottish Nuclear, at Torness. Will he now tackle the immediate issues surrounding the future of Scottish Nuclear? First, will he accept the case for keeping this uniquely sensitive industry in the public sector? Secondly, will he honour the undertaking given by his predecessor to Sir Donald Miller that Scottish Nuclear will remain as a distinct Scottish entity? We want no sops, no bogus autonomy—just a distinct Scottish entity.

**Mr. Lang:** I am happy to give the hon. Gentleman that assurance: it will indeed, as required by the nuclear energy agreement. Maintaining the industry in the public sector is, however, precisely what would create a twilight zone for the nuclear generating industry in Scotland—and its ultimate demise. We are looking for the long-term survival, growth, expansion and prosperity of the industry in Scotland and elsewhere around the United Kingdom.

**Mr. George Robertson:** Does the Secretary of State not recognise that the whole idea of privatising a merged nuclear power industry makes absolutely no sense? On grounds of safety and security and of efficiency and profitability, Scottish Nuclear should stay firmly and permanently in the public sector. Is not this nuclear madness just another panic-stricken, money-grabbing tactic by the Treasury? The Secretary of State for Scotland has yet again been outvoted, outargued and outgunned in Cabinet. Will he stand up in Cabinet tomorrow for common sense and for Scotland, or will there be a white flag flying over St. Andrew's house as well as over No. 10 Downing street?

**Mr. Lang:** There may be a red face on the Opposition Front Bench as I do not expect the matter to be decided in Cabinet tomorrow. I repeat that we are concerned to secure the long-term future of the industry. I do not believe that Labour party policy could ever deliver that.

I am appalled by the hon. Gentleman's scaremongering in referring to jobs being lost in Scotland. He talked of 1,000 jobs being lost at East Kilbride as a result of Government proposals. That is rubbish. Apart from anything else, there are only 400 jobs at East Kilbride, so it would be difficult to lose more than twice that number. In fact, I expect the number of jobs in Scotland to increase if we can secure the right package for the future of the industry.

## Health Boards

7. **Mr. Robert Hughes:** To ask the Secretary of State for Scotland what recent discussions he has had with health boards about the future of the NHS; and if he will make a statement. [19575]

**Lord James Douglas-Hamilton:** My right hon. and noble Friend the Minister of State meets the chairmen of health boards regularly. They discuss a wide range of matters concerning the national health service in Scotland.

**Mr. Hughes:** When did the Scottish Office become aware of the cancer treatment initiative launched by the Secretary of State for Health and why has the Scottish Office yet to produce its own initiative? Is the Minister not aware—as I am, from constituency experience—of the vast disparities in the treatment of breast cancer and non-breast cancers alike? As a matter of urgency, will the Minister bring out his plans for a new health initiative on cancer treatment and state how much additional money will be devoted to ensuring that patients suffering from this dangerous disease get the best possible service?

**Lord James Douglas-Hamilton:** I can assure the hon. Gentleman that as soon as the alarming information about breast cancer scanning in Dundee became known investigations were immediately carried out. It was found that well under 1 per cent. were affected and the matter was put right with all possible speed. I shall look into the hon. Gentleman's points about funding and initiatives in this area. I shall also bring his comments to the attention of my right hon. and noble Friend the Minister of State.

**Mr. McAvoy:** When Ministers meet representatives of the Greater Glasgow health board, will they take into account the great concern felt by people in its area about Tory Government cuts which affect the health service delivered to people there? Not least, will he discuss the fact that the finance-driven cuts imposed by the Government on the Greater Glasgow health board mean that the health board is proposing the closure of the safest and most modern maternity hospital in its area, at Rutherglen? When will the Government realise that, as the recent local elections showed, the people of Scotland and of the Greater Glasgow health board area demand that the Government properly fund the national health service?

**Lord James Douglas-Hamilton:** Glasgow has substantial funding, and we have to bear it in mind that the capitation grant gives a higher percentage share per head of population to those living in Glasgow because of the particular needs of people in the area.

As for the hon. Gentleman's interest in the future of Rutherglen maternity hospital, I am aware that the consultation has been extended as a result of the persuasive representations that he made on behalf of his constituents. We must await the outcome of Greater Glasgow health board's consideration of the consultation exercise which has been extended to 31 May. If any closures are proposed, the matter will be put before the Secretary of State, who will have to be certain that any new proposals will be every bit as good as, if not better than, the current position. The hon. Gentleman's representations will be carefully considered.

**Mr. Kirkwood:** Will the Minister include on the agenda of his discussions with health boards about the future of the NHS the arrangements to be made for the negotiation of pay at a local level for nurses? Will he confirm that the Scottish Office has made available only enough money to allow a total increase at a maximum of 2.5 per cent. as opposed to the 3 per cent. available to nurses in the rest of the United Kingdom? Is that not shortchanging Scottish nurses? Does the Minister not believe that it is completely ludicrous for trusts such as the two established in the Borders region 26 days ago to undertake the complicated and difficult business of trying to negotiate local settlements for nurses? It is a disgrace, and he should use his influence at a national level to keep nationally negotiated rates of pay for nurses.

**Lord James Douglas-Hamilton:** That is certainly not my information. My information is that the review body said that it expects local pay on top of the national 1 per cent. to lead to increases of between 1.5 and 3 per cent. for most nurses. I strongly recommend that those involved carry out negotiations at the local level. The point of local pay is to make services more responsive to local needs. We believe that the nearer to patients decisions are taken, the better they are likely to be. I must also mention that the Scottish Office intends to issue guidance shortly on this matter.

**Mr. McAllion:** When the sick are shuttled across the country in search of beds because too many local beds have been closed, when the private Health Care International hospital is given NHS money to take on extra staff while an NHS hospital such as the Glasgow royal infirmary is given less money and cannot afford to fill staff vacancies, and when junior doctors are worked and exploited to the point of exhaustion, to the extent that some become sick and even contemplate suicide, is it not time, for the sake of the future of the NHS, that the Government abandoned their pernicious market reforms, returned the NHS to its original purpose, which was to meet medical needs, and did not pander to private greed?

**Lord James Douglas-Hamilton:** On the performance of the health service in Scotland, the number of people on waiting lists fell by 4 per cent. in 1994; fewer people are experiencing lengthy waits; and more people than ever are being treated. We are absolutely determined to ensure that our national health service is second to none and we shall work flat out to ensure that.

With regard to the private sector and the new hospital buildings required, the efficiency of the private sector may help public sector funds to go very much further in the best interests of patients. Of course, health service funding has increased enormously over the years.

**Mr. Robert Hughes:** On a point of order, Madam Speaker. In view of the unsatisfactory nature of that reply, I give notice that I shall seek to raise the matter on the Adjournment as soon as possible.

### University Funding

8. **Mrs. Liddell:** To ask the Secretary of State for Scotland when he last met the chairman of the Scottish Higher Education Funding Council to discuss university funding. [19576]

**Mr. Lang:** I met the chairman of the Scottish Higher Education Funding Council in November 1994 to discuss a range of subjects, including the funding of higher education.

**Mrs. Liddell:** Will the Secretary of State seek an early meeting with the chairman of the Scottish Higher Education Funding Council and place on the agenda a revision of the importance of higher education to Scotland's economic and social well-being? Will he also consider at that meeting the devastating effect on Scottish higher education of the 35 per cent. reduction over five years in the unit of resource available for each student currently in higher education? Failure to do so would show that the Secretary of State was weak, out of touch and determined to sell out Scotland's economic and social future.

**Mr. Lang:** I am afraid that the hon. Lady seems to have got her facts wrong, because not only do we recognise the importance of higher education but we have doubled the participation of the relevant age group in higher education since the Labour Government left power. We are making provision for a 2.5 per cent. expansion in student numbers next year.

**Mrs. Liddell:** What about student resources?

**Mr. Lang:** On resources—I hear the hon. Lady murmur from a sedentary position—let me point out that, since 1989, there has been a 19 per cent. increase in real terms in grant and loans.

**Mr. Stewart:** Does my right hon. Friend agree that there has been a steady increase in the number in higher education in Scotland, against a steady flow of forecasts from Opposition Members that the figures would go in the opposite direction? Is it not an indication of the Government's commitment to higher education in Scotland that, although Scotland has only 9 per cent. of the population, it provides 12 per cent. of the number in higher education in Great Britain?

**Mr. Lang:** My hon. Friend makes his point extremely well. He is right to say that we have been committed to the expansion of higher education and have been successfully delivering it. That has been done with no loss of quality. Indeed, some 30 per cent. of departments appraised recently were categorised as excellent.

**Mr. Galbraith:** When the Secretary of State meets the chairman of the Higher Education Funding Council, will he discuss with him the possibility of developing a much simpler system for assessing research in universities? Does he not realise that, under the current system, more time is spent on talking about past research and what will happen in the future than is spent on research in the present? Is it not time that we had a simpler system that encouraged research rather than taking up the time of bureaucrats?

**Mr. Lang:** I shall certainly bear in mind the hon. Gentleman's remarks. Research is extremely important and is something to which the Government have given considerable attention and resources.

### Highlands and Islands

9. **Mr. Macdonald:** To ask the Secretary of State for Scotland when he next expects to meet Highlands and Islands Enterprise to discuss funding. [19577]

**Lord James Douglas-Hamilton:** I shall meet the board of Highlands and Islands Enterprise later this year to discuss its latest operating plan and the funding that it requires.

**Mr. Macdonald:** The Minister will know that the fishing industry is very important to the Highlands and Islands Enterprise area and that there is great concern about the prospect of Spanish access to the west coast and how it will affect the fishing industry. Is not it necessary to follow the example of the recent agreement between Canada and Spain and insist on an independent and firm system of monitoring and apportionment of that access to ensure that it does not lead to overfishing and the long-term destruction of the fishing industry on the west coast?

**Lord James Douglas-Hamilton:** I certainly agree with what the hon. Gentleman said about monitoring. There is no doubt that fish stocks around the world are coming under increasing pressure, and it is vital that proper conservation measures are introduced. It is equally essential that enforcement and monitoring are imposed. Britain will support sensible measures in the European Union, the United Nations and elsewhere to achieve that.

I also support what the hon. Gentleman said with regard to Spain having restricted access to western waters. It has been kept out of the Irish sea and will have only restricted access to the rest of the Irish box. Its fishing levels in other western waters cannot increase. Spanish fishing will be limited by quotas. The Government will take on board the hon. Gentleman's points.

**Mr. Maclennan:** Is the Minister aware of the growing concern in the highlands about the distribution of funds under objective 1, and the fear that the objective—to ensure that the money will go to redress geographical imbalances in economic development, and particularly to deal with sparsely populated areas further from Inverness—is not reflected in the decisions that have been taken, and that the decision not to finance the north coast road in Scotland will put at zero efforts to regenerate the north highlands economy if that matter is not tackled quickly?

**Lord James Douglas-Hamilton:** Obviously, objective 1 funding will be of enormous assistance to the highlands, but it cannot satisfy every demand that has been made. Geographical targeting will apply to four programme priorities across a number of sub-areas in the highlands and islands and will be achieved by determining a minimum level of resources to be allocated to each sub-area over the six years of the programme. The minimum will be determined by applying a formula based on relevant indicators to 50 per cent. of the total resources available. That may not cover the road project that the hon. Gentleman mentioned, but it will go a long way to meet the general demands of each part of the highlands.

**Rules and Regulations**

10. **Mr. Steen:** To ask the Secretary of State for Scotland what rules and regulations he plans to repeal in the next four weeks. [19578]

**Mr. Lang:** I have it in mind to introduce a number of regulations covering a variety of matters. These will be presented to Parliament in the usual way. I cannot say which may be proposed on the time scale that my hon. Friend mentions.

**Mr. Steen:** In view of my right hon. Friend's well-known personal commitment to deregulation, has he evaluated the effect on bureaucracy of Labour's plans to devolve Scotland? Will it increase bureaucracy, as I believe it will? Will it develop into a new army of tartan bureaucrats who will go around making more rules and regulations and affecting the prosperity of Scotland?

**Mr. Lang:** My hon. Friend sets me a large task to evaluate Labour's plans, since they change periodically and are extremely obscure, but one thing is certain: the creation of an extra tier of government through a tax-raising Scottish Parliament would increase the tax and the bureaucratic burdens on the people of Scotland and be immensely damaging to Scotland.

**Mr. Dalyell:** What will the right hon. Gentleman do about the Crown Office rule that it does not answer straight questions on Lockerbie?

**Mr. Lang:** I do not think that I would seek to answer them under a question about the laying of rules and regulations.

**Mr. Wilson:** Will the right hon. Gentleman confirm that the nuclear industry is properly surrounded by a great deal of regulation? Does he recognise that the nuclear industry enjoys a high measure of public confidence and support in my constituency because, for instance, of its 100 per cent. safety record, under public ownership? Will he further recognise that Scottish Nuclear is extremely profitable and that it has met the nation's energy needs, under public ownership? What conceivable right has the right hon. Gentleman to acquiesce in the destruction of all that to achieve the short-term Tory aim of tax cuts before a general election?

**Mr. Lang:** I certainly do not propose to acquiesce in the loss of the nuclear electricity industry in Scotland, which is what would happen if the Labour party came to power and implemented its policy. However, I can share with the hon. Gentleman the common ground that the Government attach great concern to the importance of safety. Nothing that we are considering would in any way undermine that. We shall always continue to give the highest priority to safety matters where nuclear power is concerned.

**Economy**

11. **Mr. Galloway:** To ask the Secretary of State for Scotland when he next plans to meet the Scottish Trades Union Congress to discuss the Scottish economy. [19579]

**The Parliamentary Under-Secretary of State for Scotland (Mr. George Kynoch):** My right hon. Friend the Secretary of State meets representatives of the Scottish TUC from time to time to discuss a range of matters concerning the Scottish economy.

**Mr. Galloway:** Does the Minister not understand the shock wave that has gone through Scottish public opinion with the news that plans are afoot to merge Scottish Nuclear with other nuclear facilities in order that they be privatised? Does he not understand that that ultimate privatisation madness—*[Interruption.]* In response to the cat calls from Conservative Members I should say that I am a lifelong supporter of the peaceful use of nuclear power. Does the Minister not understand that handing over this precious and dangerous jewel, on which thousands of Scottish jobs and millions of Scottish lives ultimately depend, to the Nick Leesons and the Barings banks of the international finance system is an ultimate privatisation madness which will destroy the Government long before the end of their term?

**Mr. Kynoch:** The hon. Gentleman is once more dealing in matters of speculation and is trying to whip up opinion in Scotland before any proposals have been put forward. My right hon. Friend the Secretary of State has more than fully answered the question.

**Mr. Jessel:** In view of the importance of international relations to the Scottish economy, will my hon. Friend join me in welcoming the statement by the Indian high commissioner at a lunch today of the Indo-British parliamentary group that the Government of India are hoping to set up a consulate in Glasgow? I apologise for not giving my hon. Friend any warning of my question, but I have come straight from that lunch. Will my hon. Friend encourage his Department to work closely with the Foreign and Commonwealth Office to give that excellent proposal as far as possible a fair wind?

**Mr. Kynoch:** I am very pleased to hear the news that my hon. Friend brings. Of course, we would welcome such a move and give any assistance that was necessary. My hon. Friend is simply bringing news that reinforces all the other inward investors who have come and been brought to Scotland in recent times, and who have brought increasing prosperity to the Scottish economy.

**Mrs. Ewing:** Does the Under-Secretary accept that one important issue involving the Scottish economy is the future of manufacturing industry and that it is particularly important in north Scotland? Is he therefore aware of the concern that is felt by the hon. Members for Ross, Cromarty and Skye (Mr. Kennedy) and for Inverness, Nairn and Lochaber (Sir R. Johnston) and others about the prospect of losing the Conoco Britannia jacket contract to Dragados in Cadiz, Spain? That would have implications for perhaps 1,000 jobs in north Scotland. What action is being taken by the Scottish Office to discuss that matter with Conoco and with the Minister for Industry and Energy to ensure that Nigg and Ardersier have the opportunity to discuss those matters in an open way and not to be undercut—a fact that has been shown in reports by Grampian regional council and Highland regional council?

**Mr. Kynoch:** I understand what the hon. Lady is talking about and, equally, I understand that Conoco has not yet made any announcement on the Britannia field jacket. Some of the problems of that sector of the industry are brought about by the changing pattern of getting oil out of the North sea, and by the use of floating rather

than fixed platforms. I know that my right hon. Friend the Minister for Industry and Energy is in close contact with all the oil companies to try to ensure that the best future is achieved not only for industry but for manufacturers in the UK.

**Mr. Gallie:** Despite the kidology support for abandonment of clause IV, is my hon. Friend aware that the recent STUC conference voted to renationalise public services and public utilities in the UK? When next he meets the STUC, will he discuss the disastrous effects that that would have on the Scottish economy? Will he point out to it that at least the right hon. Member for Sedgefield (Mr. Blair) recognises that fact, although his followers do not seem to have latched on?

**Mr. Kynoch:** My hon. Friend is absolutely right. Some of the proposals coming out of the STUC conference were exceedingly bad news for Scottish business. The conference proposed not only renationalisation of certain privatised utilities that have brought enormous benefits to the Scottish public in the form of reduced prices and increased services but the introduction of a national minimum wage, which would cause an enormous number of job losses in Scotland and be detrimental to a major section of the Scottish population.

**Mr. McFall:** Can the Under-Secretary clarify what the Secretary of State said earlier? Did he tell the House that he would stand by the assurances given to Sir Donald Miller that Scottish Nuclear would remain a distinct entity? Do the Under-Secretary and Secretary of State favour the merger of Scottish Nuclear with Nuclear Electric? In the face of immense security and safety problems, do they personally favour the privatisation of a merged company? That is not the package that the Secretary of State mentioned earlier, but merely a sell-off and sell-out of a successful, high-technology Scottish business. Are the Government not down to selling the last spoon of the family silver?

**Mr. Kynoch:** I think the hon. Gentleman heard perfectly well what my right hon. Friend said. He was especially concerned to ensure that, in any discussions about the future of Scottish Nuclear or the nuclear industry, we try to achieve the best possible future, not only for Scotland, Scottish Nuclear and the Scottish people but for the UK nuclear industry and power generation in general.

## Secondary School Spending

12. **Sir David Knox:** To ask the Secretary of State for Scotland how much was spent per pupil in secondary schools in Scotland in the most recent year for which figures are available; and what was the figure in 1978-79, at constant prices. [19580]

**Lord James Douglas-Hamilton:** Current expenditure per secondary pupil in 1992-93 was £2,914. That is 46 per cent. higher in real terms than in 1979. Detailed figures showing budgeted running costs per pupil by school for 1994-95 were published last December and a copy has been placed in the Library.

**Sir David Knox:** Is my hon. Friend satisfied that that impressive increase in expenditure on education has been reflected in an improvement in the quality of secondary education in Scotland?

**Lord James Douglas-Hamilton:** Yes, I believe so. One substantial improvement has been in pupil-teacher ratios in Scotland. In secondary schools in 1979, there was one teacher for every 14.4 pupils. In 1993-94, there was one teacher for every 12.8 pupils. We have been moving in the right direction which benefits Scotland's children and our future.

**Dr. Moonie:** Would the Minister like to congratulate the Scottish electorate on ensuring that the high standards of education continue by failing to elect a single Tory council?

**Lord James Douglas-Hamilton:** The hon. Gentleman should not crow too soon over his victory. We want our education system in Scotland to be second to none. Expenditure is being increased by 1.72 per cent. in the local government settlement for this year. We believe that, although this has been a tight round, sufficient funds should be made readily available for those at the sharp end of education.

**Mr. Beggs:** Is the hon. Gentleman aware of the valuable links and exchange visits which have been developed between Northern Ireland schools and Scottish schools, no doubt acknowledging the equal excellence of education provision in Northern Ireland? Will he continue to encourage the development of these valuable links between schools, recognising that the expenditure incurred represents good value for money?

**Lord James Douglas-Hamilton:** We are very much in favour of education exchanges. It is one of the great strengths of Scottish education that Scottish educationists have gone not just to Northern Ireland but to many countries throughout the world. That is a theme that we wish to continue and strengthen.

**Mrs. Fyfe:** Can the Under-Secretary explain why the share of gross domestic product devoted to education has fallen from 6.2 per cent., when the right hon. Member for Old Bexley and Sidcup (Sir E. Heath) was Prime Minister, to 4.7 per cent. today? How can he justify the way in which that contrasts with the never-ceasing rise in spending on the assisted places scheme? More than £10 million of public money was spent on the scheme in 1993 alone, of which 96 per cent. went on paying school fees, with an average cost of more than £3,000 per pupil. All this has happened when Lothian has had to cut its spending per pupil from £63 to £59.50. Why is Highland region having to consider halving the level of support staff in schools? Why is Orkney having to cut the number of teachers—

**Madam Speaker:** Order. The hon. Lady appears to be making a statement rather than asking a direct question. She has raised many questions and they are coming out as a statement.

**Mrs. Fyfe:** I beg your pardon, Madam Speaker. Why is it a case of £10 million for just 55 schools, but tight financial settlements for the hundreds of local authority schools?

Will the hon. Gentleman explain to the House today in clear terms why he supports such gross inequalities and giving such favourable treatment to the few?

**Lord James Douglas-Hamilton:** I shall answer as many of the hon. Lady's questions as possible. We have had a greatly expanding economy and a falling pupil roll. Expenditure per pupil has increased by almost half in real terms since 1979. That must have a bearing on the achievements and performance of schools. I mentioned that Government-supported expenditure this year has increased by 1.72 per cent. Provided that pay increases are fully funded by efficiency savings, as is being done in the rest of the public sector, there should be no need for any cuts in front-line services, such as education.

### Aberdeenshire

13. **Mr. Malcolm Bruce:** To ask the Secretary of State for Scotland when he plans next to visit Aberdeenshire to discuss local government. [19581]

**Mr. Kynoch:** My right hon. Friend visits Aberdeenshire regularly to discuss local government and other subjects.

**Mr. Bruce:** The hon. Gentleman can tell the Secretary of State that, as and when he next visits Aberdeenshire, he will be warmly welcomed by the new Liberal Democrat administration on the unitary authority. It will be anxious to tell him, as has Grampian regional council, that it wants to know when the Government will give the capital consents needed to meet the education crisis that Grampian region faces.

May I draw the Under-Secretary's attention to an article in *The Press and Journal* today which talks about overcrowding at Oldmachar academy where 35 pupils are denied physical education next year because there are no facilities for them? Will he give an assurance and explanation? The hon. Gentleman said that he had cut £83,000 from Grampian's capital allocation for the current year. How will it be possible for us to build the extra academy, which he acknowledges is necessary, and to deal with the consequences of the redistribution of pupils as a result of reorganisation?

**Mr. Kynoch:** The hon. Gentleman is obviously aware that I am conscious of the situation in education in the new authority of Aberdeenshire. I am sure that not only the existing Grampian region but the new unitary authority of Aberdeenshire will continue to press the Under-Secretary of State with responsibility for education, my hon. Friend the Member for Edinburgh, West (Lord James Douglas-Hamilton), on the need within that area. In fact, in their allocations this year, those areas have fared proportionately better than many others in Scotland.

**Mr. Raymond S. Robertson:** Is my hon. Friend aware that in the recent local government elections in the city of Aberdeen, the Scottish National party and the Liberal Democrats paid a heavy price for the policies of their parties' administration on Grampian regional council, which wilfully hiked up council tax and sold prime chunks of the city of Aberdeen without any regard to local residents or, indeed, to the city or the hinterland?

**Mr. Kynoch:** My hon. Friend is right. That is absolutely typical of the Liberal Democrats, who are trying very hard to crow. What the hon. Member for Gordon (Mr. Bruce) did not say was that his party formed an administration in Aberdeenshire only because of the significant support of a number of independents on the council.

### Economy

14. **Mr. Charles Kennedy:** To ask the Secretary of State for Scotland if he will assess the prospects for the highlands economy; and if he will make a statement. [19583]

**Lord James Douglas-Hamilton:** The success of this Government's economic policies means that the prospects for continuing growth towards long-term economic prosperity in the highlands look very encouraging.

**Mr. Kennedy:** Does the Minister for the highlands, as he is sometimes known, think that he is fit to hold that title, given the noticeable absence of any worthwhile public support from him—there is support across the political spectrum, including that of the Scottish Conservative party, the communities and, indeed, the country as a whole—for the broad campaign to support Scottish rail services? Is it not about time that, instead of leaving it to the Highland region to have to go to the courts simply to try to get fair consultation, he showed that the pledge that those services need to be maintained on an on-going basis against a backdrop of public consultation across the summer—which was given by his ministerial colleague, the hon. Member for Dumfries (Sir H. Monro), in the Scottish Grand Committee a few weeks ago—is upheld? Will the hon. Gentleman do that and, if need be, will he dig into his own budget to ensure that that fairness is established?

**Lord James Douglas-Hamilton:** I think that I answered the hon. Gentleman last time when I said that I cannot divert funds from health, education or housing for the purposes to which he referred. The measures announced by the Under-Secretary of State, my hon. Friend the Member for Dumfries (Sir H. Monro), on 8 February and the formal process to which the hon. Gentleman referred are to be carried out by the franchising director. What is important is that the rail regulator considers that decisions on service levels should not make it impracticable to restore services if the consultation process so concludes. Any final decision on minimum service levels will be for the franchising director to make after his consultation on the ScotRail passenger service requirement later this year.

**Mr. McLeish:** Does the Under-Secretary accept that the Government's assault on the railways in the highlands will create problems for the tourist industry? More important, why is the Scottish Office quite happy to stand idly by and see the Secretary of State for Transport, the franchising director and the rail regulator destroy crucial services? Is it not a disgrace that the Under-Secretary and the Secretary of State for Scotland simply do nothing? Will the hon. Gentleman assure us that, even at this late stage, he will enter the fray and give some support to Highland regional council, which is fighting in the courts? The council need not have been in the courts if the Government had shown some guts. We have a spineless set of Ministers who are selling the highlands short.

**Lord James Douglas-Hamilton:** The hon. Gentleman is totally incorrect. The passenger service requirement will lay down a minimum requirement. That never existed

under nationalisation. Under nationalisation, British Rail could stop any service at any time. That will not happen in future. Obviously, there could be a great impact on tourism, but the great majority of tourists travel by road. Indeed, 12 per cent. of British holiday trips are based on travel to Scotland by train and 7 per cent. of holiday trips to the highlands are by train. There is no point in exaggerating that particular matter, but the point should be made properly during consultation.

### Strategic Planning

15. **Mr. Eric Clarke:** To ask the Secretary of State for Scotland when he is meeting the Convention of Scottish Local Authorities to discuss strategic planning. [19584]

**Mr. Lang:** I have no plans at present to meet COSLA to discuss strategic planning.

**Mr. Clarke:** Is the Secretary of State aware that the local authorities that are custodians of the green belt in Lothian are amazed at the decision to refuse the Niddrie development? There was a public inquiry, and both the local authority and the public inquiry recommended that the development go ahead. The site is that of an old spoil heap at a colliery, not a green field. Why was an inquiry held? What was the use of the inquiry if the Government do not accept its findings? What conclusion can we draw from that decision, which has delayed the local authorities' strategic planning by the two years that it took to conduct the investigation?

**Mr. Lang:** My role is to consider the recommendations of the local public inquiry, but I also have responsibility to safeguard the green belt. I have to take account of the region's structure plan and of the proposals under consideration. I considered all the factors carefully and decided that the Cauldcoats farm proposal—a major development in the green belt whereby 250 to 300 houses might have been built—was not desirable. I therefore took the action that I did.

## Points of Order

3.30 pm

**Dr. John Reid** (Motherwell, North): On a point of order, Madam Speaker. I notified your office of my point of order this morning. As you know, in nine days' time the eyes of the nation will be upon us as we hold a ceremony in the House to commemorate the end of the second world war.

**Mr. Norman Hogg** (Cumbernauld and Kilsyth): In Europe.

**Dr. Reid:** No, the end of the second world war. Both VE day and VJ day will be commemorated at the same time.

The eyes of the world will be on us; Her Majesty will be here and you, Madam Speaker, will play a prominent part. Among other things, we shall commemorate the sacrifices of the people during that period. Obviously we shall also commemorate the leading role of our greatest war leader, Winston Churchill, whose statue, as it stands in Parliament square overlooking the Houses of Parliament, will be a focus of attention.

Have you had a chance to look at that statue recently, Madam Speaker? At present it is surrounded by fences, cranes and building materials, and it looks like something out of the blitz. Would it be in order for you, in your capacity as our main representative, to seek from Ministers some assurance that by next Friday all that will be cleared up, so that when the world's eyes are focused on us both Churchill, who will be symbolically remembered on that day, and the House will be in a state to celebrate those commemorations fittingly?

**Madam Speaker:** Yes, I am pleased to inform the House that I have been told by the Minister whom I believe has some responsibility for that area that London Underground and its contractors have been instructed to remove the hoardings and to make good the site in advance of the ceremony. That will include not only cleaning up the statue of Sir Winston Churchill but tidying up the entire area. The Minister responsible is here, and I shall hold him to that.

**Mr. Mike Gapes** (Ilford, South): On a point of order, Madam Speaker. May I draw to your attention a report in today's edition of *The Daily Telegraph* suggesting that the British taxpayer will be expected to pay £40 million in compensation to Hong Kong civil servants over the next two years? The money will not come out of the Hong Kong Exchequer, which contains £11 billion that will be paid to the Chinese in 1997. Is it not an absolute disgrace that that money is to be paid at a time when the Government are grudgingly—

**Madam Speaker:** Order. That is not a point of order at all; it is certainly nothing to do with me.

## BILL PRESENTED

FLOOD PREVENTION (SCOTLAND)

Mr. Sam Galbraith, supported by Mr. Gordon McMaster, Mrs. Irene Adams, Mr. Thomas Graham, Mr. Jimmy Dunnachie, Mr. Brian H. Donohoe, Mr. Thomas McAvoy, Mr. Tom Clarke, Mr. Norman Hogg, Mr. Bill Walker, Mr. Charles Kennedy and Mrs. Margaret Ewing, presented a Bill to make further provision for flood prevention in Scotland; and for connected purposes: And the same was read the First time; and ordered to be read a Second time upon 14 July, and to be printed. [Bill 108.]

## Professional Football Compliance

3.34 pm

**Ms Kate Hoey** (Vauxhall): I beg to move,

That leave be given to bring in a Bill to provide for the Secretary of State to establish a compliance unit for professional football in England and Wales with power to create and maintain proper financial controls and to report irregularities; and for connected purposes.

The 1994-95 football season will go down as the one that brought the shameful headlines about bungs, corruption, alleged match fixing, drugs, racist abuse, violence on and off the field and greed. The common thread in all this is the inability of the football authorities to tackle the malaise. There is a complete lack of leadership and this has not been helped by the complacency of the Department of National Heritage.

The game staggers from one controversy to another and at times it is difficult not to feel as Michael Herd did when he described football leaders in the *Evening Standard* as

"A group of the willing picked from the unfit to do what they see as unnecessary."

My call for an independent inquiry into the state of our national game made in January was responded to by the Minister in a way that expressed his complete confidence in the Premier League's own inquiry.

Let me remind the House that it is 19 months since the Premier League commission was set up to inquire into allegations of undercover payments during transfer deals and into the role of agents in an attempt to restore the public's faith in the propriety of football. The commission was set up to examine the evidence given by Alan Sugar in the High Court on the suspicion about the transfer of Teddy Sheringham from Nottingham Forest to Tottenham. Although evidence has been taken from many, including Brian Clough, the commission has still to report its findings.

We still await findings on the many other allegations that leave a taint of suspicion, no matter how unjust, over managers and clubs. The commission also still has to report on the links between Terry Venables when he was manager of Tottenham and Eric Hall, the agent who acted for both the club and the players, in a clear conflict of interest. Not a week goes by without another dodgy deal being exposed by the media.

The Football Association says that the Premier League commission will look into the matter, and then there is silence. Just a few days ago, the *Daily Mirror* reported that a recent payment of £34,000 had been made to Rune Hauge by Tottenham, when Terry Venables was manager, for the agent's role in the £480,000 transfer of the Norwegian international player Erik Thorstvedt.

Terry Venables clearly broke the FA rules when he was running Spurs, authorising a whole range of payments to agents. Yet now he is running the English national team and the Premier League commission still has to clear him officially. Why the delay?

As the Premier League commission is meant to be inquiring into all those transfer deals involving Rune Hauge, the information has been passed to it. But will we ever hear anything? The only action that the commission has taken is to make one report on the George Graham affair, again a manager who was dealing with the same agent, Rune Hauge. It cost George Graham his job. Is anyone seriously suggesting that, amidst all the many allegations that have gone to the Premier League commission, he is the only guilty man? Is it not time that we had some answers from the commission? There is widespread acceptance within and outside football that a compliance unit is needed.

On 11 January Graham Kelly wrote to me:

"We are also examining the feasibility of a Compliance Unit aimed at strengthening the regulation of Clubs' finances."

But he conceded that:

"This too is a difficult area."

David Dent of the Football League said on 20 January in a letter to me:

"I personally support the concept of an Advisory and Compliance Unit being established within football but this has been rejected by the top clubs."

The problem is the growing power and influence of the Premier League combined with increasing financial clout resting with a handful of maverick chairmen.

Not all the chairmen of the Premier League opposed the idea when it was put to them recently. Dave Richards, chairman of Sheffield Wednesday, said in an interview with the *Daily Mail* in February:

"By the year 2000, I think we'll have an independent team of investigators working inside football. I want it so any independent investigator can visit a club and be shown precise details relating to all transfers."

Thank goodness not all the chairmen of our Premier League clubs have their heads in the sand. Gordon Taylor, the chief executive of the Professional Footballers Association, made the original call for an independent compliance unit some months ago. He said then:

"The problems go very deep and part of it comes from the fact that the very people who need to agree to more effective monitoring of the clubs are the owners who have been involved in abuses in the past."

As was said in the debate on rugby league this morning, the public interest in this matter must be recognised. Corruption in football leads to money being syphoned off from clubs, which means that fans are being cheated and must pay higher admission charges. Let us not forget also that the public know that millions of pounds of public money go into football in various ways.

The financial forces are too powerful for some sports bodies to handle by themselves. That is definitely the case in football. A special compliance unit is needed to support the football authorities. It could use information available from the VAT commissioners and the Inland Revenue to examine particular problems, agents and transfer fees. With the power to examine transfers, the whole business could be much more transparent than the present system. Then, together with the Football Association, new and enforceable financial rules could be set to ensure that the public are not ripped off.

Without Parliament taking a firm stand, and without the Minister responsible for sport representing the public interest, backhander deals, bungs, unsolicited gifts, presents and fixes will continue to distort the sport, both on and off the pitch. It is the clear duty of Parliament to protect public interest. The worst excesses of the City are sometimes rampant in sport, but at least the City has some form of regulation. The Bill would give Parliament and the Minister the duty and power to clean up the sport. The public and the fans must have confidence in the national game. The governing bodies of sports rules were made

for fair-minded, honest people. They cannot cope with the crooks of today or even the international television moguls. Consequently, the public are not protected.

Too many interlocking interests in football conspire to keep the truth away from the public. Football must be clean to survive and thrive. Good, decent, hard-working people in football, of whom there are many, deserve more. Football is too important a national asset to be left only to Lancaster Gate. They need all the help that they can get, and the Bill offers that help.

*Question put and agreed to.*

Bill ordered to be brought in by Ms Kate Hoey and Mr. Jim Lester.

PROFESSIONAL FOOTBALL COMPLIANCE

Ms Kate Hoey accordingly presented a Bill to provide for the Secretary of State to establish a compliance unit for professional football in England and Wales with power to create and maintain proper financial controls and to report irregularities; and for connected purposes: And the same was read the First time; and ordered to be read a Second time upon Friday 14 July, and to be printed. [Bill 109.]

# Orders of the Day

## Criminal Appeal Bill

*As amended (in the Standing Committee), considered.*

**New clause 1**

POWER TO APPOINT INVESTIGATING OFFICERS

' . The Commission may either themselves appoint an investigating officer to carry out inquiries or, if they think it appropriate, may require the appointment of an investigating officer as set out in section 18.'.—*[Mr. Mullin.]*

*Brought up, and read the First time.*

3.42 pm

**Mr. Chris Mullin** (Sunderland, South): I beg to move, That the clause be read a Second time.

**Madam Speaker:** With this, it will be convenient to discuss also the following: New clause 2—*Investigating officers—*

' .—(1) In this Act 'investigating officer' means—

(a) a person appointed by the Commission from among its staff,

(b) a person appointed by the Commission by way of a contract to undertake investigating duties, or

(c) a person appointed in accordance with the provisions of subsections (2) to (7) of section 18.

(2) Before making the appointment of an investigating officer, or approving the making of an appointment under section 18(6), the Commission must be satisfied that the person selected has the appropriate experience, skills and independence to carry out his investigatory duties.

(3) The investigating officer shall be responsible to the Commission for all aspects of the investigation for which he is appointed.'.

Amendment No. 27, in clause 18, page 14, line 26, after '(a)', insert

'if the Commission is satisfied that the matters to be investigated do not involve matters originally investigated by officers still serving in that force,'.

Amendment No. 38, in clause 19, page 15, line 19, leave out 'may' and insert 'shall'.

Government amendments Nos. 34 to 36.

**Mr. Mullin:** This Bill follows on nicely from the ten-minute Bill that we have just heard, which called for an independent force to investigate alleged corruption in football. I particularly liked the quotation by my hon. Friend the Member for Vauxhall (Ms Hoey) that the present arrangements consisted of a group of the unwilling, picked from the unfit to do what they thought was unnecessary. I am afraid that we are faced with the same position in the investigation of alleged miscarriages of justice. One of the purposes of this group of amendments is to rectify that.

I am sorry to see that the Home Secretary is not in his place. One has always had the feeling that the Government's heart was not entirely in the Bill. One of my colleagues said the other day that the Bill was one of the few pieces of Government legislation on which the Opposition were keener than the Government. The Home Secretary may have a good reason for his absence, but it is yet another illustration of that possibility. In addition to the names on the Order Paper, my right hon. Friend the Member for

*[Mr. Mullin]*

Manchester, Gorton (Mr. Kaufman) and the hon. Member for Stratford-on-Avon (Mr. Howarth) have signed the new clause.

The new clause seeks to rectify what I regard as a potentially fatal flaw in the proposed criminal cases review commission. It gives the commission a reserve power to take an investigation into an alleged miscarriage of justice out of the hands of the police and give it to an independent investigator nominated by the commission in those cases—which, I anticipate, will be rare—in relation to which it appears that the police are not trying hard enough.

As the Bill stands, the commission will depend entirely on the police for the conduct of investigations. The investigation will be conducted by a police officer. That police officer will be appointed, not by the commission, but by the chief constable of the force in which the alleged miscarriage of justice has taken place. That chief constable can then appoint an officer from his own force or from another to conduct an investigation.

The Minister will correct me if I am wrong, but, once appointed, the commission has no power to remove that officer. That can be done only by the chief constable who set up the inquiry in the first place. It is true that, under clause 18(6), the commission may veto an appointment made by a chief constable, and I welcome that, but it is not enough because, at the end of the day, the process of investigation will remain entirely in the hands of the police.

As Ministers have been at pains to emphasise, the commission will have the power to direct and supervise police inquiries. When I intervened on that matter in the Home Secretary's speech on Second Reading, he told me:

"there are no sensible limits on the power of the commission to direct and supervise the inquiries that are carried out on its behalf"—[*Official Report*, 6 March 1995; Vol. 256, c. 28.]

but of course there are.

The inquiry must be carried out by a police officer; that is a limit. That police officer will be appointed, not by the commission, but by the chief constable of the force where the alleged miscarriage of justice has occurred; that is another limit. If that inquiry is not being carried out satisfactorily, the commission has no power to take the inquiry even to another police force. The commission can huff and puff as much as it likes, but ultimately it is a matter for the chief constable; that is a third limit. The commission does not have the power to authorise an inquiry by a person who is not a police officer; that is a fourth limit.

The powers of investigation that the Bill gives the commission appear to be modelled closely on those of the Police Complaints Authority. Ministers appear to think that the PCA is a success, whereas anyone who has had anything to do with it knows that it is a failure—through no fault on the part of many PCA officers, who are diligent. On occasion, however, they have been tearing their hair out with frustration at their inability to obtain adequate co-operation from the police.

For that and other reasons, the PCA has become so discredited that any sensible lawyer will advise a client with a complaint against the police to take a civil action rather than risk a trip to the PCA. The result has been a mushrooming of civil actions and out-of-court settlements, costing in total many millions of pounds. That surely cannot be a cause of satisfaction for Ministers.

It is an extraordinary state of affairs. Here we are, protesting our desire to put right the mistakes of the past, while building into the new system one of the central weaknesses of the old—the fact that, ultimately, investigations into alleged police malpractice will be carried out by police officers and by no one else.

We are confronted by a position in which, after a long series of scandals and years of deliberation, Ministers finally get round to creating what they say is an independent review body and it turns out to depend heavily on the one part of the criminal justice system that has let us down most badly—investigations of the police by the police.

How has that extraordinary state of affairs arisen? From where has come the pressure on Ministers that has caused them to build into their Bill that potential self-destruct mechanism? What mighty vested interest is bringing pressure to bear on them to take that road? Is it the lawyers? No; it is not. This is what the Bar Council has to say on the subject, in its briefing to members of the Standing Committee on the Bill:

"The Bar Council is concerned that the commission is not presently given sufficient control over the appointment of an outside investigator, or over the course of the investigation. As presently drafted, the commission is unable to sack the investigator if they are unhappy with the course of the investigation, and are only empowered to veto the appointment.

In cases where there have been allegations of police misconduct giving rise to an alleged miscarriage of justice, it is important that the commission's independence should not be compromised by an alleged lack of independence in the investigatory process."

The Bar Council goes on to recommend that the commission should be empowered to appoint its own employees as investigating officers, which is what new clauses 1 and 2 seek to achieve. That is what the Bar has said; what about the solicitors? The Law Society, in a commentary on the Bill, said:

"police officers conducting investigations on behalf of the commission must be isolated from other areas of police work, owe their loyalty to the commission and be specialists in investigation".

It continues:

"The society believes this could only be achieved by the commission employing its own investigators and/or with a dedicated group of police officers who are seconded to the commission for a reasonable period of time, who are employed by the commission during the period of their secondment . . . The committee's investigators should also include civilians."

The Law Society is also in favour of new clauses 1 and 2. In fact, almost everyone who has had first-hand experience of dealing with alleged miscarriages of justice has emphasised the need for the commission not to be entirely dependent upon the police. I pressed that point when the Home Secretary was kind enough to receive me in his office as long ago as May last year. The organisation Justice, upon whose council distinguished lawyers of all political persuasions serve, stated:

"Justice would wish to press ministers on the arguments of principle and practice for the CCRC to have its own core investigating team".

That view is also in line with new clauses 1 and 2. Justice goes on to say that the commission has fewer supervision duties than the Police Complaints Authority, on which it is apparently modelled. It says:

"The PCA must supervise police inquiries in certain circumstances . . . The commission is under no such duties . . . The investigating officer is under no duty to pass on the evidence accumulated during the inquiries, but only to prepare a report for submission to the commission and the chief constable."

As Home Office Ministers will be aware, Cardinal Hume, together with Lords Jenkins of Hillhead, Rees and Scarman and the late Lord Devlin, has taken a close interest in the matter. In a letter to *The Times* of 6 March he complained that the Bill made the commission too dependent on the police. He continued:

"It appears to provide no reserve power for the commission to instigate and carry out investigations using only its own suitably qualified staff and it appears to leave the commission with insufficient powers effectively to plan, direct and supervise police investigations carried out on its behalf".

New clauses 1 and 2 are intended to provide a remedy to the fundamental defect identified by the Cardinal. The Association of Chief Police Officers has told me that it is satisfied with the Bill as it is currently drafted—although that is not the impression that one or two of its senior members have given me in private. The Police Federation says that it is also satisfied with the proposals in the Bill, although several senior officers from the federation have expressed a different view in private. Paradoxically, the Police Federation has expressed support for independent inquiries conducted by the Police Complaints Authority. So we have a situation where almost the only people willing to support investigations being carried out exclusively by the police are the police themselves.

In support of his case, the Home Secretary also cited the royal commission which concluded—one suspects with some reluctance—that there was no practical alternative to investigations being carried out by the police. I think that the royal commission was wrong about that. The history of investigations carried out by one group of police officers into the activities of another is so unsatisfactory as to outweigh any practical advantages of leaving the conduct of such inquiries exclusively to the police. Whatever view one takes of the royal commission's conclusion, nothing in its report says that the police should have the final say over which force is appointed and which officers are selected, nor does it say that the review body should not have the power to remove the inquiry from a police force that is seen not to be trying hard enough.

In short, nothing in the royal commission's report is inconsistent with what is proposed in new clauses 1 and 2. If new clause 1 were implemented, all investigations would still be carried out by the police, at least initially. The only difference would be that their minds would be concentrated by the knowledge that if they failed to inquire seriously, the inquiry could be taken away from them.

I have discussed the matter with Lord Runciman, who chaired the royal commission, and he has kindly authorised me to say this:

"Although the Royal Commission envisaged investigations being carried out by a designated police force under the direct supervision of the new review body, that body should not be precluded from recruiting onto its own staff trained investigators who would not necessarily be serving police officers."

I am grateful to Lord Runciman for clarifying that important point and I hope that this afternoon we will not hear any more Ministers calling him in aid in support of their case.

While we are on the subject of the royal commission, there is nothing in its report to justify the provision in the Bill that the police and not the commission should have the final say as to which force and which officers should carry out the investigation. That was dreamed up entirely in the Home Office.

The Home Secretary has also justified his decision to leave investigations entirely in the hands of the police by pointing to the police inquiries which have led to the quashing of wrongful convictions. In the debate on Second Reading, he referred to the inquiries into the Guildford, Birmingham, Stefan Kiszko and Darvel brothers cases. I readily acknowledge that thorough and professional police investigations played an important role in each of those instances.

It is an unhappy fact, however, that for every honest and professional investigation conducted by the police into an alleged miscarriage of justice, I can point to several other police investigations that were anything but honest and professional.

To take the Birmingham case, the first investigation by an outside police force was commissioned within weeks of the original arrests in 1974. It was conducted by Mr. David Owen, then the assistant chief constable of Lincolnshire and until recently the chief constable of North Wales. The purpose of the inquiry was to discover who had been responsible for the injuries inflicted on the six men charged with the pub bombings during their first days in custody.

Had the inquiry been conducted honestly, the tragic events that followed might have been avoided. Mr. Owen, however, chose to conduct a dishonest inquiry. In the face of clear evidence to the contrary, he exonerated the police and pinned all the blame on police officers. The Owen inquiry is a classic example of what happens when one set of police officers investigates the activities of others.

In September 1986, following the publication of my book on the case, the Home Secretary ordered a second police inquiry into the Birmingham case. The officer they chose to conduct it was Mr. Tom Meffen, an assistant chief constable with the West Midlands police force, the force that had the most to lose should the truth ever emerge. Unsurprisingly, Mr. Meffen concluded that there was nothing to worry about.

In 1987, the Home Office ordered a third inquiry into the Birmingham case. It was conducted by the Devon and Cornwall police and headed by Superintendents Reay and Essery. It was clear from the outset—and I met the officers on several occasions—that they saw their role primarily as discrediting the new evidence that I and others had patiently collected, and that is what they did. As a result, another opportunity was lost.

**Mr. David Ashby** (Leicestershire, North-West): Were not the Devon and Cornwall police at that time far too busy investigating "Operation Countryman", which resulted in no prosecutions whatsoever?

**Mr. Mullin:** I am grateful to the hon. Gentleman, who also put his name to the new clause, but I have no knowledge of that matter. If he will forgive me, I will avoid a direct answer. If that force was involved in another major investigation, that might explain why its mind was not entirely on the ball. I do not think that it was too busy, but it was not interested in conducting a proper inquiry. I had the advantage of meeting the gentlemen involved and discussing the issues with them.

In 1987, another opportunity was lost to put matters right, when a large amount of money was wasted on a public inquiry that everyone concerned knew would lead nowhere. In 1990, following a prolonged public outcry, the Home Secretary ordered a fourth police inquiry into

*[Mr. Mullin]*

the Birmingham case. It was also conducted by Devon and Cornwall constabulary, but this time the chief constable himself, Mr. John Evans, took charge. It was a thorough and professional inquiry and led to the result that we all know. However, it was not the first inquiry but the fourth. If any of the previous inquiries had been conducted with the same rigour, the entire scandal might have been brought to an end many years earlier and a great deal of time, money and anguish saved.

4 pm

After the convictions were quashed, there was a fifth inquiry. Believe it or not, it was conducted by the West Midlands police. It was intended to discover who had carried out the bombing. The force appointed for that purpose was least qualified to arrive at a sensible conclusion. That inquiry lasted more than two years and involved more than 40 officers. I leave aside the question of whether it was wise to entrust that task to a police force which, to a man and even to this day, refuses to accept that the real culprits got away. I will say only that that inquiry also left a great deal to be desired.

Much time was wasted interviewing people who did not need to be interviewed. There was widespread suspicion that the inquiry's main purpose was to reconvict the persons whose convictions had been quashed. Later, there were selective leaks to the media that could have come only from officers serving on the inquiry. Their purpose appeared to be to rescue the four West Midlands officers then awaiting trial on charges of perverting the course of justice. In the end, that inquiry, like most of the others, led nowhere. I make no complaint because its task was the most difficult of all. It was never likely that sufficient evidence could be unearthed nearly 20 years after the event which would lead to the arrest of the real culprits.

The Home Secretary cites the role of the police in the Birmingham case as evidence for his contention that the police and only the police are capable of investigating alleged miscarriages of justice. With the exception of the 1990 inquiry, exactly the opposite has proved true. We do not have to look far for other examples of alleged miscarriages of justice where long and expensive police investigations led nowhere. The Carl Bridgewater case is now the subject of the eighth police investigation, and still amateurs are turning up evidence that previous police inquiries overlooked.

I regard that case as the litmus test of the new climate of straightforwardness that is alleged to be abroad in our criminal justice system. So far, the omens are not auspicious. All the usual people are behaving in the usual way. In the Home Office and in the police, there appears to be a steely determination not to face unpalatable truths. If ever there was a case for independent investigation of the sort permitted under new clause 1, it is the Carl Bridgewater case. I cite also the Brian Parsons case, which is of particular interest because the police force involved is Devon and Cornwall—the same force praised for its good practice elsewhere. By a happy coincidence Mr. Parsons' case will be the subject of a Channel 4 "Trial and Error" programme this evening. On Monday, the chief constable, Mr. Evans—for whom I have much respect, and with whom I had many dealings during the course of his inquiry into the Birmingham case—held, I regret to say, a foolish press conference at which he said intemperate things about everyone involved in trying to raise the Parsons case again. Moreover, in the course of the press conference he made it clear that he had not seen the film he was talking about. That was most unwise. Funnily enough, it is similar to what happened in the Birmingham case. The former chief constable of Birmingham, Geoffrey Dear, did the same thing—and in due course lived to regret what he had said. Mr. Evans, too, will live to regret some of his remarks on Monday.

In the Brian Parsons case substantial new evidence has been unearthed. As usual, the work has been done by journalists and a diligent solicitor. Faced with that, the Home Office asked Mr. Evans to set up an inquiry. Unsurprisingly, Mr. Evans appointed one of his own senior officers—from the very force that faces embarrassment should the conviction be quashed—to conduct the inquiry. Unsurprisingly again, the officer in question, Mr. Keith Portlock, has concluded that there are no grounds for reopening the case. Indeed, from the outset he made it clear to anyone who cared to listen that the inquiry was going nowhere. His primary objective seems to have been avoiding the intervention of an outside police force.

I say this to Mr. Portlock and to anyone else who may be interested: the Brian Parsons case is not going to die down. I and others are taking a close interest in how it is being handled. It is a classic example of the folly of allowing the police to investigate their own alleged misconduct. I hope that it will be resolved before the independent review body is established, but if it is still unresolved by that time, it is an early candidate for independent investigation of the sort proposed in new clauses 1 and 2.

Ministers have given cost as one reason why investigations must be kept in the hands of the police. The truth is that what they propose is by far the most expensive option. Millions of pounds have been wasted on bogus police inquiries, and even those that have been properly conducted have tended to be very expensive. They are often regarded by the officers involved as an excuse for unlimited overtime. A great deal of time is spent investigating matters that do not need to be investigated.

So a desire to keep costs down cannot possibly be one of the reasons for keeping inquiries exclusively with the police. As the Home Secretary will be aware, the police themselves are worried about the enormous costs of these investigations. Indeed, I believe that a delegation from the Association of Chief Police Officers will be coming to discuss the matter at the Home Office shortly. Given that concern, I am mystified to know why the Home Secretary should choose the most expensive, least efficient and least credible system for investigating alleged miscarriages of justice.

There is actually a precedent for an independent inquiry into allegations of corruption. In 1973 in Hong Kong, ruled of course by Britain, there were big scandals in the Hong Kong police force. They led to a series of inquiries that got nowhere. In the end an inquiry was set up under Sir Alistair Blair-Kerr. Following his report, on 17 October 1973, the Governor of Hong Kong set up a special force to investigate alleged corruption. He said at the time:

> "I believe that it is quite wrong . . . that the police, as a force, should carry the whole responsibility for action in this difficult and elusive field."

As with the case that I have described, he added:

"A further and conclusive argument is that public confidence is very much involved. Clearly the public would have more confidence in a unit that was entirely independent, and separate from any department of the Government, including the police."

So let no one say that this has never been done before. It was done in Hong Kong, no doubt sanctioned by the British Government of the day—a Tory Government.

Finally, it is in the interests of everyone who cares about justice—not least the police—that the proposed criminal cases review commission be successful. As it stands, there is a serious danger that the body will not be credible and that, in due course, there will be a further series of scandals. New clauses 1 and 2 will go some way towards remedying the principal defects of this Bill, and I commend them to the House.

**Mr. Ashby:** It gives me great pleasure to follow the hon. Member for Sunderland, South (Mr. Mullin) who, in many ways, could be said to be the author of the Bill. His investigations, his tenacity and his belief in justice and the truth have uncovered some of our country's worst scandals, certainly in my time, and he has so often been proved to be right.

I readily admit that, when the hon. Gentleman first raised issues such as the cases of the Guildford Four and the Birmingham Six—I hope that I have always got the numbers right—many of us were highly sceptical. We knew about the inquiries that were held and of their results, and felt that the police must, of course, be right, and that therefore the hon. Gentleman must be wrong.

We heard anecdotal evidence from former Home Secretaries, one of them a Labour Home Secretary. That confirmed my view, because I thought that he must know and be right, and that the hon. Gentleman must be wrong in respect of at least one case. It has been proved time and again that the previous Home Secretary was wrong and the hon. Gentleman right.

We must therefore be very careful about this Bill and carefully consider what the hon. Gentleman has to say about it. He gives vent to a feeling that there are imperfections. We know there are, but there is a tremendous feeling that we should not accept that, but should say that everything is perfect when we know that it is not. We need only consider the cases of the Birmingham Six and the Guildford Four to realise the imperfections that there were and are in the police force.

We complain a great deal about the Court of Appeal in those cases, but we must realise that the Court of Appeal is tainted with the same background as I had, and everyone else: the investigations kept saying wrong, wrong, wrong—and wrong the hon. Gentleman was not.

I have said that the hon. Member for Sunderland, South would make an ideal chairman of the proposed body if we wished to ensure absolutely that we had a completely independent body. I do not resile from that at all. The hon. Gentleman may sit down the aisle on the Opposition Benches but he is a very original, honest and honourable thinker on the subject, and I pay tribute to him.

I was pulling the hon. Gentleman's leg a bit when I spoke about Operation Countryman, but the hon. Gentleman was absolutely right to raise the question of the Police Complaints Authority, because a most exceptional amount of corruption was involved. The Devon and Cornwall police force investigated. I am pretty certain that Operation Countryman, despite the enormous number of allegations, which were undoubtedly true bills, never got as far as a trial. I am not even sure whether it got as far as bringing charges. That was an example of one police force investigating another.

From my early days at the Bar, I well remember the investigation of what was called the porn squad, and I have never forgotten the impact that that trial at the Old Bailey had on me. We learned of the chief inspector who had joined the porn squad and was sitting at his desk when someone came up to him and said, "Here's your money." He asked what it was, and was told that it was his cut. He did not know what to do, and refused the money, but he was told that it was too late and the money was put in his drawer. In no time at all, his drawer was absolutely stuffed with money. He went on the tube and got rid of it by throwing it out on to the line as the train went along. I remember that man so well, because he burst into tears and cried almost throughout the trial while he was giving evidence. I could only describe him as a man who was raped—his soul was raped. The case was a good lesson for me. He was, nevertheless, tainted. There was virtually no police officer in London of any seniority who had not served in the porn squad, and the problem probably went to the very top of the Metropolitan police.

4.15 pm

Those of us at the criminal Bar at the time were uncomfortably aware that no one who had served in the porn squad could possibly have been untainted. Although what I am talking about happened 20 years ago, some of the officers may still be in the force. I am sure that they regret what happened. We had to bring in people from outside London to aid the police.

Can hon. Members imagine what would have happened had the Commissioner of Police of the Metropolis ordered a deputy commissioner to investigate the allegations about the porn squad? Unfortunately, one of the deputy commissioners at the time, and possibly both, had served in the squad. They knew everyone, from the top of the force to the bottom.

Another pet subject of the hon. Member for Sunderland, South is the masons. I do not know how many hon. Members are masons now, but the hon. Gentleman is right to say that we should investigate freemasonry in the police force. In any event, it is the same tainting that should worry us.

The new commission is supposed to make things whiter than white and transparent, and ensure, as far as possible, that there are no more miscarriages of justice. I shall use the example of the porn squad case, and those who have been at the Bar will know what I am talking about when I say that, as they would if I referred to the West Midlands case or the Countryman case. In such circumstances, the one thing that we should want is to feel happy about the person in charge. We should not be at all happy if anyone connected with the police in any way were in charge of the investigation.

Such a person might direct police officers to do certain things, but should not be involved in getting the investigation under way. Perhaps we should look for someone like a district attorney, a lawyer, someone who was independent with an investigative mind and who could perhaps direct the police about what he wanted investigated, but who was not under the full and final control of the police force.

*[Mr. Ashby]*

New clause 1 highlights a weakness in the Bill. We have waited a long time for the Bill, not because of politicians but because of the Home Office itself. Getting the Home Office to give up any of its powers is one of the most difficult things to do. It is being asked to give up a little power, and does not want to relinquish any more. I dread to think what will be said about new clause 6, which says that

"the Commission may refer a matter to the Secretary of State for his consideration of whether to recommend the exercise of Her Majesty's prerogative of mercy."

The Home Office is having to give up some but not all of its powers. It will retain what makes it feel safe and comfortable. I am not so sure that we should feel so safe and comfortable.

All right, let us throw out new clause 1. Let us go against it. The hon. Member for Sunderland, South has been proved right in the past, and I predict that, in seven, eight, perhaps nine, years' time—it will not be immediate, because these things do not happen immediately—someone will table an amendment to the Criminal Appeal Act. It will be amendment No. 1 or new clause 1, and everybody will say, "Absolutely right." It will go through on the nod, because something will have happened—perhaps a miscarriage of justice—and we will have realised that we were wrong. I predict that that will happen.

It is with reluctance that we have the Criminal Appeal Bill. I agree with the analysis of the Bill given by the hon. Member for Sunderland, South, who said that it is a Government Bill that the Opposition want more than the Government. It has that amusing aspect to it. I think that we see a reluctance, and a refusal to accept new clause 1 is part of that.

I make no bones about it. I have told the hon. Gentleman that I shall not vote against the Government on new clause 1. I have told him that I am prepared to put my name to the new clause, to push it and to let my views be known, but, as I have said right from the beginning, I am not prepared to vote against the Government, and I will not, despite my speech. People may say that I am giving in, but I am not.

I ask my hon. Friends on the Front Bench to consider the points that have been made and that will be made. We are not asking for a great deal here. It will be rare, but there will be times when we will want to appoint a district attorney-type person to oversee an investigation. Public opinion will demand it.

There has to be provision somewhere. It does not mean that the police will be excluded, but they will be under the direction of someone else, who will be telling them what they should look for, how they should look for it and what they should produce. That is what we need. It is the ultimate safeguard. When we have that, we shall be able to say that the Bill is satisfactory.

It has taken a long time to get this Bill and to reach the stage that we are at now. I ask my hon. Friends please to think again on this one.

**Mr. A. J. Beith** (Berwick-upon-Tweed): I support new clause 1. I shall also speak to amendment No. 27, which has been tabled by the Liberal Democrats and deals with a situation in which officers are asked to investigate matters that were originally investigated by officers of the same force. That was one of the points raised by the hon. Member for Sunderland, South (Mr. Mullin).

New clause 1 is a moderate new clause. Critics of the hon. Member for Sunderland, South might be surprised that it is so moderate, as they would regard him as almost extreme in these matters, but it is a perfectly sensible power, enabling the commission, where it thinks it appropriate, to appoint an investigating officer, on its terms, within its discretion. It addresses an extraordinary weakness in the Bill—that the commission does not have the staff or capacity to mount its own investigations, even in the rarest of cases. It is difficult to understand why the Government should have circumscribed the commission to such an extent.

I have been persuaded all along of the royal commission's argument that the greatest repositories of people able to carry out investigations are the police forces, and that therefore the large majority of investigations would be most appropriately carried out by police forces who not only have the skilled manpower to do it, but could be organised in structures and with support staff, which makes it practicable to mount an investigation, without enormous upheaval. That will be necessary and appropriate for a great many investigations.

I have argued that it might be desirable for the commission to second police officers or to have retired police officers working for it, carrying out further or supervisory functions, but in general I have accepted that police officers are best able to carry out such investigations.

But situations will arise when the commission might consider it appropriate to use its own staff to carry out an investigation, and will be precluded from so doing by the way in which the Bill is cast. I cannot understand why the supervisory responsibilities assigned to the commission are so limited and circumscribed, particularly when the analogy is made with the Police Complaints Authority.

I am not such a stringent critic of the Police Complaints Authority as the hon. Member for Sunderland, South. It does much excellent work. It does not satisfy everyone all the time, and the possibility of successful legal action as an alternative to it was raised by the hon. Gentleman. But the lay members of the Police Complaints Authority carry out supervisory responsibilities over investigations in a way that the Bill does not envisage happening for the investigations that will take place on criminal appeals.

One wonders why the commission should be told almost from the start to keep its distance from an investigation and have such limited powers of supervision.

**The Minister of State, Home Office (Mr. David Maclean):** I do not understand the right hon. Gentleman's point about the limited powers of supervision. Clause 19(1) states:

"A person appointed as the investigating officer in relation to a case shall undertake such inquiries as the Commission may from time to time reasonably direct".

There, and in other parts of the Bill such as clause 19(4), the commission is clearly in the driving seat, with full powers to control an investigation.

**Mr. Beith:** That may well rest on the interpretation of those and other parts of the Bill. I understood clause 19(1) to relate to the overall subject of inquiry, rather than to

particular lines of inquiry within the whole. If my interpretation is too restrictive, I shall be pleased to hear it. I hope that the Minister's definition this afternoon will be read by the courts now that they have taken to reading *Hansard* in the way that they did not use to do.

**Mr. Mullin:** It is true that the commission has powers and will certainly be consulted, but at the end of the day is it not a fact that the chief constable of the force where the offence or the alleged irregularities occurred will have the final say in who is appointed and how the investigation is conducted? That is the central problem.

**Mr. Beith:** Exactly so. It is that to which I want to turn.

I should have preferred to see a presumption in the Bill against the force which carried out the original investigations being the force responsible for carrying out the inquiries that the commission directs. It ought surely to be a presumption that, if there is any reason to believe that the original investigations were seriously defective—if they were seriously defective, it has to be a possibility that there was some malfeasance in the conduct of the original investigation—another force or officers from another force should carry out the inquiry. That presumption is not found in the Bill.

Therefore, I tabled amendment No. 27, which says that the matter should be investigated by a particular force only

"if the Commission is satisfied that the matters to be investigated do not involve matters originally investigated by officers still serving in that force".

That is reasonably narrowly drawn, but it addresses the likelihood that, in a number of cases, forces will be directed to carry out an inquiry which will then be carried out by officers who, even if they do not include some of those who were involved in the first investigation, are closely associated with them, work closely with them and will continue to work closely with them when the investigation is over, and who will not wish to believe that their trusted colleagues, known to them over so many years, with whom they may have worked on many cases and upon whose previous good work they may have depended for their own safety and the success of other inquiries, could have made fundamental mistakes—or, still worse, have acted improperly—in the conduct of the original inquiry.

Even if none of that were the case, members of the public are likely to believe that it is. Therefore, there should be a presumption that, in such circumstances, that risk is avoided as far as possible by going to another force. We should not simply rely on an ad hoc decision being taken to do so, because there is overwhelming pressure and public dissatisfaction with the possibility that the same force will be involved. I do not see why that presumption could not have been built into the Bill. Like the hon. Member for Sunderland, South, I wonder why, and in what recesses of the Home Office, pressure has been exerted to circumscribe the Bill in that way.

To a significant extent, the Bill is about maintaining and improving public confidence in the police, particularly in the ability to undertake investigations where the police may have made fundamental mistakes, or where police misconduct may have taken place. Therefore, why circumscribe the processes in such a way that that confidence will not be as strong as it could possibly be?

Some people would say that bringing in officers from another force is not a sufficient protection. They may regard the police as a seamless robe of men and women, bound together by the same calling, work, activity, and a certain amount of movement between police forces, particularly at more senior levels. Some evidence exists of that insufficient protection in some of the cases that we have discussed. In others, however, good, vigorous inquiries have taken place where other forces have come in.

4.30 pm

In areas apart from criminal appeals, it is a common feature of police life for investigations to be carried out by officers from another force. I hope that the Home Office clearly understands, and that officers are left in no doubt, that all the people involved in the management of the police expect people who undertake investigations into other forces to maintain the highest standards. Through their work, a number of officers have justified that degree of confidence. It would be rare, therefore, for it to be necessary to use the direct staff of the commission, or a body separately appointed by it, to undertake investigations, but that possibility should be available.

It may be somewhat more common for people to believe that investigations should be carried out by officers who are not from the force that is the subject of complaint in the appeal, and that a presumption should exist in favour of those officers conducting the investigation if that force and its officers are still around.

I do not understand why the Government, having taken the decision to introduce the Bill, and having taken on this major issue, should now balk at its smaller but significant features, which are important to public confidence. If we are to make a success of the Bill, we should ensure that it can attract maximum public confidence. The absence of a presumption in favour of an independent inquiry by officers from another force, and the absence of a clear route to a wholly separate and independent inquiry, where that is necessary, seem a great weakness.

**Mr. John Hutton** (Barrow and Furness): I missed the speech of my hon. Friend the Member for Sunderland, South (Mr. Mullin), and I apologise to him and the House for that, but I understand that he rightly expressed the view that this is a rare example of a Government Bill that has more support from the Opposition than from Conservative Members. The consequences of that state of affairs are fairly clear in key aspects of the Bill. One of the most important is that the Bill's provisions dealing with the conduct of inquiries and investigations are characterised by a spirit of half-heartedness.

The Minister has made a number of interventions. He has tried to argue the case, as he did in Standing Committee, that the Bill as now drafted is adequate and gives the commission sufficient flexibility to conduct relevant inquiries. A close investigation of the Bill, however, particularly clauses 18 and 19, around which the group of amendments and new clauses have been constructed, reveals a different picture.

Those new clauses and amendments are designed not to restrict the commission's freedom or flexibility to operate, but to improve them. The commission will need them if it is to discharge its principal function: to boost confidence in the criminal justice system, which has been

*[Mr. John Hutton]*

haemorrhaging in the past few years, following the appalling miscarriages of justice in the 1970s in relation to alleged IRA terrorists.

The amendments are designed not to undermine the commission's work, but to improve it. The hon. Member for Leicestershire, North-West (Mr. Ashby), who has now left the Chamber, has said that it is immensely important that, on this occasion, when we have an opportunity to discuss these matters, we get the commission right. I concur entirely. The hon. Gentleman is right. There will be future occasions when hon. Members will come back to the House with amendments to the Bill, when it is an Act, because it is clearly deficient.

In general terms, the amendments and new clauses raise two fundamental issues of importance which go to the heart of the Bill. First, they are designed to increase public confidence in the commission's work; secondly, they are an attempt to ensure proper independence and objectivity in the inquiries that will be carried out by investigating officers on behalf of the commission. Clauses 18 and 19, as now drafted, may not be helpful in respect of either of these two important matters.

We need to try to do two things at this stage. We need to strengthen the powers of the commission over the appointment and work of investigating officers. New clause 1 and new clause 2 would achieve that in an important respect. I am not sure that Government amendment No. 34 adds anything of substance to clause 19(4); this is an important point. All that amendment No. 34 appears to do is to drop the reference to "the public interest" which is contained in clause 19(4), and to substitute a rather vague and unspecific form of words.

The Minister commented on clause 19(1) when the right hon. Member for Berwick-upon-Tweed (Mr. Beith) was speaking. The point was raised in Committee that the wording of clause 19(1), far from giving the commission the flexibility that the Minister implied, was likely to invite problems between the commission and the investigating officers in the conduct of some of these important inquiries.

The point needs to be made again on this occasion that the wording of clause 19(4), especially the use of the word "reasonably" in line 6, is almost an invitation for investigating officers and the commission to have arguments about the correct line that a particular inquiry should take. It invites investigating officers, and perhaps chief constables of police, to take the view that the commission is not acting reasonably in giving instructions to an investigating officer. Under clause 19(1), the commission has to be acting "reasonably" in giving instructions to investigating officers.

On a general level, we are entitled to assume that the commission will always act reasonably, so including that word in the Bill may be superfluous. We assume that the commission, by its nature, will always act reasonably, especially given that the Prime Minister will have the ultimate say over who will be appointed to it. Clause 19(1), as the Minister presented it in his intervention, does not address the issues to which the new clauses and amendments relate. The Bill as drafted is not helpful in securing the two important tasks that I have identified.

We need to eliminate any suggestion of conflicts of interest arising between investigating officers and their own police forces. There is the potential—I do not put it higher than that—in the Bill for conflicts of interest to arise between the responsibility of investigating officers to investigate alleged miscarriages of justice and their natural and perfectly understandable loyalty and sympathy for colleagues in their own constabulary. We expect that loyalty in the police force, and, in most cases, it is entirely appropriate. It is not, however, appropriate in these circumstances, and not when these issues are being investigated.

We should think carefully about whether, in some cases, we may put investigating officers into completely impossible situations. If we do so, we shall undermine not only public confidence in the police and the work of our police forces, which is important to maintain, but the credibility that the investigations should have.

We should follow the advice that my hon. Friends and the right hon. Member for Berwick-upon-Tweed have given to the House today, and always assume that it is not appropriate for police officers to conduct investigations on behalf of the commission when their fellow officers from the same force may have been involved in alleged miscarriages of justice. I do not think that that is helpful. I cannot understand why that appears to be the normal course governing the appointment of investigating officers. The Bill seems to imply that.

One of the first suggestions in the Bill is that it will be appropriate for the chief constable of the original investigating force to appoint one of his fellow officers to carry out the investigations. In fact, that should be the last possible suggestion on which the commission should be acting. It is much more important that we give the commission a power—a general power in some cases as outlined by the new clauses—to appoint its own investigating officers. If that is not appropriate, it should appoint a police officer from another force, which is not connected with the original inquiry, to conduct inquiries on its behalf. That seems to be a much more logical sequence of events than the prescription in the Bill.

I do not want to over-emphasise the point and ham it up, but it is fundamental. We do not need over-exaggeration to make any of these arguments because the strength of them is very clear. We want to avoid any suggestion of a cover-up, which would be fundamentally unhealthy for the whole nature of our criminal justice system. We want to exclude the possibility of anyone, whether it is the alleged victim of the miscarriage of justice or anyone else, alleging that an entire inquiry had been the subject of a cover-up.

Unfortunately, the Bill will allow such arguments and allegations to continue to be put. The whole point of the Bill is to get away from that and to construct a state of affairs which will make it impossible for such suggestions to be made. Of course there will always be an opportunity for people to put such arguments—that is the nature of the beast—but we need to limit the possibilities. The new clauses address that issue and I am thinking especially of amendment No. 27, to which the right hon. Member for Berwick-upon-Tweed referred.

It has often been said, and it was said throughout the proceedings in Committee, how important it is that justice must not only be done but be seen to be done. That is one of the standard political cliches of our time, but it is extremely relevant to the Bill because it is the Bill's

target. Frankly, justice has not been seen to be done in far too many cases, with consequences that we have all noted. Now we have an opportunity to address that target and to get it right.

I hope that the Minister will advise his hon. Friends, very much in the light of the views expressed by his hon. Friend the Member for Leicestershire, North-West, to think again about this issue and indicate that he is prepared at some later stage to concede the arguments that have been made.

**Mr. David Trimble** (Upper Bann): New clause 1 is very seductive and it has been generally presented this afternoon in terms of studied moderation. The clause merely gives the commission discretion to depart from the procedures in clauses 18 and 19 if it considers it appropriate and to appoint its own investigating officer. A proposal to widen the discretion of the commission is attractive. The new clause is a far cry from the proposals and arguments which were put forward on Second Reading. Then, the argument pressed very strongly was that the commission must have its own investigating forces, must use only those and must not go through the police, which I did not find at all attractive.

**Mr. Mullin:** I must say that I do not remember anybody arguing that we should not go through the police. It has always been understood by those of us who take the view set out in the new clause that most investigations will continue to be carried out by police officers. All we are talking about, and all we have ever talked about, is a reserve power. It is quite true that we have also talked about the commission having its own team of dedicated investigators, but they would be only a very small part of the operation. Indeed, Lord Runciman, as I quoted in my speech, said that he would support that.

**Mr. Trimble:** None the less, I feel that there is a significant difference between the tone in which the argument is being presented today and the tone in which it was presented on Second Reading. The hon. Member for Sunderland, South (Mr. Mullin) must take care not to push me back into the position that I adopted on Second Reading, when I am moving somewhat in his direction.

**Mr. Mullin:** I shall keep quiet. Thank you.

4.45 pm

**Mr. Trimble:** The proposal is attractive in that it enables the commission to have its own investigating officers if it so wishes. The argument has also been presented in terms of public confidence, public perception and so on, and one can readily identify with that.

However, as was said on Second Reading and in Committee—so I repeat it fairly briefly now—it is not right to use the commission's own investigating forces as a matter of course or, indeed, in any other than the most exceptional circumstances. I feel that there is a real danger, in that if the commission has its own investigating officers they will operate, and be seen by police officers and police forces, as a form of anti-police police force, and that will create and reinforce a set of new institutional loyalties and jealousies.

The hon. Member for Sunderland, South referred to past cases in which investigation was not carried out by the police as thoroughly as it might have been. There is some suspicion that the police officers investigating those matters were more concerned to vindicate the original investigation and to cover up for it than to inquire further. I well understand those worries. As the hon. Gentleman knows, we have had similar experience in Northern Ireland, when an investigation has, as far as we can see, been motivated more by a desire for damage limitation and to try to rescue the original miscarriage of justice from the point of view of the police, than by the interest of serving justice.

That has happened in the past, and the danger exists that it could happen in the future. A police force could cover up even more effectively where the commission had its own investigating officer, who would be a complete outsider to police forces in general, whatever his background might originally have been. I suspect that it would be easy, or at least possible, for police forces to conceal things from an outside investigating officer.

I do not argue entirely against new clause 1, because it adds a discretion and it may be a good thing that such discretion should exist, but it would not be appropriate to use the provision except in the most exceptional cases. It is essential that, not only in the normal run of cases but in as many cases as possible, investigations are carried out by police officers.

The whole object of the exercise must be not to reinforce the bad aspects of police culture that have been described and properly criticised in the debate. We must take care not to reinforce the negative feelings that some police officers have that lead them to think that they must defend the actions of other police officers in all cases and cover up their wrongdoing.

Instead, we must lay down and follow procedures that will change the culture within police forces so that the feeling of defensiveness is diminished and replaced by an overriding desire to ensure that justice is done, even if that means uncovering circumstances in which other police officers have behaved improperly. That is what we want to happen, and that is what I hope will happen.

Much will depend on the commission and the way in which it operates. The new clause, like so many of the other provisions, simply gives it discretion and powers. The crucial factor will be the way in which the commission operates. The view that I expressed on Second Reading remains my main view on the matter. As the Minister said on Second Reading, the important requirement is that the commission must be in a position to control, to direct and to supervise. It is crucial that the powers to control, direct and supervise the details of particular cases exist, and that they are used effectively.

I welcome Government amendments Nos. 34, 35 and 36. The Minister will realise that I particularly welcome amendment No. 35, which reflects an amendment that I tabled in Committee. It plugs a small gap in the Bill. I am delighted that those powers of control and supervision are being strengthened, but the crucial thing is how the commission operates them.

I am sure that there will be those in the House, in the Home Affairs Select Committee and elsewhere, who will watch closely how the commission exercises its powers. I am sure that the matter will come back here again if there is a feeling that the commission is not exercising its powers according to the spirit of the Bill and the spirit of the speeches that we have heard here today. It will also come back if we do not achieve a change in the culture of not only the police force but other people involved in

*[Mr. Trimble]*

the criminal justice system, who tend sometimes not to be sufficiently open-minded and alert to the possibility of a mistake.

I am not sure what advice I shall give to my colleagues if new clause 1 is pressed to a vote. My speech on it has leaned to both sides. I do not object to providing extra powers to the commission if it is simply a matter of extra discretion, but I should hate to see the provision in new clause 1 regarded as the normal course. The normal course ought to be the procedures laid down in clauses 18 and 19. Our concentration should be on ensuring that that procedure is effective, works in the way that is intended, does not work in the way that some hon. Members fear and does not lead to the sort of cover-up that some hon. Members fear.

**Mr. Richard Shepherd** (Aldridge-Brownhills): I agree with much of what my hon. Friend the Member for Upper Bann (Mr. Trimble) has had to say on new clause 1, but he left us hanging in the air. The House must share a concern that the police should not for ever be perceived as the villains in the case. I do not hold that view and I believe that the vast majority of hon. Members do not either. There has been concern over a number of years about one or two important incidents, but that is nothing out of the ordinary for great enterprises such as our police.

My hon. Friend the Member for Upper Bann rightly said that the integrity of the police and our regard for the criminal justice system is at the very heart of our democratic process and our trust and belief in our community. He accepts that there is no reason, so long as it is not seen as an anti-police measure, why the commission should not appoint an officer who may assist, if necessary, to provide the other thing that we seek here—public confidence.

The concern of the commission is that the police force is diffident about the way in which it approaches the matter. I am genuinely puzzled, as my hon. Friend is. It is a question that I ask my own Front-Bench colleagues, now that I am allowed to call them that again. They are often too hung-up on the concept of self-regulation. We saw that right through the 1980s. You may think that "self-regulation" is inappropriate in terms of a commission and the police, Mr. Deputy Speaker, but I use it in the sense of inquiry by a body into itself.

In recent months, I have seen how diffident right hon. and hon. Members are about looking into the affairs of one another. I understand that. If I am sitting next to a colleague whom I respect, enjoy being with and have sympathy for, I am perhaps much more diffident about coming to an appropriate conclusion. The House will know that I am a member of Lloyd's. I do not want to talk about criminal organisations and fraud within the context of the new clause. I am sure that the Opposition will dispose of those important matters when they ascend to office, as their plans suggest, under the new guise of new Labour, but there we are.

Why is there an objection to placing in the hands of the commission a discretion to appoint an investigating officer, if necessary? That is all that it is about. What is the philosophical bar to that? It seems to me that the gains to be achieved are profound. If we were starting from scratch, if we had no history in these matters and we were setting up a commission, would we deny it that power? I rather suspect that we would not. Therefore, to put the burden back on institutions and say that institutions such as Lloyd's and the House of Commons should regulate themselves gives rise to understandable diffidence.

To allay any scintilla of public anxiety about that, the Government should accept the new clause—I see no reason why they should not. After all, it is reasonably drawn. It does not mandate the commission to appoint an outside investigating officer but states clearly that

"The Commission may . . . or . . . may require".

It uses the conditional tense and does not place an insistent mandate on the commission. The admirable members of the commission whom the Home Office is to appoint will bear in mind their responsibilities solemnly in this matter because they will want to achieve results that give public confidence to our criminal justice system. In that regard, I support the new clause. Incidentally, I also welcome Government amendments Nos. 34, 35 and 36.

I simply argue, as the new clause does, for the reaffirmation of our belief in our procedures. This is not an anti-police measure. It strengthens the Bill and the Government should consider the possibility of acceding to the new clause, if not here then in the House of Lords.

**Mr. Jack Straw** (Blackburn): We have just heard six speeches in favour of the new clause from hon. Members representing four of the country's political parties, one of which is the governing Conservative party. All six speeches have been in favour of the new clause; not one has been against it. Given the substantial consensus in favour of the Bill as a whole, I hope that the Minister will think carefully about his reaction to the proposal and, even at this stage, will not advise his hon. Friends to vote against the new clause.

Hon. Members on both sides of the House believe that the successful launch of the criminal cases review commission depends partly on the power proposed in the new clause. I intend to use the next few minutes to try to persuade the hon. Member for Upper Bann (Mr. Trimble) to cast his vote with us in the event of a Division. He has stressed that how the commission operates is crucial. It is also crucial that we get the commission's operating arrangements right first time; otherwise, the commission's experience will be as unhappy as that of the Police Complaints Authority.

Like every other hon. Member, I do not for one moment doubt the integrity and assiduity of members of the Police Complaints Authority and those who serve under it. It is a fact of life, however, that the authority and its arrangements have always lagged behind public opinion. They have never quite overcome the suspicion that they are merely part of a self-regulation operation in which, ultimately, the police investigate themselves. They lack public credibility and, as a result, are much less efficient and far more costly than would otherwise be the case because people will not take no for an answer.

I make that point because I know that the Minister of State is concerned about that aspect of the matter. The arrangements are costly in direct terms. They add to the cost of investigations because all those with experience of the Police Complaints Authority may end up sending cases back. In addition, as my hon. Friend the Member for Sunderland, South (Mr. Mullin) said, there is a huge cost to public funds. Public confidence in Police Complaints Authority arrangements is now so lacking that people bypass them altogether and sue the police in the

civil courts. On Second Reading, I gave the figures for the phenomenal increase in the number of civil actions now taken against only a single police authority—the Metropolitan police. Credibility is therefore central to whether the new commission operates effectively and with full public credibility.

The hon. Member for Leicestershire, North-West (Mr. Ashby) spoke with great eloquence about his experience, 20 years ago, as a member of the criminal Bar in London. I also worked—briefly—at the criminal Bar at the same time. It was a time when public perception about the police was changing. For years before then the police had known that whatever evidence they gave, however much they "verballed up" the defendant or roughed him up in the cells, the chances were that they would be believed in the witness box and the defendant would not. One had to put up with the fact that the people whom one represented, who frequently complained about being verballed up or duffed up, were likely to receive longer sentences if they made such allegations, however justified, when in the witness box.

5 pm

Then there was the historic investigation by *The Times* into corruption in the Metropolitan police. There was the great determination of Sir Robert Mark, then Commissioner of Police of the Metropolis, to try to discover what was going on in the Metropolitan police. Bit by bit, it emerged that, far from the Metropolitan police being an unblemished police force, as was the myth, there was endemic corruption in the criminal investigation department of the Metropolitan police, which was a cancer in that police force. Many people in that authority knew about it, including people at the top of the Metropolitan police, but no one did anything about it. If anyone said anything about it, they were accused of being anti-police; how dare people suggest that the police in London and elsewhere might be corrupt? We now know, more or less, the truth about that period. That culture developed inside the Metropolitan police, as it did in some other police forces, not because those people were any more venal than people are today, but because there were insufficient arrangements for supervising the enormous power that those police officers had. No one was there to check on them.

Gradually, the system of the Police Complaints Authority grew up. As I have said, however, it lagged behind public opinion and the needs of justice. As a consequence of the very few—let us be sure about that—but none the less appalling cases of malpractice by the police, a head of steam built up for a wholly independent organisation to investigate miscarriages of justice.

The old justification for police corruption—for verballing up the type of petty criminal whom I used to represent in the magistrates courts and the Crown courts—was the idea of "noble cause" corruption, on which the current Commissioner of Police of the Metropolis, Sir Paul Condon, recently reflected. The police would say, "Your client is guilty of something. He is a well-known crook. He may not be guilty of the specific crime with which he is charged, but he is guilty of a series of crimes." That was the justification.

On the whole, the police did not pick up innocent people in the street; they picked up people whom they knew, whom they had crossed in some way or other. It was their way of maintaining a semblance of law and order. Occasionally, however, the power to fix the evidence went to their heads and, as a result of enormous pressure from outside, wholly innocent people ended up being convicted of serious crimes—principally as a result of the lack of supervision of police investigations at the police stations.

I suspect that the Minister of State is about to parrot a brief explaining why a case which has been strongly made on both sides of the House should not be conceded. For a great many years, even after some of those miscarriages of justice were brought to light, the response of successive Home Office Ministers to proposals for an independent commission was that it was not needed. We were told that the existing arrangements were entirely satisfactory. That was the response to proposals in the 1960s for such a commission and again to the carefully worked out proposals of Liberty and the all-party Home Affairs Select Committee in the 1980s.

Finally, that intellectual, political and, I guess, emotional log jam has been broken and the Royal Commission on criminal justice has recommended the establishment of a criminal cases review commission. Nevertheless, despite all the evidence of police corruption and miscarriages of justice and the palpable evidence of the way in which those serious blemishes have greatly damaged the reputation of the police in the eyes of the law-abiding public, Ministers continue to resist the proposition that the commission's investigations should be conducted wholly independently of the police in circumstances where the commission deems it appropriate.

I find that especially odd in the light of the opinions expressed by the police themselves when they responded to the consultative document in May 1994. All the police officers whom I meet these days, from the senior ranks to the most junior, are even more worried than Members of the House about the reputation of the police. They resent and detest their inheritance. Senior and junior officers in the Metropolitan police clearly hate the fact that 20 or 30 years ago many senior officers connived at corruption and, as the hon. Member for Leicestershire, North-West (Mr. Ashby) said, systematically led innocent officers down the path of corruption. Many senior officers with whom I speak say that of course they recognise the overwhelming need to ensure that justice is seen to be done in terms of the criminal cases review commission and I should be astonished if that opinion had not also been expressed to the Minister of State.

Inevitably, the Association of Chief Police Officers is in a difficult position. It is bound to have to co-operate with any Government of the day and it does not want to become involved in any partisan argument. Nevertheless, I will detain hon. Members on both sides of the House and the Minister for a moment to quote what ACPO said in its detailed letter of 9 May 1994 to Mr. Potts of C3 division in response to the discussion paper. Commenting on paragraphs 54 to 65, on the subject of investigations, the writer—I cannot read the signature, so I cannot say who it was, but I am happy to pass a copy of the letter to the Minister—said:

"I have already laid out, in my letter of 4th March 1994, my considerable concerns about the resources involved in this aspect of the proposed arrangements. I have also expressed my concern about

*[Mr. Jack Straw]*

the way in which the options for investigation are laid out in the consultation paper: without costings and with a clear bias in favour of the Police Complaints Authority model.

In their responses to me, Forces have raised a number of points in relation to this section of the paper. In summary these were:—

The process of investigation will inevitably call for substantial skills from the Investigation Teams. If the"

new commission

"were to follow the PCA model then in selecting and approving the Senior Investigator and team the"

commission

"would be bound to be seeking officers with both experience and training. Such Officers are also, inevitably, difficult to replace within force. The effect can be substantial in both small and large forces . . .

With the small number of large forces, there is an inevitable tendency for them all to be undertaking one or more enquiry at a time."

This is a very important argument indeed:

"This may also mean, as has recently been the case with West Midlands and West Yorkshire, that they are, simultaneously, investigating each other. However well the enquiry is carried out, this is not, I suggest, likely to enhance the credibility of the result."

The Minister is asking the House to accept that even in the most serious and controversial cases one can end up with a position whereby West Midlands is investigating West Yorkshire and West Yorkshire is investigating West Midlands.

**Mr. Maclean** *rose—*

**Mr. Straw:** Does the Minister—I will, of course, answer what he has to say—believe that that will be a satisfactory outcome? ACPO certainly does not.

**Mr. Maclean:** Does the hon. Gentleman accept that that is up to the commission? In clause 18(4)(b), the commission has the power to impose

"a requirement to appoint a person serving in such other police force as the chief officer thinks fit"

and the powers that we have given there to the commission are such that the commission could control which force investigates which other force. If the commission wished to have that reciprocal investigation, it could do so, but if it would be as unacceptable as the hon. Gentleman suggests the commission would have the power to do otherwise.

**Mr. Straw:** The letter makes the point elsewhere that in many cases the commission may not have the option of choosing an alternative force. Under the current arrangements, the West Midlands police force may investigate the West Yorkshire force and vice versa because only the larger forces have the resources available to conduct larger investigations. An option that is not available to the commission under the Minister's scheme, but which would be available under our scheme, is the opportunity to appoint its own investigating officers. That point is central to our argument.

**Mr. Mullin:** I once asked the deputy Chief Constable of the Royal Ulster Constabulary about the Judith Ward case and he replied, "Oh, she was framed"—that was the word that he used—"by the West Yorkshire police." He then added, "The irony is that they then send the West Yorkshire police over here to investigate us when it is alleged that we have done something wrong." Is that not a good illustration of the problem?

**Mr. Straw:** It certainly is. My hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael) has also pointed out the very curious and overly elaborate arrangement in clause 18(4)(a), whereby a chief officer may be required to

"appoint a person serving in such other police force as the chief officer thinks fit".

People who wish to see a commission that is wholly independent of the police and who want to believe the Minister when he says that investigations will be conducted in a manner that is wholly independent of the force which conducted the original investigation will be troubled when they read clause 18. It does not appear that justice will be done under the elaborately constructed scheme outlined in clause 18.

I shall continue by quoting from the letter that ACPO sent to the Home Office just under a year ago. Paragraph 3 states:

"The PCA model has a number of further drawbacks. There is no accountability on the Authority for the resources used in the investigation. The entire cost of the enquiry falls upon the force being investigated. Such costs can be enormous—West Midlands have quoted the figures of £1.5 million for the Birmingham Six Investigation and a still larger sum for the Serious Crime Squad enquiry by West Yorkshire. Is it really right that the force against whom an allegation is made has to support the cost of the investigation? Equally, is it really right that the Authority"—

now the commission—

"carrying out the investigation has no accountability for the cost?"

The Minister has complained—I believe that his charge is unsubstantiated—about the cost of our proposals. It is very interesting that 11 months ago ACPO complained strenuously about the lack of costings for the Home Office's proposed model. The letter continues:

"A number of forces raised objections to the model of investigation based on seconded officers. This, as is the case with the PCA model, has a substantial impact on the pool of experienced officers in forces. Again, this was a particular concern of a number of smaller forces".

The letter goes on to make a very important point, given the current climate in the police force. It states:

"There is a further concern that developments in streamlining management in the Service will make both the PCA model and a seconded model extremely onerous for forces, whether they be large or small. Police Forces have already reduced the number of senior and middle managers significantly in recent years. Further substantial reductions in the numbers of officers at Chief Inspector and Superintendent rank are likely as forces seek to reduce costs and maximise the resource in front line policing. This must mean that the pool of officers available for either PCA style appointment as an investigating officer or secondment to a central body will reduce.

Overall this section in the paper seems to be based on the assumption that all investigation by the CCRA will be similar and should be handled the same way. Indeed, at paragraph 62, it is suggested that it would be difficult to explain to the applicant 'why their case had been handled in one way rather than another'. I am not convinced that this is a valid argument. After all, in discussing the procedures for summary cases, the paper has already set out a different system for such cases. Is it really valid to suggest that all indictable cases are similar and must be investigated the same way?"

Of course, that is not the case.

The writer goes on to suggest that the cases should be graded according to their complexity, the level of independence necessary from the original police investigation, and the type of allegation. He goes on to say:

"Under such circumstances, it should be possible to develop a model for investigations which relies on a combination of the options:—

(i) A Central Unit, independent of Police Forces, which would be capable of carrying out, or, at the very least, managing the more complex and controversial investigations.

(ii) The use of a seconded team of Police Officers from a different Force to investigate some cases, notably where Police criminal conduct or misconduct is alleged and the PCA are involved.

(iii) Using the same Force to assist the investigation, particularly where the applicant is satisfied that the Police involvement in the case does not form part of his grounds for review.

(iv) Using other non-Police investigators where Police skills or powers are not required, particularly where the substance of the case involved legal procedures".

That seems to me, and to everyone who has read it, to be a very robust intellectual categorisation of the sorts of cases that the commission is likely to deal with and the way in which they should be processed.

5.15 pm

I do not wish to wreck his fine political career, but I hope that my hon. Friend—with a small "f"—the Member for Upper Bann will be convinced by the ACPO analysis of the case in support of our new clause 1. The new clause would give legislative force to ACPO's proposal for

"A Central Unit, independent of Police Forces, which would be capable of carrying out, or, at the very least, managing the more complex and controversial investigations."

I did not serve on the Standing Committee which examined the Bill, but I have read very carefully what the Minister said in dismissing our proposals for empowering the commission to appoint an independent and central unit of officers. So far as I can see, he did not advance any arguments of principle against it, but merely said that there would be great difficulties establishing the right size for an in-house team—either it would be overburdened with work or it would have no work at all.

That is true of any police activity up to a point. For large parts of any day in a year many police officers will be doing nothing in particular because they are patrolling in a reactive sense. The police force deals with situations of uncertainty. I found the Minister's argument wholly unconvincing because he knows—and the commission will find it out very quickly—that a huge volume of cases will come before the commission. As soon as the commission is established, those who do not believe that they have been dealt with properly under the current procedures will also make applications. Grading those cases will prove a substantial administrative challenge. From that large number of cases—most of which, numerically, will be unmeritorious—there will be a core that will require investigation. I have no doubt that, with sensible management, that would provide sufficient work for the kind of core of officers, independent of police forces, that we and the Association of Chief Police Officers have in mind.

I turn to the issue of where those people would come from and how they would be trained. As many senior police officers accept privately, and as is hinted at in the letter from ACPO, they will come from the vast pool of retired police officers. Many senior and middle-ranking police officers are being squeezed out of the force as a result of the Sheehy reforms and other changes introduced by the Government. Those officers have considerable experience; they are not duds and they could form a core of investigating officers.

In supporting the proposal for a core investigating team, Justice cites a study conducted by Coopers and Lybrand. Coopers and Lybrand pointed out the merits of having a dedicated core of officers. The Minister, if I read him right, seemed to suggest at column 91 in Standing Committee B on 28 March that it was a bad thing to have a private police force. He dismissed it as though it were some casual scheme. I hope that he does not do that this evening, given the opinion that has been expressed from all parts of the House.

In dismissing the proposal for what he described as a private police force, the Minister referred to the need for in-house training. Coopers and Lybrand compared the development of a core of investigating officers working directly with the commission with that of auditors, who have a similar role and gradually build up experience and expertise from which they can train others. As Coopers and Lybrand pointed out, there is no reason why that could not apply to the team of investigators.

My last point relates to costs, on which the Minister's case, which is always defective, is least convincing. In Committee, the Minister claimed in answer to my hon. Friend the Member for Cardiff, South and Penarth that there would be substantial cost as a result of our proposals. When my hon. Friend asked him the straightforward question:

"What is the Minister's estimate of the increase in cost?"

the reply was:

"I have had no estimate of the increase in cost. We have not calculated the number of officers that a hypothetical in-house team would need."—[*Official Report, Standing Committee B*, 28 March 1995; c. 91.]

That confirmed the suspicion of the writer of the letter from ACPO that Ministers and officials of the Home Office decided to accept only one option—the Police Complaints Authority model—and not to consider properly any other option. Properly established, the model that we are proposing, with a core of dedicated investigators independent of the police, and in many cases drawn from the police, is bound to be more efficient and less costly than the PCA arrangements that the Minister is proposing, which will involve both the direct additional costs and the indirect costs to which I have referred.

It is of crucial importance that we get the arrangements right and that justice for those who have suffered the most serious injustices—miscarriages of justice—is not only done, but seen to be done. That can happen only if powers reside centrally in the commission to establish independent investigations wholly separate from the police. That is the purpose of new clause 1. It is supported by every Member who has spoken in the House so far and by most observers outside the House. I urge the House to accept it.

**Mr. Maclean:** We have had an interesting debate with worthwhile contributions from all those who have spoken. One of the most telling remarks was made by the hon. Member for Upper Bann (Mr. Trimble), who said that the crucial issue concerned the powers of the commission and how it chose to use them. I agree that the powers of the commission to investigate possible miscarriages of justice would be crucial to the success of its work. Those powers must be sufficient to give people confidence in the commission's effectiveness.

The Government have given a great deal of thought to the matter in the past few months and since our discussions in Committee. I still believe that the arrangements set out in the Bill, with the amendments that we are proposing tonight, are the most effective means of

*[Mr. Maclean]*

ensuring that the commission will have access to the wealth of knowledge and expertise within police forces. We also believe that they represent the most cost-effective means of investigating possible miscarriages of justice in future. However, the case does not rest on cost grounds alone and the methodology set out in the Bill will ensure that the commission has all the powers that it needs to investigate thoroughly alleged miscarriages of justice.

As I listened to speeches from all parts of the House relating incidents of past and alleged miscarriages of justice, it occurred to me that hon. Members on both sides may have missed the point that the commission will have tremendous powers. Hon. Members seemed to be under the misapprehension that all that would happen in future is that someone would come along with a terrible miscarriage of justice and we would say to a police force, "Off you go and investigate it. You are solely in charge. There are no time constraints on you and no one is supervising you. You carry out the whole investigation. You are totally in charge and we will have your report at the end and reach a conclusion."

My colleagues will obviously realise that I exaggerate slightly—nevertheless, I got the distinct feeling that not enough attention was paid by Opposition Members and by my hon. Friends to the severe and strong powers that the commission will have, and that are provided in the Bill, to take charge and control an investigation. The police will not be solely in charge of doing what they like at any pace they like, because the commission will be in charge of that.

Let us recap briefly the powers that the commission will have. The Bill gives the commission the power to require the appointment of an investigating officer by a police force or another public body to carry out any inquiries that it considers necessary. The powers regarding such inquiries are extensive. The commission will have the power to approve the choice of the investigating officers, to require that another person be selected and appointed if it is not satisfied with the first person chosen, and to insist on the appointment of investigating officers from a force or public body other than the force or other public body which originally investigated the case.

**Mr. Alun Michael** (Cardiff, South and Penarth): I am not sure that the Minister has understood the limitations on the powers. He quoted clause 18(4)(a) in response to my hon. Friend the Member for Blackburn (Mr. Straw) and suggested that it would ensure that forces would not mutually investigate each other, but clause 18(4)(b) does not give the commission the power to break the arrangement whereby the West Midlands force investigates the North Yorkshire force, and North Yorkshire investigates West Midlands. The Minister is wrong. The Bill empowers the commission only to get an outside officer to investigate. It is then up to the chief officer to choose the other force.

**Mr. Maclean:** Yes, that is correct in that part of the clause, but I refer the hon. Gentleman to clause 18(6) which states:

"The Commission may direct that an appointment under this section shall not be made unless they have given notice that they approve of the person whom it is proposed to appoint."

Under clause 19, the commission has powers to supervise the work of the investigating officer and, indeed, to dispose of the services of that investigating officer. I suggest to hon. Members that the commission's powers are very extensive indeed.

**Mr. Beith:** It is difficult to understand why such a tight restriction has been used. In the circumstances that the Minister described, if, having been told that the chief constable had decided to appoint another officer from that chief constable's choice of another force, the commission said, "We are not having him either as we think that it should be a different force altogether," under the Bill the chief constable can say, "No. You can have another officer from the force I choose, but you will not have an officer from a different force."

**Mr. Maclean:** Theoretically, that is possible, but the Opposition are working on the assumption that chief constables and the commission will be constantly at loggerheads over the selection of officers. If the commission is unhappy with that appointment, it will still have the power to dispose of that officer as well. We are getting into rather fanciful country here, with the idea that chief constables will constantly try to appoint people who are totally unsuitable in the view of the commission.

**Mr. Trimble:** I can understand the Minister's irritation; we are almost getting down to an argument more appropriate for Standing Committee. I ask him to take the point away and consider it, possibly for amendment in another place at another time. The interpretation of the hon. Member for Cardiff, South and Penarth (Mr. Michael) is correct. I take the point about clause 18(6), but I do not think it can be used in the way in which the Minister suggested. I do not know why clauses 18 and 19 have been drafted in such a cumbersome manner, but they are not appropriate to achieve the Minister's objective. His objective is right, but the drafting is not as happy as it could be.

**Mr. Maclean:** I am always happy to take drafting advice from the hon. Gentleman. I am glad that he agrees with the Government's intention, and am grateful to him for improving the drafting of other parts of the Bill and of some Government amendments, for which he must take some credit.

5.30 pm

**Mr. Straw:** The Minister said that my hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael) was theoretically right. The Minister was therefore making the huge admission that my hon. Friend was legally right when he said that the commission would not have unfettered discretion as to which force to appoint. If the Minister continues to make such poor arguments, he will face difficulties in the other place. Would it not be a good idea for him to accept the suggestion of the hon. Member for Upper Bann (Mr. Trimble) and reconsider the matter?

**Mr. Maclean:** The hon. Gentleman is not being fair. We cannot consider one part of the Bill in isolation. I told the hon. Member for Cardiff, South and Penarth (Mr. Michael) that his interpretation of clause 18(4)(b) was

correct, but the Bill does not stop there. Clauses 18(6) and 19 give further information on the powers available to the commission. Both clauses have checks and balances, but generally they give the commission extensive powers to control and direct investigations that have not been available before.

Hon. Members talk as if the commission would not exist and police officers would have complete carte blanche in undertaking their investigations—that they could make them tardily and without control. The supervision of the investigation can be as close as the members of the commission in charge of the case think fit. In addition, the commission may take any other steps that it thinks appropriate to investigate its case load.

The Bill's powers are far reaching and will enable the commission to ensure that investigations are effective, thorough and independent. My hon. Friend the Member for Leicestershire, North-West (Mr. Ashby) made a powerful plea for a district attorney-type figure charged with the overall investigation and oversight of a case. My hon. Friend had to leave to attend a Home Affairs Select Committee, but before he departed, I informed him that we have the district attorney-type concept he seeks. The commission is the DA, with the powers in clause 19 to direct, supervise and take charge. In using its district attorney powers—I do not like that term but as my hon. Friend used it, I shall stick with it—I do not see any sense in the commission appointing another outside person to serve as yet another district attorney.

The Bill makes it clear that the members of the commission will be in charge of any investigations undertaken by police officers acting on its behalf. If the commission is not satisfied with the way that those investigations are proceeding, it can require further inquiries to be made, and the commission will be able to insist on the replacement of any investigating officer by another, if it thinks that necessary.

New clauses 1 and 2 would enable the commission to draw on in-house investigators or on those whom it has contracted in, as well as on investigating officers appointed at its request by the appropriate chief constable. They would, in effect, give the commission power to appoint an in-house investigations unit to make inquiries. I listened carefully today, as in Committee, to the arguments, but I am not convinced that creating an in-house investigative capacity would be helpful or necessary. It would add significantly to the commission's costs and would not be an efficient use of resources.

Aside from the difficulties, which we have discussed before, of establishing the appropriate size of an in-house team, there would be the practical difficulties in determining which cases merited internal investigation and which external. Even more importantly, any investigators who were contracted in, or any commission staff appointed to investigate in the way apparently envisaged, would need to be able to exercise police powers. They would have to be made accountable for the exercise of those powers and be subject to appropriate disciplinary arrangements with regard to their operational duties. Special arrangements would also be needed to give them access to the training opportunities available for all serving police officers, to keep them up to date with police practice. The Government considered those genuine practical difficulties and are not convinced that would be a sensible approach.

New clause 2 gives the commission the responsibility for ensuring that an investigating officer is properly qualified and independent, and it emphasises the responsibility of the officer in question to the commission. We believe that those provisions are unnecessary. Of course the commission will be looking for an officer who has the skills necessary to undertake the work that the commission requires—it would be extraordinary if it agreed the appointment of an officer not having the necessary skills—and the commission does not need prompting from the statute.

The Bill enables the commission to approve or disapprove the choice of investigating officer, and if the conduct of the investigation he undertakes is in any way unsatisfactory, the commission can require that he be replaced. The officer is appointed to assist the commission, which makes it clear that the commission is in charge. It is not a case of bobbies doing their own thing without anyone directly supervising them. New clause 2 does not add anything to the commission's powers.

The Bill provides the commission with all the powers that it needs to do its work thoroughly and effectively. The proposed new clauses would not increase the commission's effectiveness. They would complicate its procedures, introduce practical difficulties and add to its costs.

The hon. Member for Sunderland, South (Mr. Mullin) quoted the original submission of the Association of Chief Police Officers to the consultation paper, but things have moved on since then. ACPO now fully supports the model in the Bill, and that was confirmed as recently as last week by the association spokesman in charge. It was slightly disingenuous of the hon. Member to quote a submission of a year ago without giving up-to-date information.

I am used to giving credit to the hon. Member for Upper Bann. In Committee, he made the telling point that the police should be seen to root out cases of corruption. Much of today's discussion was based on cases of corruption in the 1970s or 1980s, before the Police and Criminal Evidence Act 1984 and the close supervision to which the hon. Member for Blackburn (Mr. Straw) referred. All the police officers whom I meet these days are dedicated to rooting out corruption wherever they find it. They are incensed when colleagues misbehave because they get it in the neck from media attacks, which tarnish their good reputation.

**Mr. Mullin:** I cited two contemporary cases. In the Brian Parsons case, the chief constable of Devon and Cornwall is resolutely fighting to keep the investigation in-house, and the Carl Bridgewater case is the subject of an eighth police investigation. The Minister cannot claim that those are matters of history.

**Mr. Maclean:** Nor can the hon. Gentleman say that they are matters of police corruption. At this point, I am talking about police corruption and the police these days being in the forefront of wishing to root it out because corruption tarnishes their name. The hon. Gentleman refers to two alleged cases of a miscarriage of justice. I saw the press release issued by the chief constable of Devon and Cornwall. I understand perfectly why he would issue a press release on trailers for a programme when the film makers did not, in accordance with their original promise, extend to the chief constable the courtesy of seeing their so-called evidence before screening the programme. The chief constable is right to

*[Mr. Maclean]*

be indignant. His report of 1,800 pages has been submitted to the Home Office and will be meticulously studied. We will not make judgments based on trailers screened last week and a programme to be broadcast tonight.

Most horrific cases of alleged miscarriage of justice related to activities in the 1970s and 1980s, before PACE and the rigid controls that exist now. When one considers the pressures under which police forces operate today, it is miraculous that out of a total force of 126,000 men and women, there is so little corruption in our police service. We have one of the most incorrupt police forces in the world. One has only to read foreign news stories—even then with a pinch of salt—to know what so-called police forces in some other countries are like. In any one year, the Home Office gets requests from at least 50 countries for British police to come and lend their expertise—often because those countries cannot trust their own police.

Of course there are cases of police corruption in this country. I think it terribly important that police officers have the duty to root out corruption in their midst and be seen as the ones who are destroying it. That is another telling reason why we want police officers, under the commission's powers of direction, to take charge of these investigations and to root out corruption.

Finally, I should just like to mention the Government amendments taken with this group. I sense that the mood of the House requires that we move on to a vote, however, so I shall not run through the amendments—except to say that I again give some credit to the hon. Member for Upper Bann for drawing certain matters to our attention. In short, I commend the amendments to the House; but I am not convinced by new clauses 1 and 2, and I recommend that my hon. Friends vote against them if they are pushed to the vote.

*Question put,* That the clause be read a Second time:—

*The House divided:* Ayes 239, Noes 267.

**Division No. 136]** **[5.40 pm**

**AYES**

Abbott, Ms Diane
Adams, Mrs Irene
Ainger, Nick
Anderson, Donald *(Swansea E)*
Anderson, Ms Janet *(Ros'dale)*
Armstrong, Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Austin-Walker, John
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Margaret
Beggs, Roy
Beith, Rt Hon A J
Bell, Stuart
Benn, Rt Hon Tony
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blair, Rt Hon Tony
Boateng, Paul
Bradley, Keith
Bray, Dr Jeremy
Brown, N *(N'c'tle upon Tyne E)*
Bruce, Malcolm *(Gordon)*
Burden, Richard
Callaghan, Jim
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, D N
Canavan, Dennis
Cann, Jamie
Chidgey, David
Chisholm, Malcolm
Clark, Dr David *(South Shields)*
Clarke, Eric *(Midlothian)*
Clarke, Tom *(Monklands W)*
Clelland, David
Clwyd, Mrs Ann
Cohen, Harry
Connarty, Michael
Cook, Frank *(Stockton N)*
Cook, Robin *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Cousins, Jim
Cunningham, Jim *(Covy SE)*
Dalyell, Tam
Darling, Alistair
Davidson, Ian
Davies, Bryan *(Oldham C'tral)*
Davies, Rt Hon Denzil *(Llanelli)*
Denham, John
Dewar, Donald
Dixon, Don
Dobson, Frank
Donohoe, Brian H
Dowd, Jim
Eagle, Ms Angela
Eastham, Ken
Enright, Derek
Etherington, Bill
Evans, John *(St Helens N)*
Ewing, Mrs Margaret
Fatchett, Derek
Field, Frank *(Birkenhead)*
Fisher, Mark
Flynn, Paul
Forsythe, Clifford *(S Antrim)*
Fraser, John
Fyfe, Maria
Galbraith, Sam
Galloway, George
Gapes, Mike
George, Bruce
Gerrard, Neil
Gilbert, Rt Hon Dr John
Godman, Dr Norman A
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mildred
Grant, Bernie *(Tottenham)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hall, Mike
Hanson, David
Hattersley, Rt Hon Roy
Henderson, Doug
Heppell, John
Hill, Keith *(Streatham)*
Hinchliffe, David
Hodge, Margaret
Hoey, Kate
Hogg, Norman *(Cumbernauld)*
Home Robertson, John
Hood, Jimmy
Hoon, Geoffrey
Howarth, George *(Knowsley North)*
Howells, Dr. Kim *(Pontypridd)*
Hoyle, Doug
Hughes, Kevin *(Doncaster N)*
Hughes, Robert *(Aberdeen N)*
Hutton, John
Ingram, Adam
Jackson, Glenda *(H'stead)*
Jamieson, David
Jones, Barry *(Alyn and D'side)*
Jones, Jon Owen *(Cardiff C)*
Jones, Lynne *(B'ham S O)*
Jones, Martyn *(Clwyd, SW)*
Jowell, Tessa
Kaufman, Rt Hon Gerald
Kennedy, Charles *(Ross,C&S)*
Kennedy, Jane *(Lpool Brdgn)*
Khabra, Piara S
Kilfoyle, Peter
Kirkwood, Archy
Lestor, Joan *(Eccles)*
Lewis, Terry
Liddell, Mrs Helen
Livingstone, Ken
Lloyd, Tony *(Stretford)*
Llwyd, Elfyn
Loyden, Eddie
Lynne, Ms Liz
McAllion, John
McAvoy, Thomas
McCartney, Ian
Macdonald, Calum
McFall, John
McGrady, Eddie
McKelvey, William
Mackinlay, Andrew
McLeish, Henry
McMaster, Gordon
McNamara, Kevin
McWilliam, John
Madden, Max
Maddock, Diana
Maginnis, Ken
Mahon, Alice
Mandelson, Peter
Marek, Dr John
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester, S)*
Martin, Michael J *(Springburn)*
Maxton, John
Meacher, Michael
Meale, Alan
Michael, Alun
Michie, Bill *(Sheffield Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Alan
Miller, Andrew
Mitchell, Austin *(Gt Grimsby)*
Molyneaux, Rt Hon James
Moonie, Dr Lewis
Morgan, Rhodri
Morley, Elliot
Morris, Rt Hon Alfred *(Wy'nshawe)*
Morris, Estelle *(B'ham Yardley)*
Morris, Rt Hon John *(Aberavon)*
Mowlam, Marjorie
Mudie, George
Mullin, Chris
Murphy, Paul
O'Brien, Mike *(N W'kshire)*
O'Brien, William *(Normanton)*
O'Hara, Edward
O'Neill, Martin
Orme, Rt Hon Stanley
Patchett, Terry
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pope, Greg
Powell, Ray *(Ogmore)*
Prentice, Bridget *(Lew'm E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Quin, Ms Joyce
Radice, Giles
Raynsford, Nick
Reid, Dr John
Rendel, David
Robertson, George *(Hamilton)*
Rooker, Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruddock, Joan
Sedgemore, Brian
Sheerman, Barry
Sheldon, Rt Hon Robert
Shore, Rt Hon Peter
Short, Clare
Simpson, Alan
Skinner, Dennis
Smith, Chris *(Isl'ton S & F'sbury)*

Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Spearing, Nigel
Spellar, John
Steel, Rt Hon Sir David
Steinberg, Gerry
Stevenson, George
Stott, Roger
Strang, Dr. Gavin
Straw, Jack
Sutcliffe, Gerry
Taylor, Mrs Ann *(Dewsbury)*
Taylor, Matthew *(Truro)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Trimble, David
Turner, Dennis
Vaz, Keith
Walker, A Cecil *(Belfast N)*
Walker, Rt Hon Sir Harold
Walley, Joan
Wardell, Gareth *(Gower)*
Wareing, Robert N
Watson, Mike
Welsh, Andrew
Wicks, Malcolm
Williams, Rt Hon Alan *(Sw'n W)*
Williams, Alan W *(Carmarthen)*
Wilson, Brian
Winnick, David
Worthington, Tony
Wright, Dr Tony
Young, David *(Bolton SE)*

**Tellers for the Ayes:**
**Mrs. Barbara Roche and**
**Mr. Stephen Byers.**

**NOES**

Ainsworth, Peter *(East Surrey)*
Alison, Rt Hon Michael *(Selby)*
Allason, Rupert *(Torbay)*
Amess, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Arnold, Sir Thomas *(Hazel Grv)*
Ashby, David
Atkins, Robert
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Bates, Michael
Batiste, Spencer
Bellingham, Henry
Bendall, Vivian
Beresford, Sir Paul
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bowden, Sir Andrew
Bowis, John
Boyson, Rt Hon Sir Rhodes
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Brown, M *(Brigg & Cl'thorpes)*
Browning, Mrs Angela
Budgen, Nicholas
Burns, Simon
Burt, Alistair
Butcher, John
Butler, Peter
Butterfill, John
Carlisle, John *(Luton North)*
Carrington, Matthew
Carttiss, Michael
Cash, William
Channon, Rt Hon Paul
Chapman, Sydney
Churchill, Mr
Clappison, James
Clark, Dr Michael *(Rochford)*
Coe, Sebastian
Colvin, Michael
Congdon, David
Conway, Derek
Coombs, Anthony *(Wyre For'st)*
Coombs, Simon *(Swindon)*
Cormack, Sir Patrick
Couchman, James
Cran, James
Currie, Mrs Edwina *(S D'by're)*
Curry, David *(Skipton & Ripon)*
Davies, Quentin *(Stamford)*
Davis, David *(Boothferry)*
Day, Stephen
Deva, Nirj Joseph
Devlin, Tim
Dicks, Terry
Dorrell, Rt Hon Stephen
Douglas-Hamilton, Lord James
Dover, Den
Duncan, Alan
Duncan-Smith, Iain
Dunn, Bob
Dykes, Hugh
Eggar, Rt Hon Tim
Evans, David *(Welwyn Hatfield)*
Evans, Jonathan *(Brecon)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Evennett, David
Fabricant, Michael
Field, Barry *(Isle of Wight)*
Fishburn, Dudley
Forman, Nigel
Forth, Eric
Fowler, Rt Hon Sir Norman
Fox, Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garnier, Edward
Gill, Christopher
Goodlad, Rt Hon Alastair
Goodson-Wickes, Dr Charles
Gorman, Mrs Teresa
Gorst, Sir John
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Grylls, Sir Michael
Hague, William
Hamilton, Rt Hon Sir Archibald
Hamilton, Neil *(Tatton)*
Hanley, Rt Hon Jeremy
Hannam, Sir John
Hargreaves, Andrew
Harris, David
Haselhurst, Alan
Hawksley, Warren
Hayes, Jerry
Heald, Oliver
Heath, Rt Hon Sir Edward
Heathcoat-Amory, David
Hendry, Charles
Heseltine, Rt Hon Michael
Hicks, Robert
Higgins, Rt Hon Sir Terence
Hogg, Rt Hon Douglas *(G'tham)*
Horam, John
Hordern, Rt Hon Sir Peter
Howell, Rt Hon David *(G'dford)*
Hughes, Robert G. *(Harrow West)*
Hunt, Rt Hon David *(Wirral W)*
Hunter, Andrew
Jack, Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jessel, Toby
Johnson Smith, Sir Geoffrey
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Jopling, Rt Hon Michael
Key, Robert
King, Rt Hon Tom
Kirkhope, Timothy
Knapman, Roger
Knight, Mrs Angela *(Erewash)*
Knight, Greg *(Derby N)*
Knight, Dame Jill *(Bir'm E'st'n)*
Knox, Sir David
Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Leigh, Edward
Lennox-Boyd, Sir Mark
Lester, Jim *(Broxtowe)*
Lidington, David
Lightbown, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
MacKay, Andrew
Maclean, David
McLoughlin, Patrick
McNair-Wilson, Sir Patrick
Madel, Sir David
Malone, Gerald
Mans, Keith
Marland, Paul
Marshall, John *(Hendon S)*
Martin, David *(Portsmouth S)*
Mates, Michael
Mayhew, Rt Hon Sir Patrick
Mellor, Rt Hon David
Merchant, Piers
Mills, Iain
Mitchell, Sir David *(NW Hants)*
Moate, Sir Roger
Monro, Sir Hector
Montgomery, Sir Fergus
Moss, Malcolm
Needham, Rt Hon Richard
Nelson, Anthony
Neubert, Sir Michael
Newton, Rt Hon Tony
Nicholls, Patrick
Nicholson, David *(Taunton)*
Nicholson, Emma *(Devon West)*
Norris, Steve
Onslow, Rt Hon Sir Cranley
Oppenheim, Phillip
Ottaway, Richard
Page, Richard
Paice, James
Patnick, Sir Irvine
Patten, Rt Hon John
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Powell, William *(Corby)*
Redwood, Rt Hon John
Renton, Rt Hon Tim
Richards, Rod
Rifkind, Rt Hon Malcolm
Robathan, Andrew
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Mid Kent)*
Ryder, Rt Hon Richard
Sainsbury, Rt Hon Sir Timothy
Scott, Rt Hon Sir Nicholas
Shaw, David *(Dover)*
Shaw, Sir Giles *(Pudsey)*
Shephard, Rt Hon Gillian
Shersby, Michael
Sims, Roger
Skeet, Sir Trevor
Smith, Tim *(Beaconsfield)*
Soames, Nicholas
Spicer, Sir James *(W Dorset)*
Spicer, Michael *(S Worcs)*
Spink, Dr. Robert
Spring, Dr. Richard
Sproat, Iain
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stephen, Michael
Stern, Michael
Stewart, Allan
Streeter, Gary
Sumberg, David
Sweeney, Walter
Sykes, John
Tapsell, Sir Peter
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Temple-Morris, Peter
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Thurnham, Peter
Townsend, Cyril D *(Bexl'yh'th)*
Tracey, Richard
Trend, Michael
Trotter, Neville
Twinn, Dr Ian
Vaughan, Sir Gerard
Viggers, Peter
Walden, George
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Wardle, Charles *(Bexhill)*
Waterson, Nigel
Watts, John
Wells, Bowen
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Wiggin, Sir Jerry

Wilkinson, John
Willetts, David
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim
Young, Rt Hon Sir George

**Tellers for the Noes:**
**Mr. Andrew Mitchell and**
**Dr. Liam Fox.**

*Question accordingly negatived.*

**New clause 6**

THE COMMISSION: HER MAJESTY'S PREROGATIVE OF MERCY

'. In the exercise of any of its functions, the Commission may refer a matter to the Secretary of State for his consideration of whether to recommend the exercise of Her Majesty's prerogative of mercy.'.—*[Mr. Michael.]*

*Brought up, and read the First time.*

**Mr. Michael:** I beg to move, That the clause be read a Second time.

**Mr. Deputy Speaker (Mr. Michael Morris):** With this, it will be convenient to discuss also Government amendment No. 31.

**Mr. Michael:** The new clause and the amendment deal with the exercise of the royal prerogative of mercy in respect of cases that might come to the commission for consideration. The problem with the Bill as drafted is that the reference in clause 15 is extremely limited. Indeed, the notes on clauses provided by the Government make it clear just how limited it is. They state that the clause is intended to

"enable the Secretary of State to take account of the Commission's consideration of a matter where the Secretary of State has been petitioned to recommend exercise of the Royal Prerogative of Mercy in relation to a conviction . . . In this way the role of the Commission in considering alleged wrongful conviction cases should not be undermined by petitions to the Secretary of State."

Therefore, the intention clearly is to ensure that there is no alternative to the commission for dealing with such matters.

There may be circumstances in which the exercise of the royal prerogative of mercy is the straightforward and simple way of dealing fairly with a specific case. That is acknowledged by the Bill itself, which enables the Home Secretary to ask the commission to consider whether it would be appropriate to exercise the royal prerogative. That is helpful. The amendment to require the commission to state its reasons for any such recommendation is also sensible. But what is the situation when the commission is considering a straightforward claim of miscarriage? It is not so clear.

6 pm

As the Bill stands, the commission can consider reference to the Court of Appeal but not decide on the alternative course of recommending the exercise of the royal prerogative. Surely that anomaly could be circumvented by common sense—for example, the commission telling the applicant, "Why don't you appeal to the Home Secretary, and then he can ask us to look at it and make a recommendation to him?" Or it could be left to cause bureaucratic delay and frustration, albeit in a small number of cases.

Surely it is better to accept new clause 6, which puts clearly on the face of the Bill the power for the commission, in appropriate cases, to say, "We have had a look at this case. It does not seem to be one in which reference to the Court of Appeal is appropriate, but the royal prerogative of mercy does seem appropriate. Let us simply make that recommendation to the Home Secretary." That will provide a sensible safety valve. How often it is used would depend on the assessment that is made by the commission of the cases it considers—cases can reach it through a wide range of means—but it would mean that common sense and simplicity is introduced in this part of the Bill.

Ministers have at various times pointed out that the Law Commission is preparing a report on hearsay evidence, which is likely to contain recommendations for reform. Pending that, it proposes that cases that rest on hearsay should be dealt with by the use of the royal prerogative of mercy as an alternative to the Court of Appeal. The exercise of the prerogative as an alternative is something that Ministers accept. It is a fairly simple suggestion.

The new clause would therefore give the commission the power, when appropriate, to refer cases that it has investigated to the Secretary of State rather than to the Court of Appeal. That would include cases that rest heavily on evidence that is inadmissible in court, as well as findings of exceptional compassionate circumstances that might justify the use of the prerogative on those grounds alone.

As the Bill stands, the commission would be entirely within the requirements of the Act—as it will be by the time it is enacted—to say, "It is not a matter for us." It seems silly, when the commission will have looked at the circumstances in a variety of cases, not to say simply and explicitly on the face of the Bill that the commission will have the power to make reference to the Secretary of State, with a recommendation where appropriate. If the Secretary of State considers that the case raises matters that should properly be dealt with by the court, he will be able to return the case to the commission, with his views.

The new clause simplifies matters and would avoid the creation of an anomaly. For those reasons, I commend it to the House.

**The Party Under-Secretary of State for the Home Department (Mr. Nicholas Baker):** I certainly understand the concern that has prompted the new clause tabled by the hon. Member for Cardiff, South and Penarth (Mr. Michael). We were all set to offer to consider the matter further when it appeared on the list in Committee. In the event, it was not selected, and no opportunity arose for the Government to express their views and intentions in that area.

As hon. Members know, the Government believe that the proper place for wrongful convictions or sentences to be corrected is in the courts; hence the provisions of the Bill that provide for the commission to investigate and, where appropriate, refer to the courts possible miscarriages of justice. But in working out those provisions, we looked closely at whether the royal prerogative of mercy should continue to be available.

We came to the conclusion, as did the royal commission, that, as there may be cases, albeit exceptionally, of the kind to which the hon. Gentleman referred—for example, where there is compelling new material that is inadmissible—the royal prerogative should continue to be available.

The Government have always intended that, where the commission finds such a case, it should be able to refer it to the Secretary of State for him to consider whether to recommend the exercise of the royal prerogative. We initially took the view that it was open to the commission to do that under the Bill as drafted, but, on reflection and further to our discussions in Committee, we believe that we can make that rather clearer on the face of the Bill. We believe that the wording of amendment No. 31 is clearer, and preferable to new clause 6. I hope that, in the light of what I have said, the hon. Gentleman will not press his new clause, but will accept amendment No. 31 in due course.

**Mr. Michael:** With the leave of the House, I should like to probe a little further the difference between the result of the new clause and that of amendment No. 31.

New clause 6 makes it absolutely explicit that, in consideration of any matter before it, the commission could conclude that it wished to make a recommendation to the Home Secretary.

Amendment No. 31, to which the Minister referred, is not quite so clear, because it inserts, at the end of line 38, the words

'(2) Where in any case the Commission are of the opinion that the Secretary of State should consider whether to recommend the exercise of Her Majesty's prerogative of mercy in relation to the case they shall give him the reasons for their opinion.'.

I am open to correction by the Minister, but it seems to me that the amendment therefore refers to the type of case that is dealt with in clause 15. In other words, it gives the commission the discretion to recommend the exercise of the royal prerogative in cases where the Home Secretary has made reference to the commission. New clause 6 goes slightly wider than that, and I believe that it fits what the Minister has suggested. If I understood him correctly, there is no difference between us on the outcome that would be achieved as a result of this short debate.

Am I correct in saying that amendment No. 31 would extend the powers of the commission only in relation to cases that have been referred to the commission by the Home Secretary, not the generality of the commission's work? I see an urgent necessity to speak slowly for a moment or two, but that seems to be the way in which the amendment is phrased. It is in effect an addendum to clause 15 as it currently stands, and therefore can apply only to cases that have been referred to the commission by the Home Secretary, which are dealt with by clause 15. I should be grateful if the Minister would clarify that position now that he is in a position to do so.

**Mr. Baker:** I can relieve the hon. Gentleman of his agony. Amendment No. 31 does say, "Where in any case", and subsection (2), as it will be, will be quite separate from subsection (1). I appreciate why he asked the question, but I can confirm that his worries are groundless.

**Mr. Michael:** I am grateful to the Minister for that reply. If that is so, and the amendment means that the extended power of the commission applies not only to cases referred to the commission by the Home Secretary but to any case that the commission considers, I am happy indeed to withdraw the new clause and to support amendment No. 31. I am grateful to the Minister for responding constructively in this short debate. I beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

**New clause 7**

PROVISION FOR A COMMISSION IN SCOTLAND

'.(1) The Secretary of State shall bring forward within one year of the passing of this Act an order making provisions in respect of Scotland similar to those in Part II of this Act.

(2) No order under subsection (1) above shall be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.'.—*[Mr. McFall.]*

*Brought up, and read the First time.*

**Mr. John McFall** (Dumbarton): I beg to move, That the clause be read a Second time.

**Mr. Deputy Speaker:** With this, it will be convenient to discuss also amendment No. 42, in clause 31, page 20, line 17, leave out '24' and insert '15'.

**Mr. McFall:** This is a small but important new clause for the criminal justice system in Scotland. We find ourselves in an anomalous position with regard to England and Wales. The Bill makes provision in England and Wales for a commission to examine miscarriages of justice, but there is no such provision for Scotland.

In Scotland, there is a real and growing disquiet about the Scottish Appeal Court's ability or willingness to consider possible miscarriages of justice. Lawyers are becoming more and more aware of how difficult it is to get any case re-examined in Scotland.

There is a growing feeling that changes are needed if justice is to be done. A few months ago, the Scottish Office produced a consultation paper on the subject. It was clearly written by civil servants who understand the problem but, alas, there has been no action on it.

If one talks to the legal fraternity in Scotland, judges and lawyers, one finds that all agree that it is a myth that the miscarriages of justice recently discovered in the past few years in England and Wales are unlikely to happen in Scotland because of the superior legal system there. The truth is that, in Scotland, we are less likely to face up to the possibility that they may exist.

At the moment, in Scottish gaols, a number of prisoners are loudly and persistently proclaiming their innocence. Their cases have been taken up by their respective Members of Parliament. The case of George Beattie has been taken up by his Member of Parliament. There are also the cases of Raymond Gilmour from Paisley, and the ice cream wars prisoners, Thomas Campbell and Joseph Steel. The former is now on a hunger strike. He recently broke his hunger strike, but, while being transferred from hospital back to prison, he stated that he would be going back on hunger strike. Another two prisoners are Peter Hurtt and Alex Hall.

There is a real danger in that situation. Pressure is building up, and fuelling the argument for some kind of extra-legal body to deal with miscarriages of justice. We do not want that in Scotland. We want parity of esteem. We want the same conditions to apply in Scotland as apply in England and Wales. Therefore, there should be immediate legislation giving the Scottish Appeal Court all the powers it needs to deal with possible miscarriages of

*[Mr. McFall]*

justice—increased powers to review evidence, to examine witnesses, to hear evidence of someone else's confession and to reconsider a jury's decision when the interests of justice demand.

We have had four consultation papers during the past year or so in Scotland telling us what to expect, but, alas, no action has been taken. In Committee on the Criminal Justice (Scotland) Bill we have debated similar provisions, but again, the Government are not forthcoming.

At the moment in Scotland, a committee composed of the great and good in the Scottish legal establishment is being set up to consider the miscarriages of justice issue. No doubt its views will be well worth hearing, but it must not be allowed to disguise the reality. Change is needed now. One has to be forgiven for taking the cynical view that that committee has been set up by the Government in order to avoid change.

The committee is under the distinguished chairmanship of Professor Stuart Sutherland of Edinburgh university. But it will not report until the summer of 1996, and, by the time the Government consider its report and give their view, there will be a general election.

England and Wales will have a criminal appeal body to which miscarriages of justice can be referred, yet for at least five years, Scotland will not have a similar body. That brings the Scottish criminal justice system into disrepute. It lowers the esteem of the Scottish criminal justice system, and I do not see why that should be allowed to happen.

I have asked the Secretary of State for Scotland to report publicly in June or July this year on the work of that committee, which has now been sitting for six months, but no cognisance has been taken of that request. By allowing Scotland to be out of step with England and Wales, a disservice is being done to the Scottish criminal justice system.

The case for a body to examine miscarriages of justice in Scotland has been put not only by the laity, by individuals contacting Members of Parliament, but by those in legal circles. Only about a year ago, a paper was delivered by the second most important judge in Scotland, Lord Ross, the Lord Justice-Clerk. He said in his paper that the creation of an independent tribunal would involve legal and constitutional difficulties, but we needed to tackle the problem quickly. He said:

"It thus seems that such a new body if brought into being would have an important part to play in remedying miscarriages of justice in the criminal justice system. Indeed unless such a new body is created, there will be some cases where one cannot be confident that means exist within the criminal justice system as presently constituted for remedying miscarriages of justice which may have occurred."

That, coming from the second most important judge in Scotland, is a damning indictment of the Scottish criminal justice system. By their neglect, the Government are delaying the matter until beyond the next election.

6.15 pm

I mentioned the second most important judge in Scotland, but the most important judge, the Lord President, Lord Hope, several weeks ago liberally interpreted the law to allow evidence to be led in an appeal case. Five months later, his fellow judges in Scotland, the noble Lords McCluskey, Morison, Morton and Cowie, considered his judgment, and said that it was incorrect. They said that the interpretation of the law as Parliament laid down meant strict interpretation. The Lord President was overruled by five subordinate judges.

That tells us that, at the very top in Scottish legal circles, there is a tension and a frustration because cases concerning miscarriages of justice which are pertinent to the Scottish legal system cannot be listened to. The judges do not have the flexibility, because Parliament has put them in a straitjacket in the interpretation of the law.

That situation is obviously inadequate, and it is fraught with great difficulties and dangers when there is such disparity of view between the judges. Lord Ross, commenting on Lord Hope's original decision, said that it was not competent for a judge to modify the language of an Act of Parliament

"in order to bring it into accordance with his own views of what is right or reasonable."

Lord Ross continued:

"In my opinion, parliament has enacted clear provisions as to the requirements that must be satisfied if a miscarriage of justice is based upon the existence and significance of additional evidence which was not heard at the trial, and the court is bound to give effect to what parliament has said."

The Government are allowing no latitude on the part of those judges—judges who recognise that there is a situation to be remedied but about which they can do nothing. That situation can be remedied instantly by the adoption of the new clause. That would ensure that there was a level playing field between Scotland and England and Wales.

Tonight, I must nail the myth that the Scottish criminal justice system is superior to that in England and Wales—it is not. Common problems affect the justice systems on both sides of the border. They need urgent attention. I bring the position to the attention of Parliament so that they will receive that urgent attention in Scotland, and so that people who have a genuine grievance can have their cases heard in the Appeal Court in Scotland, as will happen in England and Wales.

We owe that not just to those people, but to the public, and to the Scottish criminal justice system. I do not want that system brought into disrepute. That is why the new clause has been tabled, and why I hope that the Government will give it the most serious attention.

**Mr. Beith:** I was surprised by some of closing remarks of the hon. Member for Dumbarton (Mr. McFall). I thought that he had tabled the new clause in this form to ventilate the issue, and that he had got it very loosely within order so that it could be discussed in the context of the Bill. I did not think that he would seek to enact a clause in this form. Were he to do so, he would be doing what is repugnant to most of us: creating primary Scottish legislation by statutory instrument tacked on to Bills on England and Wales and, in this case, Northern Ireland. That is no way to legislate for Scotland, and no way to legislate on such an important matter.

**Mr. McFall:** I thank the right hon. Gentleman for his comments. I agree with his comments on primary

legislation, but we have had an add-on, piecemeal approach to Scottish criminal justice, and frustration with that has made me come to the Dispatch Box tonight.

**Mr. Beith:** Exactly so. That is what I took the hon. Gentleman's original intention to be, but we must not imitate deplorable Government practices in relation to Scottish law. I shall take him at what I thought to be his original intention: to ventilate the issue, and perhaps to add a little urgency to the consideration that has begun on whether a parallel body should exist in Scotland, and, if so, what form it should take.

I understand that the degree of consensus that we have achieved in England about the form that such a body might take by no means exists in Scotland, although there is increasing recognition that a problem needs to be resolved.

**Dr. Norman A. Godman** (Greenock and Port Glasgow): As someone who takes a close interest in law reform, may I tell the right hon. Gentleman that we have no choice in these matters? The Government frequently introduce Scottish legislation that is tacked or welded on to English legislation. I would much prefer that a measure of this sort were debated within the confines of a Law Reform (Miscellaneous Provisions) (Scotland) Bill, but Opposition Members have no choice in the matter.

**Mr. Beith:** I should like to debate such a measure in a Scottish Parliament, but that is another story. It would not be satisfactory to carry the new clause, and thereby to ensure that the body in Scotland is created by a statutory instrument that is incapable of amendment although the matter is very complex.

We have had detailed discussions tonight about what the provisions for England, Wales and Northern Ireland should be, and we found that continuing dissatisfaction exists with the wording of the Bill, even as it stands. We spent some time on the group of amendments before last discussing the interpretation of the arrangements by which an investigating police force is found.

It became clear that the Bill did not do what the Minister appeared to think it was doing. Setting up such a body in Scotland, which has a different background of criminal law, a different judiciary, and different assumptions about the nature of the body required, does not bear thinking about. The issue must be tackled by separate, primary Scottish legislation.

It was reasonable, however, that the hon. Member for Dumbarton brought the matter before the House, simply to give the consultation that has been embarked on in Scotland a greater sense of urgency than appears to exist, distinguished though the individuals who are engaged in that consultation are. To the extent that he is trying to give it a push, I support him in his endeavours.

**Dr. Godman:** I have some sympathy with the observations of the right hon. Member for Berwick-upon-Tweed (Mr. Beith), but how long do we have to wait for that separate Scottish legislation—several years? Will we have to wait while a commission is set up to protect individuals' interests in England, Wales and Northern Ireland? Why should we be treated separately? A real problem exists in relation to the House of Commons. I, too, would like a Scottish Parliament dealing with such matters, but, until that day dawns, we must often deal with these issues by way of English, or predominantly English, legislation.

The Minister knows that. The last time he and I exchanged differing views about law reform was during the debate on the Criminal Justice and Public Order Act 1994, some 40 per cent. of which referred to Scotland, partially or exclusively. In these Houses of Parliament, we are engaged in a less than desirable game of leapfrog. That is shown by the measures on child law reform. In some aspects, statutory care provision for children in Scotland was well ahead, by way of the Social Work (Scotland) Act 1968. Now, however, we are still debating the Children (Scotland) Bill, whereas south of border, such legislation has been on the books for some five years and more.

My hon. Friend the Member for Dumbarton (Mr. McFall) was right to base his argument on parity of esteem. I am anxious that Scotland maintains its independent legal system and its unique Scots law. However, if reform takes place in Northern Ireland, England and Wales, similar reform should be introduced at the same time for Scotland.

I have a great deal of trust in and respect for our sheriffs and judges, for the legal concept of corroboration, and for our jury system, but mistakes are made, and such a body would enable redress of a grievance to be made quite quickly. I shall not argue therefore that we should wait for separate Scottish legislation by way of, say, a Law Reform (Miscellaneous Provisions) (Scotland) Bill. Such Bills come to the House every three or four years. Why should we wait? Let us have this commission.

**Mr. Mullin:** Does my hon. Friend agree that it is a measure of the complacency that has prevailed lately in the Scottish Office that no Minister from the Scottish Office is even present on the Government Benches?

**Dr. Godman:** Again, that surprises me not. I remind my hon. Friend that I was fortunate, or unfortunate, enough to sit on the Standing Committee that considered the Criminal Justice and Public Order Act. We had to rely on, admittedly, a Scots-born Minister who has a degree from one of our universities, but who has not practised law in Scotland.

**Mr. Mullin:** He cannot be all bad.

**Dr. Godman:** I think he is all bad, but he is a fair-minded adversary. My hon. Friend raises an important point.

As my hon. Friend the Member for Dumbarton suggested, Professor Sutherland's report will not be published until the summer of 1996. Whatever the Minister may say, I should have thought that we would be close to an election in the summer of 1996, if we had not had one in the spring of 1996. When welcome reform is taking place elsewhere in this multinational state of ours, it is essential in terms of maintaining public confidence in the legal system that Scotland should also benefit from that reform.

**Mr. Nicholas Baker:** I simply point out to the hon. Gentleman and to the hon. Member for Sunderland, South (Mr. Mullin) that, only yesterday, my colleague the Under-Secretary of State for Scotland debated that matter in the Committee considering the Bill that was mentioned

*[Mr. Nicholas Baker]*

by the hon. Member for Dumbarton (Mr. McFall). I shall have something to say about that. That is why my hon. Friend debated it there, rather than here.

**Dr. Godman:** That is an excuse of sorts.

**Mr. McFall:** The Minister is correct; the Under-Secretary of State for Scotland debated the matter with me in Committee. However, I am here, while the Under-Secretary of State is not, which shows our desire for the proposal. I put on record the fact that this desire goes across party lines. We were so accommodating to the Minister that I made the offer that Opposition Members would meet Law Officers and Ministers to discuss the issue. Sadly, that offer was rejected, which shows the Government's neglect of the issue and their apparent indifference and apathy.

6.30 pm

**Dr. Godman:** I am grateful to my hon. Friend for that intervention. The Under-Secretary of State for Scotland, the hon. Member for Edinburgh, West (Lord James Douglas-Hamilton), apart from his native courtesy, is another fair-minded adversary. He is also an advocate, and he might have been able to point out some of the reasons why he, not only as a Minister but as an advocate, cannot accept the new clause, or has serious reservations about it.

A number of cases to which my hon. Friend the Member for Dumbarton (Mr. McFall) referred have created considerable unease among many people in Scotland. The respect that the overwhelming majority of people in Scotland have for the legal system would be enhanced by the setting up of an independent body.

When I was a member of the local review committee at Edinburgh prison, I frequently interviewed prisoners who claimed that they were innocent of the charges of which they had been convicted in the sheriff courts or in the High Courts in Edinburgh and elsewhere. Some of those prisoners were patently attempting to shoot a line to the interviewer from the local committee. I believe that almost all the prisoners I interviewed with a view to helping to determine whether they should be given release under licence had justly been found guilty of, in some instances, the most horrible crimes.

The Scottish legal system is not superior to the system south of the border; mistakes can be made. Recourse to a commission would provide an acceptable framework for the assessment of judgments that are being challenged on the basis of an individual's innocence.

Despite the fact that we seek to tack the provision on to English legislation, something to which we have become accustomed, the new clause is important and it should obtain cross-party support. If it is right for England, Wales and Northern Ireland, it has to be right for Scotland.

**Mr. Trimble:** We heard at the outset of the debate a powerful speech by the hon. Member for Dumbarton (Mr. McFall), with which I entirely concur. I understand that he has raised the matter in the form of a new clause simply to debate it.

I am sure that he would not want operating in Scotland the atrocious system of legislation by order which we have to endure in Northern Ireland. I sympathise with him in his frustration at the prospect of having to wait several years for equivalent legislation in Scotland. We have had to endure such a wait far too often in Northern Ireland. It is a matter of considerable pleasure to me that we have been able to jump Northern Ireland into the text of the Bill, so that the commission will operate there.

I rise to speak not to the new clause but to amendment No. 42, which, as hon. Members who served on the Standing Committee will recognise, is one that I tabled in Committee. I am glad that Labour Front-Bench Members have tabled the amendment for discussion this evening.

I underline the importance of amendment No. 42. It would make available to the commission supplementary powers with regard to material pertinent to any of its inquiries which happened to be within the Scottish jurisdiction. That is an important point, although it will not arise often. In Committee, the Minister rightly said that there would be few if any cases in which the situation would arise, but he then said—I thought that this was a curious statement—that, if the situation did arise, there would generally be no difficulty in relying on informal co-operation to acquire such material.

If we intend to rely on informal co-operation to acquire documents, why does clause 16 give the commission power to obtain documents? The power to obtain documents should be exercisable wherever documents relevant to an inquiry happened to be. Amendment No. 42 would achieve that aim, and I urge it again on the Minister.

**Mr. Gordon McMaster** (Paisley, South): I associate myself with the remarks made by my hon. Friend the Member for Dumbarton (Mr. McFall). The reasons for tabling the new clause are clear and were explained fully by the right hon. Member for Berwick-upon-Tweed (Mr. Beith), who understands the frustration of Scottish Members when provisions for Scotland are tagged on to legislation that is not Scottish. On this occasion, a provision has been missed out, although there will be benefits not only for England but for the other parts of the United Kingdom. Like other of my hon. Friends who have spoken, I look forward to the day when there is a Scottish Parliament within the United Kingdom where these matters can be properly discussed.

Over the past few years, including the time before I was elected to the House, I have been involved in the case of Raymond Gilmour, which has attracted considerable media attention because there are at least reasonable doubts about his guilt. Having studied the case, I am convinced that he is innocent. He has now been in gaol for more than a decade for a crime that he probably did not commit. It would be improper to go yet again into all the details of that case; suffice it to say that when the makers of "Trial and Error"—which I am delighted to say is back on our screens tonight and tomorrow night—did detailed research into the case, one of the conclusions, which was very significant, was that although Raymond Gilmour had been found guilty in Scotland, he would not have been found guilty in England. More significantly in terms of the new clause, if his case was being considered as a miscarriage of justice in England, he would have a far better chance of being out of gaol than he has in Scotland.

Someone cannot be any more guilty because the crime was committed in Scotland or because he or she lives in Scotland rather than across the border. I offer no criticism of the Secretary of State for Scotland in terms of the manner in which he has dealt with the case since the

"Trial and Error" programme was shown. One of the anomalies in Scotland is what is considered to be new evidence; this is one of the areas that a Scottish commission would look at. The Secretary of State has accepted a fresh application for the prerogative of mercy when he could have exercised his judgment in another way.

I do not have a legal background and I have been very much assisted in this case by the hon. and learned Member for Fife, North-East (Mr. Campbell) who is, of course, an eminent Queen's counsel in Scotland and who has studied the case. He has made forceful comments about it in the House.

I believe that the new clause is reasonable and that it is absolutely unreasonable that we in Scotland shall have to wait several years for equivalent legislation. The emotional notion which we sometimes hear propounded, that Scottish justice is superior, is fast becoming diminished. In some respects, Scottish justice may be better, but we must accept that, in other respects, it is worse. One of the respects in which the Scottish legal system is worse is the way in which it deals with miscarriages of justice. The new clause is the sort of approach that the Government should take and they should not drag their heels for the length of time that it seems they shall.

**Mr. Mullin:** I said a moment ago in an intervention that it is a measure of the complacency in the Scottish Office that there is not a Minister from the Scottish Office present to hear the discussion about this Scottish measure. In my experience, it is very unusual, if not unique, for the House to be discussing a measure and for there not to be a Minister from the appropriate Department who can be bothered to show his face.

I raised this matter in the House as recently as Scottish questions three hours ago and I was extremely dissatisfied with the reply that I received from the Secretary of State. I was pleased that my hon. Friend the Member for Dumbarton (Mr. McFall) quoted a number of distinguished Scottish lawyers as being in favour of this sort of measure, because, in the past, there has been a certain smugness among Scottish lawyers. I had one or two coming up to me when we had trouble with the English legal system saying that, of course, such trouble could not occur in Scotland. I always suspected that it might, even though I do not have a very detailed knowledge of Scottish law.

People in the Scottish legal system have had a long time to adjust to the difficulties that have arisen as a result of miscarriages of justice. They have watched the great disasters that have occurred in the English legal system. They have had one or two lesser instances of their own—the Meehan case, for example—so no one can say that such troubles have not already been proven to happen in Scotland. They have seen a British Home Secretary come to the House of Commons and set up a royal commission. They have watched an English royal commission cover that ground for more then two years and they have seen it report back.

Only now have those in the Scottish legal system got around to setting up some little committee headed by Sir Stuart Sutherland to decide whether there is anything that they should be doing in Scotland. That is really not good enough. The fact that at the moment the Criminal Justice (Scotland) Bill is going through the House—which would provide a perfectly good opportunity, were the Scots so minded, to rectify that omission—makes it all the more inexcusable.

My interest in this matter arises from the fact that I receive quite a lot of letters from prisoners in Scottish gaols who allege that they are innocent. I have no way of deciding one way or the other, but it is obvious to me that there is a problem in Scotland. I am delighted to hear Scottish Members, who are more qualified than me, say that there is definitely a problem. Following the release of the Birmingham Six, hundreds of people wrote to me from gaols, not only in this country but around the world.

I compiled a dossier of the 40 or 50 most interesting British cases, which I presented to the relevant Secretaries of State. I presented letters to the Home Secretary personally, sent some to the Secretary of State for Northern Ireland, because a few cases arose there, and sent to the Scottish Office details of four or five cases that arose in Scotland.

I received a very courteous response from the Home Secretary. Indeed, over subsequent months I have had detailed responses to most of the cases that I raised. The Minister signs most of them and he knows that officials have gone to a lot of trouble to examine the cases included in my dossier, but I have yet to get anything substantial from the Scottish Office.

My letter to the Scottish office, raising the four cases of Thomas Campbell, Raymond Gilmour, Peter Hurtt and Joseph Steel, was sent on 15 April 1994. I heard only silence, so on 10 June I wrote again, saying:

"Please find enclosed a copy of the letter I sent to you on 15 April ... I have no record of a reply and I would be grateful to hear from you on this matter."

On 9 July, I received a letter, which was not very detailed, from Lord Fraser of Carmyllie. This year, after hearing nothing further, I wrote again on 29 March, saying:

"I would be grateful to know what progress has been made".

I have not received a reply and I think that is pretty appalling. It is about time that the Scottish Office snapped out its complacency.

6.45 pm

**Dr. Godman:** May I point out to my hon. Friend the inconsistency of the conduct of Scottish Office Ministers? On Friday morning, the Under-Secretary of State, the hon. Member for Edinburgh, West (Lord James Douglas-Hamilton), came to the Dispatch Box to give a couple of us Opposition Members an assurance that he would amend the Children (Scotland) Bill in the light of the Carers (Recognition and Services) Bill promoted by our hon. Friend the Member for Croydon, North-West (Mr. Wicks). Why cannot a similar assurance be given with regard to this new clause and the Criminal Justice (Scotland) Bill?

**Mr. Mullin:** That is a very good question. I think that the short answer is, because there is no Minister here to give that assurance. The Government could not if they wanted to. They are not even aware of the arguments that are taking place.

In addition to the four cases that I raised in my dossier, I have recently talked to people who represent Stuart Gair, a constituent of the right hon. Member for Stirling (Mr. Forsyth), a Minister in the Home Office. I am not touting for business; I do not want constituents of other hon.

*[Mr. Mullin]*

Members coming to me and asking me to help spring them from gaol because they allege that they are there wrongly. I receive hundreds of letters, many of them desperate and some with a covering note saying such things as, "Please find enclosed 300 pages of background reading."

No one is looking forward more than I am to the commission being set up and to it being seen to work. I am even less qualified to assist Scottish prisoners than most. I believe that the Stuart Gair case has been the subject of a documentary on Scottish television, which certainly raised serious problems, but that there has been no sign of progress on that case either.

I do not allege that the Scottish system is any worse than the English system. I make no complaint about the fact that any legal system makes mistakes. What I have always complained about is the absence of a mechanism for putting them right. We are trying to do something about that in England, Wales and Northern Ireland. What is good enough for them in one form or another ought to be good enough for Scotland. I hope that some action will be taken shortly.

**Mr. Nicholas Baker:** New clause 7 would require the Secretary of State for Scotland to bring forward an order within one year of the passing of the Bill to make provisions for Scotland similar to those in part II of the Bill. That would require either establishing in Scotland a body similar to the commission and with similar powers or the extension of the ambit of the commission to cases tried in the Scottish courts. Such an order would require to be made by statutory instrument and be subject to affirmative resolution.

**Mr. Michael:** I should be grateful if, before going any further, the Minister would explain why he is responding to this debate. The new clause has been moved by a shadow Scottish Minister and surely a Scottish Minister should be responding. Neither a Minister from the Home Department nor I should be taking part.

**Mr. Baker:** The hon. Gentleman knows that the Home Office is responsible for the Bill and, in Committee, he may recall, Home Office Ministers dealt with it. However he may dislike it, that is the position.

I suggest that the right hon. Member for Berwick-upon-Tweed (Mr. Beith) is right. The new clause is not the way in which to legislate for Scotland. If I were a Scottish Member—it is extremely dangerous for any English man to mention a word on a Scottish subject—I think that I would complain very strongly about such a matter being put forward in this way. Having said that, of course I understand the frustration mentioned by the hon. Member for Dumbarton (Mr. McFall), which has been echoed by the hon. Member for Paisley, South (Mr. McMaster) and others in this debate. They want something done and I quite understand that.

I cannot agree that consultation is wrong. The Secretary of State for Scotland issued a discussion paper in February 1994, which was similar to those issued by my right hon. and learned Friends the Secretaries of State for the Home Department and for Northern Ireland, seeking views on what the options should be for change. The fact is that the responses to that paper, unlike the papers in the rest of the United Kingdom, revealed no widespread support for change. In the face of such a result, a Government would deserve criticism if they were to forge ahead and try to impose any solution. One clear message emerged—that there should be further consideration of those difficult questions for Scotland.

As a result, on 10 November my right hon. Friend the Secretary of State for Scotland announced the appointment and membership of the Sutherland committee to consider the issues in greater detail. The committee is expected to report next year. Hon. Members will know that a similar amendment was debated only yesterday, and I know that my right hon. and hon. Friends in the Scottish Office understand the urgency that some Members feel, although those people must recognise that there are many other views on the matter as well as theirs.

In the light of what I have said, I hope that the House will understand why I cannot support the new clause. Were I to do so, that would certainly not be in the interests of Scotland.

I fully appreciate the thinking behind amendment No. 42, which was tabled by the hon. Member for Upper Bann (Mr. Trimble), and before introducing the Bill we carefully considered the necessity of legislating to give the commission access to material that might be held by Scottish public bodies. However, our discussions and consultations had some effect on our decision, and we saw no need to extend the commission's clause 16 powers.

We believe that it would be rare indeed for material relevant to the commission's activities to be held solely by a public body in Scotland and not to be available from another source, or for the commission to be denied ready access to such material if it were found.

Normal practice—I know that the hon. Member for Upper Bann does not like normal practice, but it works, and in that respect it works well—is that where material relating to an offence in England, Wales or Northern Ireland is found, it is passed to the appropriate authority. I hope that, in view of what I have said, hon. Members will not press the new clause further.

**Mr. Mullin:** I quite understand that the Minister might not want to accept the new clause tonight, but perhaps he will consider introducing a suitable measure in the House of Lords. Failing that, there may still be time to put something in the Criminal Justice (Scotland) Bill, if that is the appropriate way to go about it.

**Mr. Baker:** The proper thing for me to do is to refer the debate to my friends and colleagues in the Scottish Office, who will understand the urgency that many hon. Members have expressed. That will form part of the consultation that is currently taking place.

**Mr. McFall:** We have had a worthwhile debate. As other hon. Members have said, and as the Minister has realised, it was born out of frustration. The Minister's response reveals that there has been a certain smugness in the Scottish legal establishment. When the issue of miscarriages of justice was at its height in England and Wales, people in the Scottish establishment felt that such things would not happen in Scotland.

Such things might happen in Scotland, and some extremely senior legal people there would tell us that it has already happened. When Lord Ross, the Lord Justice-Clerk, who is a member of the Sutherland committee, said that a body should be set up fairly quickly, we realised the urgency required. But the Government's

definition of urgency is puzzling. It seems to mean that they set up a committee that will report in two years' time. That is not urgency, and the Opposition know it.

We have not had a full debate on the subject tonight simply because, with due respect to the Under-Secretary of State for the Home Department, who is here, no Scottish Minister has turned up. That is scandalous. It shows the apathy of the Scottish Office that it did not see fit to send one Minister to the Government Front Bench even to listen to the debate. I ask the Home Office Minister to take back to the Scottish Office the message that the Opposition are willing and ready to consult on the issue. We see it not as a party political issue but as one that attacks the body politic of the legal system in Scotland—one that, if left long enough, could be cancerous. We do not want that situation to prevail—

**Dr. Godman:** If we are fair-minded, we must admit that the smugness to which my hon. Friends the Members for Dumbarton (Mr. McFall) and for Sunderland, South (Mr. Mullin) referred is less noticeable than it was. Moreover, there are a few radical minds among the members of the Law Society of Scotland who would like the changes to be made.

**Mr. McFall:** Yes. I am talking about the smugness in the Scottish Office, although the legal fraternity has also been subject to a certain smugness. But there are many senior people in the law in Scotland to whom that comment does not apply. A few weeks ago, I spoke to several judges who realised the urgency of the situation. An eminent Queen's counsel, Gordon Jackson, has written an article saying that something needs to be done, and many people recognise that fact.

My main attack is on the smugness of the Government. We have had no real debate tonight because the Scottish Office has not thought fit to come here and discuss the issue. My new clause was tabled to tease out the Government's thinking and to offer the services of the Opposition to find a solution. The Government have not responded, but when people outside read *Hansard* they will realise the Opposition's good intentions and the Government's apathy. I beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

### New clause 10

THE COMMISSION: GRANTS TO INDIVIDUALS

'.—(1) The Commission may make a grant to any individual whose case has been referred to the Commission for consideration or who wishes the Commission to consider his case—

(a) on the grounds that the case raises an issue of general principle which should be tested and considered in the public interest, or

(b) by reason of any other special consideration—

(2) The powers under this section shall be exercised only—

(a) under regulations drawn up by the Commission and approved by the Secretary of State, and

(b) from within the Commission's agreed budget.

(3) Grants made under this section shall be applied only to the specific purposes agreed by the Commission which may include obtaining advise or assistance from a solicitor or counsel or such other person as the Commission may specify—

(a) to prepare a submission to the Commission,

(b) to conduct an investigation requested or guided by the Commission,

(c) to respond to statements, reports and opinions disclosed by the Commission, or

(d) to make representations to the Commission on whether a person's conviction should be referred to the Court of Appeal.'.—*[Mr. Michael.]*

*Brought up, and read the First time.*

**Mr. Michael:** I beg to move, That the clause be read a Second time.

The new clause deals with a power that we seek to add for the commission to make grants to individuals in special circumstances, where the commission feels that there is a good reason to give special consideration to making money available. The individuals whom we have in mind are those who allege that they have been the victims of miscarriages of justice.

On Second Reading of the Bill, we cast doubt on the Government's calculations of the costs of its operation. Indeed, we pointed out then that if we aim to ensure that people have the capacity to be represented at the outcome of the commission's consideration of their cases, when matters come to court and when decisions are taken, the explanatory and financial memorandum was extremely lightweight.

The paragraph on the financial effects of the Bill provided to assist us on Second Reading lumped together a whole range of activities and demands on the work load of different aspects of the criminal justice system, with only one passing reference to the costs of legal aid, as follows:

"This increase in the workload of the courts and the widening of the powers of the magistrates courts to reopen cases is likely to give rise to total costs of about £1.7 million (including court and prosecution costs and legal aid)".

It is open to doubt whether that is a correct estimate, and it is certainly questionable whether adequate support will be available for individuals in all the circumstances that may arise. At present there are often gaps, and it is clear that people who seriously believe that they have been victims of miscarriages of justice cannot obtain legal aid or other forms of support to undertake the work of providing the evidence necessary to get a court to consider their case, or to persuade the Home Secretary that there is a case that the Court of Appeal or his Department should consider further.

That is a serious problem, which has been illustrated by a variety of organisations, including Liberty and Justice. Many of us in the House have cause to be well aware of the shortcomings of the system, as a result of having dealt with individual cases involving our constituents.

So there is a gap which is not filled by the Bill. As I read the Bill, the commission does not have the capacity to choose to make a grant in circumstances in which it believes that something needs to be done to correct or avoid the continuation of a miscarriage of justice.

New clause 10 does not seek to confer a wide discretion. It confers on the commission only the power to act within the budget that is made available to it. The power is equivalent in many ways to the power given to the Commission for Racial Equality when it was established. Therefore, there is a precedent for the provision of such a power.

*[Mr. Michael]*

The purpose of new clause 10 is to allow for a power to

"make a grant to any individual whose case has been referred to the Commission for consideration or who wishes the Commission to consider his case".

It sets out the limited grounds on which such a grant might be made. The first is

"that the case raises an issue of general principle which should be tested and considered in the public interest".

It is surely in the public interest that justice should be done and be seen to be done, and that miscarriages of justice should be dealt with. So there is that public interest requirement.

7 pm

The second ground is:

"by reason of any other special consideration".

It is not possible to anticipate the experience that will develop as the commission undertakes its work. The new clause also limits the grant-making power to:

"under regulations drawn up by the Commission and approved by the Secretary of State".

So the new clause does not take things outside the control of the Home Secretary and it limits grants to within the commission's agreed budget. Ministers have no reason to fear that a wide gap is being driven through proper controls or financial accountability. The new clause ensures that within the legislation there is a possibility to make grants and that new legislation will not be required if, as we suspect, such a power and such a system comes to be needed in the fullness of time.

As subsection (3) of new clause 10 says, we are looking at specific purposes such as the preparation of a submission to the commission, which can be difficult and onerous in some circumstances, undertaking an investigation in circumstances in which the commission felt that it was best undertaken by or on behalf of the applicant rather than directly by the commission, responding to statements, reports or opinions disclosed by the commission or making recommendations to the commission on whether a person's conviction should be referred to the Court of Appeal. There are circumstances in which the commission might find it extremely helpful to enable that process to take place.

The new clause does not impose obligations or onerous duties. It ensures that powers are provided in the Bill that can be triggered should the need be revealed in the fullness of time. I suggest that it is also an opportunity for the Minister to deal with the point that I made at the beginning of this brief speech. The other means of providing assistance to individuals is the existing legal aid system, which is not changed by the provisions of the Bill or, indeed, of new clause 10. There will be occasions on which individuals will seek to go through the existing legal aid system in order to prepare a submission to the commission, conduct investigations which might lead towards a submission, respond to the statements, reports and opinions of the commission or make representations to the commission. It would be helpful if the Minister gave us some reassurance about the way in which legal aid issues will be dealt with in practice.

The Law Society has expressed concern that lawyers will be required to be involved in certain processes if the commission is to be effective and the whole structure that we seek to create in the Bill is to be as effective as we all want it to be. I hope that the Minister will take the opportunity to clarify that, as well as to respond to a new clause which we have carefully limited in its scope and direction so that Ministers have no fears about allowing the Bill to be amended. The new clause makes the Bill far-sighted and enables it to cover eventualities that might arise in the future. In that light, I hope that the Minister will respond positively to the new clause.

**Mr. Maclean:** Now that the hordes of rebellious Scots have been crushed and have retreated from the Chamber, the hon. Gentleman and I can return to the constructive dialogue that we have had throughout the debates in the Committee and in the Chamber tonight. I am grateful to him for explaining the intentions behind his new clause. Although he makes a careful and beguiling case, I regret that I am unable to accept it.

First, I am not sure what is meant by

"an issue of general principle which should be tested and considered in the public interest"

in subsection (l)(a) of the new clause. It could easily be argued that the cases most deserving of funding were those in which there was no issue of general principle beyond the issue of whether there had been a miscarriage of justice in the particular case in question. Nor am I sure what other special considerations may be thought to be relevant. In any case, there seem to be a number of practical difficulties with the scheme proposed.

If the commission were to pay out money to applicants, it could and probably would add significantly to its costs. According to the hon. Gentleman's new clause, they would be met from within the commission's existing budget, but it would have to be a budget much bigger than we would envisage setting if it did not have to pay out grants. It would also be a burden on the commission's resources in terms of the amount of time that it would take to draw up the regulations, to consider each application to see whether it met the conditions set out in subsection (1), and to ensure that each grant was used for the specific purpose agreed by the commission.

The Public Accounts Committee would be the first to condemn us if we gave a grant-making power to such a body and that body did not have full and detailed scrutiny mechanisms to make sure that the money was properly and wisely spent and the Government knew what was going on. So I am afraid that we would need a great palaver of machinery, rightly so, to satisfy our requirements and those of the PAC. I do not think that we want the commission to get bogged down in that sort of work.

In Committee the Opposition moved amendments in which they expressed their view that if the commission troubled itself with the few cases that it would have each year of people appealing against their sentence, it would be an inappropriate use of the commission's time. For the reasons that I advanced in Committee, I believe that it is an appropriate use of the commission's time, but I must admit that the Opposition's arguments tonight are weaker than those which they advanced against us in those circumstances.

I do not believe that the proposal in the new clause would be an effective use of the commission's time. Nor do I believe that the new clause is necessary as both potential applicants and those whose cases are under consideration by the commission will be able to apply for

legal aid to obtain the assistance of solicitors in making representations to the commission under the existing green form scheme. That is the main point.

The hon. Gentleman asked for my assurances. I am delighted to give them. Legal aid will continue to be made available to people who make applications to the commission through the green form scheme. This scheme will assist convicted persons to make representations to the commission, both at the original application stage and following the disclosure of material gathered in the course of the commission's investigations. I know that whenever I clarify something about the Bill, the hon. Gentleman says that I have made a tremendous admission and moved the Government's position considerably. I do not think that I have, but if the hon. Gentleman wishes to say that he has won a marvellous concession from me tonight, I am happy to accede in the interests of brevity.

I note that subsection 3(b) of the new clause would enable the commission to make a grant for an investigation which was requested or guided by the commission. That again is unnecessary. The costs of the commission's investigations will be met by the commission or, if it requires the appointment of an investigating officer from a police force, by the force which conducts the resulting investigation. Costs of inquiries made by investigating officers appointed by public bodies other than the police will be met by the public body which originally investigated the offence in question. No additional provision for investigations by applicants is therefore necessary.

I hope that, in the light of what I have said, particularly my firm assurances on the availability of legal aid to applicants, the hon. Gentleman will feel that it is not necessary to push the new clause and will be willing to withdraw it in as nice as possible a Celtic manner, of which he and I are both exponents.

**Mr. Michael:** The Minister is trying a new approach on me—charm. I look forward to seeing whether, within the charm of his response, there are one or two nuggets. He sought to reassure us about the availability of legal aid in respect of the different activities to which I referred: the preparation of submissions to the commission; the conducting of investigations responding to items, statements and other matters that are disclosed by the commission; and making representations on whether a person's conviction should be referred to the Court of Appeal. I am grateful to him for that reassurance.

I hope that, once the commission starts its work, the reality turns out to be as generous as the Minister's words this evening. The proof of the pudding will be in the eating and we must wait and see. His words will have been noted by all those interested in such matters. Either they will be taken as the touchstone for how those matters are dealt with or they will return to haunt the Minister in the fullness of time.

The Minister has misread the new clause. If the powers are not needed, they need not be implemented. If he is right to suggest that things will be so perfect in the scheme of affairs that he set out, the provisions would simply be unused. But if, as we suspect, there are anomalies and difficulties, Ministers will say that we must wait for an appropriate opportunity to amend the legislation before they can put those matters right. The new clause provides the opportunity in advance to ensure that the legislation is sufficiently flexible to put matters right as soon as the problems are recognised by Ministers, or Ministers receive recommendations from the commission in the light of its experience.

I am sorry that the Minister has seen fit to reject this constructive new clause. The proposal may be debated further in another place and the Minister may have had an opportunity to reflect on this short debate by the time one of his colleagues deals with further discussions on the Bill. In order that we may progress to other issues, I beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

### New clause 15

DEFRAYMENT OF POLICE EXPENSES

'.The Commission shall defray any reasonable costs incurred by any police authority in the carrying out of inquiries or investigations by any of its police officers in pursuance of a direction given by the Commission under the terms of this Act.'.—*[Mr. Beith.]*

*Brought up, and read the First time.*

**Mr. Beith:** I beg to move, That the clause be read a Second time.

**Madam Speaker:** With this, it will be convenient to discuss also amendment No. 7, in schedule 1, page 23, line 25, at end insert—

'The report shall include a breakdown of the costs of investigations during the relevant year, including—

(a) the Commission's own costs,

(b) the costs falling to each police authority, and

(c) the costs falling to any other body during the year covered by the report.'.

**Mr. Beith:** The explanatory and financial memorandum appended to the Bill when it was first presented to the House was seriously misleading because it implied that there were no additional costs to public bodies other than those specified, which the commission would incur and which are provided for. Police forces carrying out investigations which the commission directs them to carry out will incur enormous costs. Some investigations may cost hundreds of thousands of pounds, which will make a significant mark on those police authorities' budgets.

Police authorities are newly created authorities of a quite different form from the previous local authority committees and joint committees which ran the police service outside London. The Home Office has given the new police authorities budgets and they are just beginning to implement that system. Because they are new, they will not have accumulated reserves; nor can they call on the general reserves of a local authority, as might have been possible under the old system when they were local authority committees. Thus they have no recourse to alternative financing if they are hit by the significant costs of an investigation.

7.15 pm

The Association of Chief Police Officers raised concerns from the beginning about how the costs were to be met. Most police authorities are under severe pressure and believe that the new budgets cannot achieve the level of service that the Home Office assumes, partly because of difficulties such as the high cost of police pensions, which in many authorities are significantly higher than the figures assumed by the Home Office when it set out the budgets. That is for a series of reasons, such as the pattern

*[Mr. Beith]*

of retirement relating to the years in which officers were recruited in larger numbers and the consequences of the Sheehy report, and it is one of many factors which lead many police authorities to say that their budgets are under severe pressure.

The Home Secretary has told police authorities that they are free to appoint extra officers under the new system. But they can do so only if they reallocate funds from other parts of their budgets. The Home Secretary recognises that his budgetary provisions do not assume funds for additional officers, but says that forces which reallocate within their budgets and make prudent resource decisions should be able to provide for additional officers. But what will happen if a force does so having said that it will make no provision for any investigation which the commission may direct it to carry out? I am glad that the Home Secretary is here to tell us what his response will be if a police authority tells him, "The commission that you set up requires us to conduct an inquiry costing £500,000, but you earlier advised us that we should adjust our budgets so that if we need extra officers we can appoint them. We have appointed extra officers and have no money left in our budget to finance an investigation on that scale, so if the commission directs us to do so will it please tell us who will pay for it?" The current assumption in the Bill is that the police authority must nevertheless find the money out of non-existent reserves and without the capacity to bring in an extra levy or a supplementary council tax in the middle of the year to cover it. So how is that money to be found?

Furthermore, police authorities can be capped individually if their expenditure is above what the Home Office considers appropriate. They may already have been capped. What does a capped police authority do when the commission directs it to carry out a major inquiry, either into something that has happened in its own force in the past or into something that has happened in another force where the chief officer has recognised—he cannot be forced to do so—the merits of the matter being investigated by another force? Investigations will be passed around like parcels at a party as police authorities say that they cannot afford to do any more because they have no more money in their budgets.

Investigations can be extremely costly. Pay, overtime, travel, allowances, paperwork and computer costs all need to be funded. Through overtime or some other means, officers must carry out the work of other officers diverted to an inquiry, who may have important investigating or management roles within the police force concerned. Unless we make provision for reimbursement to the authority of the cost of an inquiry, the clause will take officers away from dealing with crime and preventing crime, and may do so disproportionately in some forces. A small force with a matter from its own area to investigate may be hit disproportionately. One of the smaller police forces might emerge as particularly good at carrying out inquiries so that officers have to be brought in from another force. However, it may quickly realise that that is not a good idea. Developing a skill, facility and reputation for carrying out inquiries in other police force areas will be disastrous if the effect of doing so is to clobber the police authority budget and take officers away from operational duties in tackling and preventing crime.

We remain extremely concerned, therefore, at the lack of proper financial arrangements for police authorities. If arrangements are not made, officers will be taken away from important front-line duties without the authority having the means to make up the gap. We all recognise that police officers must sometimes be diverted into that work as it is an important part of the criminal justice system, as they are now, under arrangements with the Home Office. The new authority may, however, be more onerous in its demands as to what the inquiry should involve. I think that the Minister conceded that because the commission, he claims, has power of supervision, it may well make more exacting requirements in some cases than the Home Office has done hitherto.

The Government have also recognised, in their funding and assumptions about the commission, that there will be a bulge—perhaps even a rush—of applications in the first year or two, arising from the backlog in recent years. That will similarly affect police authorities. However, no provision has been made for the extra quantity of inquiries that will land on them, at a greater rate than currently occurs because of anything that the Home Office might ask them to investigate. More inquiries will take place and more costs will be incurred by more police authorities.

That appears to us to be a serious deficiency in the way in which the matter is being approached, and one which will work to the detriment of fighting crime. I therefore ask the Minister to resolve the matter and tell us how authorities are to fund that work.

**Mr. Michael:** I agree with many of the arguments made by the right hon. Member for Berwick-upon-Tweed (Mr. Beith), especially about the inadequate estimate of the impact of costs that will arise as a result of establishing the new organisation.

As I said earlier, I am worried about the likelihood that the cost of undertaking investigations has been seriously underestimated, and that the Government have sought in effect to cut the impact on the Government's budget by shifting the burden to local police authorities.There is something curious about the idea of rewarding increased competence in an activity by giving additional burdens to those who develop that competence. It should surely be the other way round.

I wish to deal specifically with amendment No. 7, which stands in my name and those of my right hon. and hon. Friends. It seeks to make the matter of cost transparent. It seeks to ensure that, in each annual report, figures are given of the costs of investigations in the relevant year.

In the amendment, we suggest three pieces of information; first, the commission's own costs; secondly, the costs falling to each police authority; and thirdly, the costs falling to any other body during the year covered by the report. The last element—the costs falling to other bodies—may be relatively small and insignificant, and providing that information should not be onerous; nevertheless, it should be there. I should have thought that the other two elements ought to be there as a matter of course, so accepting that they should be required on the face of the Bill should give no problem to the Minister.

First, the commission, if it is being competently managed, should be able to identify and analyse its own costs and the way in which its resources are being used. To require on the face of the Bill that the commission should provide that information merely ensures that the

right systems and computer software are put in place when the commission is established, rather than being sought late in the day and resulting in answers to Members of Parliament along the lines of, "This information is not available in the form requested." If it is stated on the face of the Bill that we expect that kind of proper breakdown to be provided, there should be no doubt and no difficulty about providing it.

The second element—the costs falling to each police authority—is surely also sensible. It is in the public interest that the impact of the commission's work on police authorities should be open and above board—open to scrutiny and available to members of the police authorities—and that the information should be provided in a standard form. In other words, if there is an impact on one police authority, one should be able to compare that with the impact on others because the information is provided in the same way, just as other statistics are provided to the Home Office in the same form from different police forces. That would have the great benefit of making transparent something that is at present opaque.

Reference has been made to the financial estimates made by the Government at the time of Second Reading and to the fact that they bundled a variety of different issues together. We pursued that matter in Committee, when I asked the Minister a straightforward question:

"What is the Minister's estimate of the increase in cost? How has he made that calculation?"

It is only fair to quote the Minister's response. He said:

"I have no estimate of the increase in cost"—

in other words, "I do not know; I haven't a clue; I haven't the foggiest." He then said:

"We have not calculated the number of officers that a hypothetical in-house team would need. However, if the commission employed its own police officers, working from some central headquarters, it is clear that additional costs, at least for allowances, would be incurred."—[*Official Report, Standing Committee B*, 28 March 1995; c. 90-91.]

He then expanded on the subject of the additional costs of an independent team, but additional to what? We do not know: additional to a figure that the Minister and the Government have not estimated.

I have pursued that issue since the time when those matters were mentioned on Second Reading and in Committee, and I tabled a question to the Home Secretary, asking:

"what research projects or investigations have been undertaken by his Department or on behalf of his Department into international comparisons of the costs of investigating miscarriages of justice."

I received a simple answer: "None." No investigations have been undertaken to try to establish, on comparisons elsewhere, what the costs would be to the public purse. I also asked the Minister:

"what research projects or investigations have been undertaken by his Department or on behalf of his Department into the costs of investigating alleged miscarriages of justice; and what conclusions were arrived at."

It seems a fairly simple and straightforward piece of preparation to undertake when approaching a piece of legislation.We have argued many a time and oft that the piece of legislation before us has been long delayed, apparently because the Home Secretary was so exhaustively seeking to ensure that the organisation to investigate miscarriages of justice was set up in a considered way. It could have been set up a couple of years ago, but the Home Secretary wanted to take time to investigate everything. Well, he did not investigate the costs, and that appears to be a curious omission. The answer to that question was:

"Information about the present and possible future costs of investigating alleged miscarriages of justice is contained in the explanatory and financial memorandum to the Criminal Appeal Bill."

If that is the best that the Home Office can do, that does not amount to information that is of any use to anyone in understanding the impact of the Bill.

The Minister then responded to some questions that I asked about the work that was undertaken in conjunction with several police forces to try to investigate the costs of investigations under the present system. Information was requested from a range of police forces, and we understand that some of those forces, when asked for information about the costs of undertaking specific inquiries, including the Metropolitan police in three cases, the West Mercia constabulary in one, the Kent constabulary in two, the Thames Valley police in one and the West Yorkshire police in another, were unable to provide the information requested.

I should have thought that it was straightforward for such information to be available. If police forces undertake investigations at the request of the Home Office, I should have thought that it was fairly straightforward to ensure that the cost of those investigations was known and reportable. But it was not. That makes the case for amendment No. 7, to ensure that we are not in ignorance about the investigations undertaken on behalf of the new organisation.

An answer was available about seven of the 16 cases in which the Home Secretary sought information. Those range very widely, from a case investigated by the Lancashire constabulary costing £570.04—obviously the Lancashire constabulary undertakes careful monitoring of every penny—to a case undertaken by the Greater Manchester police at £192,913. It is not surprising that there is a vast range of cost as some investigations are simple and straightforward while others are complex. Nevertheless, the information is minimal and limited.

In response to other questions, the Minister provided an analysis of some of the inquiries conducted. The length of the inquiries varied considerably from the case involving the Lancashire constabulary of some 31 hours, to which I have referred, to periods of eight months, 84 weeks and 86 weeks. In supplying that information, the Minister pointed out:

"It is not the responsibility of an investigating officer to make recommendations as to what action my right hon. and learned Friend should take on a case".—[*Official Report*, 25 April 1995; Vol. 258, c. *435-37*.]

The Home Secretary decided not to refer four of the cases mentioned in the Minister's response—which appears in *Hansard* of Tuesday 25 April—to the Court of Appeal. The other cases are still being considered.

7.30 pm

The commission's recommendations and the information that it receives will vary, as will the work of the police, in the light of the legislation. The importance of establishing this body has been stressed for a long time as it will restore confidence in the capacity of the British legal system to deal with alleged miscarriages of justice. It is therefore very important that the commission should

*[Mr. Michael]*

be established properly, that the system should be transparent and that information should be available to hon. Members in a common form.

In that spirit, our amendment No. 7 would ensure that, from the time the Bill is published in its final form, those involved with the commission and those who undertake inquiries on its behalf in police forces or in other public bodies will be aware of the requirement to provide proper financial accounting for the activities that they undertake. If the Minister is not able to accept new clause 15 proposed by right hon. Member for Berwick-upon-Tweed, I hope that he will at least accept our modest amendment and guarantee transparency as to the cost implications of the legislation for public bodies.

**Mr. Maclean:** I have again listened carefully to the arguments advanced by the right hon. Member for Berwick-upon-Tweed (Mr. Beith) and the hon. Member for Cardiff, South and Penarth (Mr. Michael). I note the concerns that they have expressed and I agree that the costs of the commission and its investigations will need to be monitored carefully. Having said that, I do not believe that the proposed amendments are helpful.

The right hon. Member for Berwick-upon-Tweed asked how the cost of police investigations would be met. The short answer is: in exactly the same way as it is met at the moment. At present, the cost of any police investigation requested by the Home Secretary into a possible miscarriage of justice is met from within the existing resources of the police force concerned. The Criminal Appeal Bill does not give the police force a new role to perform; it tackles the task already and it will continue to perform it when the commission is up and running. Therefore, no great new cost will be involved.

**Mr. Beith:** Will the Minister give way?

**Mr. Maclean:** I think that I know what the right hon. Gentleman wishes to say. It is a crucial point and—if I may anticipate his remarks—I think that he has got it wrong. I acknowledge that we expect the commission, at least initially, to receive representations about many more cases each year than currently occurs. We expect an increased work load for the commission because more people will make applications to it.

We also believe, however, that those who will approach the commission—perhaps as many as half—will be concerned about cases that have been considered previously and rejected by the Secretary of State. By virtue of clause 17, the commission will have access to all the police reports, forensic science reports, statements obtained and other relevant material which the Secretary of State considered in evaluating the cases. It will not be a matter of starting from scratch and beginning a whole new investigation.

**Mr. Michael:** Will the Minister give way?

**Mr. Maclean:** I should like to complete my point as it is an important one which I believe has led to some misunderstanding. The potential for unnecessary duplication of inquiries by the police should therefore be minimal.

If C3's experience is any guide, not all the cases brought to the commission's attention will require any investigation by the police. Currently, such inquiries are needed in only 45 per cent. of cases—that is 329 per year—and even then half of them entail relatively minor inquiries, such as tracing and interviewing one or two witnesses, reviewing case papers, clarifying some minor details, and so on. The remainder require more substantial inquiries. We know of nothing to suggest that the proportion of cases requiring investigation will change or that the nature of the inquiries will alter once the commission starts work.

I say to the hon. Member for Berwick-upon-Tweed, in the nicest possible way, that he may have the wrong end of the stick. We expect that more people will make applications to the commission initially, but we do not expect a greatly increased burden on the police. We believe that current police resources are adequate to deal with the present inquiries and those with which they will be asked to deal in future.

The hon. Member for Cardiff, South and Penarth cited some of the figures that I have supplied to him in the past few days. If he looks at those cases—even those which have gone on for 82 weeks and have cost almost £200,000, which is a large inquiry—he will see that they form only a tiny part of most police budgets.

**Mr. Michael:** I am grateful to the Minister for giving way because he said something that is crucial to public confidence in the Bill and in the commission that it will establish. He suggested that there will be no additional investigations or extra work. Does he not accept that there is a backlog of cases which have not been dealt with because there is no system for considering them at present? Is not the commission expected to open up cases that have been waiting to be dealt with for an extensive period? Does he not accept that that was the import of the royal commission's recommendations, as well as the reason for establishing a royal commission inquiry? If the commission is to be as limited as he suggests in the scope of its investigations and those undertaken on its behalf, he will be dragging us back to where we were before the Bill was published. Surely the Minister cannot mean what he has just said.

**Mr. Maclean:** I do mean it. I totally reject the suggestion that there is a huge backlog of cases which have not been dealt with properly or have been ignored by C3 or by the Secretary of State. That is not the reason why we have set up the independent appeals tribunal. There is no suggestion that C3 has refused to deal with cases or that it has turned away hundreds, or even thousands, of deserving appellants.

Some people may be unhappy about the decisions that they have received, but their cases were investigated and reviewed thoroughly. I suspect that it is the applicants who did not like the decision not to refer their cases to the Court of Appeal who will apply to the commission when they hear that a new body which is divorced from the Secretary of State has been established. It is inevitable that they will try to have their cases reopened to see whether they can get a better outcome. Every hon. Member is familiar with that occurrence. People often approach newly elected Members of Parliament with a horrific, apparently new problem, claiming that they did not approach the previous Member of Parliament about it. The commission will also face that difficulty. From the smiles that I see around the Chamber, I can tell that that

happens to us all. However, I do not envisage that the commission will pass on a greatly increased work load to the police service.

**Mr. Michael:** I am grateful to the Minister for giving way again on this important matter. Obviously, some cases are undeserving, and we have all shared the Minister's experience. However, does the Minister not acknowledge what the royal commission found—that many cases have simply been left to fester because we lack a body such as the one that we are establishing in the Bill? The royal commission recommended the establishment of that body and the legislation will achieve it. That will lead to investigations which are not being undertaken at present. Surely the Minister acknowledges that fact, because it is what the Bill is all about.

**Mr. Maclean:** I did not acknowledge that a vast body of cases which had not been adequately dealt with were left festering. If the hon. Gentleman wishes to make such allegations, he must give us the chapter and verse. He must give us the information. The hon. Member for Sunderland, South (Mr. Mullin) never made that allegation. He presented a dossier to the Home Secretary of 50 cases in which he believed there had been a miscarriage of justice, or he did not like the outcome or the way in which the case was handled, but he did not say that those cases were ignored or that a vast body of cases had been left festering or had not been addressed.

The hon. Member for Cardiff, South and Penarth is wrong. It is not envisaged that the police service will have a vastly increased work load because there are hundreds or even dozens of cases out there which have not been investigated by C3 and which have been covered up and that the commission will demand a whole new inquiry in cases with which C3 would not have bothered in the past. That is simply not correct.

**Mr. Michael:** The Minister winds a comment up to knock it down. I did not use the word "vast"; the Minister used the word "vast". I said that there are a number of cases—a serious number, not an insignificant number—that the royal commission reported which are not dealt with under existing provisions and are left festering through the lack of such a body, which needs to be established. That is the reason for the Bill. That is why the urgency has been growing before and since the royal commission produced its report. That is why the royal commission was established in the first place.

I am surprised that the Minister seems not to acknowledge the case that was made for the body by the royal commission, the existence of cases that need to be dealt with by that body and investigations that it needs to undertake because they have not been dealt with adequately under the present system. The Bill is about restoring confidence in the criminal justice system in Britain.

**Mr. Maclean:** The prime case for the creation of the body is to create transparency and to remove the present system from political control and the Home Office. That is the prime reason for advancing the body, not because there is a small or a large body of cases out there which have not been properly investigated.

I am conscious that the House wishes to make progress and that we ought to wind up the debate on new clause 15 and move on, but I cannot let the allegation stand that C3 and the Home Office have been negligent or failed to deal with a body of cases adequately or properly under the present system. The hon. Gentleman said that those cases had been left festering.

**Mr. Michael:** Yes.

**Mr. Maclean:** If the hon. Gentleman claims that cases have been left festering, he had better produce the names and details of the cases where the present system has failed.

Page 182 of the royal commission report states:

"Our recommendation is based on the proposition, adequately established in our view by Sir John May's inquiry, that the role assigned to the Home Secretary and his Department under the existing legislation is incompatible with the constitutional separation of powers as between courts and the executive."

That is the reason for the new body. The report continues:

"The scrupulous observance of constitutional principles has meant a reluctance on the part of the Home Office to inquire deeply enough into cases put to it and, given the constitutional background, we do not think this is likely to change significantly in future."

**Madam Deputy Speaker (Dame Janet Fookes):** Order. Before this discussion continues, let me say that I have been looking carefully again at new clause 15 and the amendment and I cannot see how it will bear this rather general discussion when it evidently deals with reasonable costs.

**Mr. Michael:** I hope that this intervention will come precisely to that, because the Minister has made a number of claims. He quoted selectively from chapter 11 of the royal commission's report.

In paragraph 6 on page 181 in chapter 11 of the report, the royal commission states:

"There is in theory no restriction on the numbers or categories of cases which the Home Secretary may refer to the Court of Appeal under section 17 since the section gives him discretion to refer cases 'if he thinks fit'. In practice, however, as Sir John May observed in his second report on the Maguire case, the Home Secretary and the civil servants advising him operate within strict self-imposed limits."

It makes it clear in that and other parts of the royal commission's report that the present system is far too limited and the reason for moving away from the Home Secretary is not simply that the Home Secretary is a political appointee, but that consideration of appeals is far more restricted than it ought to be in the interests of justice.

That is why the cost of the increased work which would be undertaken and the increased investigations that will need to be undertaken is so important. That is the reason for the amendment and for the new clause moved by the right hon. Member for Berwick-upon-Tweed (Mr. Beith). The Minister's words today deny the conclusions of the royal commission and deny the known facts that there are festering cases, one involving a Mike O'Brien who is not a Member of Parliament.

7.45 pm

**Madam Deputy Speaker:** Order. I can see that the hon. Gentleman is trying to remain in order, but he is now falling foul of something else. Interventions should be short and he is making a speech.

**Mr. Maclean:** I detect that the mood of the House for the past 10 minutes has been to move on.

**Mr. Michael:** It is the mood of the Minister.

**Mr. Maclean:** Yes it is, but it is also the mood of the House. This is not fertile ground. If the hon. Gentleman thinks that there are cases out there festering where the Home Office and C3 have been negligent in dealing with them, let him bring those dossiers chapter and verse.

**Mr. Michael:** The use of the word throughout is the Minister's, not mine.

**Mr. Maclean:** The *Hansard* record will stand.

I shall move on because my original point stands. We do not envisage the police service having greatly increased burdens landed on it by the commission. We expect the commission to have increased burdens initially as more people seek to try their cases again or take them to the commission again. Some people who might not know that there is a present appeals system to the Secretary of State may be informed of it and try for the first time.

I believe that inquiries undertaken by the police on behalf of the Secretary of State are thorough and effective. The involvement of the commission will not necessarily result in deeper or more wide-ranging inquiries being undertaken. The investigation will be as wide as is necessary in the circumstances of each case. Direction and supervision by the commission may even result in some savings and the commission could quickly close down unproductive lines of investigation by means of the powers provided under clause 19.

Therefore, I can see no compelling reason why the present arrangements for the funding of police inquiries into the miscarriage of justice should change and although I have listened to both hon. Members I am afraid that I cannot accept their amendments.

**Mr. Beith:** I am not convinced by the Minister's argument. He recognises that there will be a greater number of applications, many of which might not require further investigation, but that implies that the commission would have very little work to do if it ruled out almost all of them. Some will require fresh investigation and there is bound to be an initial additional work load. In some cases, the commission will surely exercise its powers to direct more extensive inquiries than C3 and the Home Office would have done.

When one sets that against the background of police authorities which do not have reserves, which can be capped and which are under particular strain at the moment—all new circumstances against which the legislation has to be tested—it is clear that provision should have been made. In no part of his answer did the Minister provide any reassurance to police authorities that they will not finish up taking officers from important duties policing their own areas without any recompense or means of filling the gap. That is so unsatisfactory, given the problems in crime and policing in Britain, that I believe that we should press the motion to a Division.

*Question put,* That the clause be read a Second time:—

*The House divided:* Ayes 23, Noes 189.

**Division No. 137]** **[7.48 pm**

**AYES**

Ashdown, Rt Hon Paddy
Barnes, Harry
Beith, Rt Hon A J
Bruce, Malcolm *(Gordon)*
Carlile, Alexander *(Montgomery)*
Connarty, Michael
Corbyn, Jeremy
Eastham, Ken
Ewing, Mrs Margaret
Flynn, Paul
Foster, Don *(Bath)*
Godman, Dr Norman A
Hinchliffe, David
Kennedy, Charles *(Ross,C&S)*
Livingstone, Ken
Lynne, Ms Liz
Maddock, Diana
Michie, Mrs Ray *(Argyll & Bute)*
Rendel, David
Rooney, Terry
Skinner, Dennis
Steel, Rt Hon Sir David
Taylor, Matthew *(Truro)*
Welsh, Andrew

**Tellers for the Ayes:**
**Mr. Archy Kirkwood and**
**Mr. David Chidgey.**

**NOES**

Aitken, Rt Hon Jonathan
Allason, Rupert *(Torbay)*
Amess, David
Arbuthnot, James
Arnold, Jacques *(Gravesham)*
Arnold, Sir Thomas *(Hazel Grv)*
Ashby, David
Atkins, Robert
Atkinson, Peter *(Hexham)*
Baker, Rt Hon Kenneth *(Mole V)*
Baker, Nicholas *(North Dorset)*
Baldry, Tony
Bates, Michael
Batiste, Spencer
Beggs, Roy
Biffen, Rt Hon John
Bonsor, Sir Nicholas
Booth, Hartley
Boswell, Tim
Bottomley, Peter *(Eltham)*
Bowden, Sir Andrew
Bowis, John
Brandreth, Gyles
Brazier, Julian
Bright, Sir Graham
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(Dorset)*
Burns, Simon
Burt, Alistair
Butler, Peter
Carrington, Matthew
Cash, William
Channon, Rt Hon Paul
Chapman, Sydney
Churchill, Mr
Clark, Dr Michael *(Rochford)*
Colvin, Michael
Congdon, David
Coombs, Simon *(Swindon)*
Couchman, James
Cran, James
Davies, Quentin *(Stamford)*
Dorrell, Rt Hon Stephen
Dover, Den
Duncan, Alan
Duncan-Smith, Iain
Dunn, Bob
Dykes, Hugh
Evans, David *(Welwyn Hatfield)*
Evans, Nigel *(Ribble Valley)*
Evans, Roger *(Monmouth)*
Faber, David
Fabricant, Michael
Fishburn, Dudley
Forman, Nigel
Forsythe, Clifford *(S Antrim)*
Forth, Eric
Fox, Sir Marcus *(Shipley)*
Freeman, Rt Hon Roger
French, Douglas
Gale, Roger
Gallie, Phil
Gardiner, Sir George
Garnier, Edward
Goodson-Wickes, Dr Charles
Gorst, Sir John
Greenway, Harry *(Ealing N)*
Greenway, John *(Ryedale)*
Griffiths, Peter *(Portsmouth, N)*
Hague, William
Hamilton, Neil *(Tatton)*
Hanley, Rt Hon Jeremy
Hargreaves, Andrew
Harris, David
Haselhurst, Alan
Hawksley, Warren
Hayes, Jerry
Heald, Oliver
Heathcoat-Amory, David
Hendry, Charles
Hicks, Robert
Horam, John
Howard, Rt Hon Michael
Howell, Rt Hon David *(G'ldford)*
Hughes, Robert G *(Harrow W)*
Hunt, Rt Hon David *(Wirral W)*
Jack, Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Jones, Gwilym *(Cardiff N)*
Jones, Robert B *(W Hertfdshr)*
Kirkhope, Timothy
Knight, Mrs Angela *(Erewash)*
Knight, Greg *(Derby N)*
Knox, Sir David

Lait, Mrs Jacqui
Lamont, Rt Hon Norman
Lang, Rt Hon Ian
Lawrence, Sir Ivan
Legg, Barry
Lester, Jim *(Broxtowe)*
Lidington, David
Lightbown, David
Lilley, Rt Hon Peter
Lord, Michael
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacKay, Andrew
Maclean, David
McLoughlin, Patrick
Maginnis, Ken
Malone, Gerald
Mans, Keith
Marshall, John *(Hendon S)*
Martin, David *(Portsmouth S)*
Mayhew, Rt Hon Sir Patrick
Merchant, Piers
Mitchell, Andrew *(Gedling)*
Mitchell, Sir David *(NW Hants)*
Moate, Sir Roger
Molyneaux, Rt Hon James
Monro, Sir Hector
Moss, Malcolm
Needham, Rt Hon Richard
Nelson, Anthony
Neubert, Sir Michael
Nicholls, Patrick
Nicholson, David *(Taunton)*
Paice, James
Pattie, Rt Hon Sir Geoffrey
Pawsey, James
Peacock, Mrs Elizabeth
Pickles, Eric
Porter, David *(Waveney)*
Portillo, Rt Hon Michael
Powell, William *(Corby)*
Redwood, Rt Hon John
Renton, Rt Hon Tim
Roberts, Rt Hon Sir Wyn
Robertson, Raymond *(Ab'd'n S)*
Robinson, Mark *(Somerton)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Londonderry)*
Rowe, Andrew *(Mid Kent)*
Rumbold, Rt Hon Dame Angela
Ryder, Rt Hon Richard
Shaw, David *(Dover)*
Shaw, Sir Giles *(Pudsey)*
Shephard, Rt Hon Gillian
Shersby, Michael
Sims, Roger
Smith, Tim *(Beaconsfield)*
Spicer, Michael *(S Worcs)*
Spink, Dr Robert
Squire, Robin *(Hornchurch)*
Stanley, Rt Hon Sir John
Steen, Anthony
Stephen, Michael
Stern, Michael
Stewart, Allan
Streeter, Gary
Sweeney, Walter
Sykes, John
Taylor, Ian *(Esher)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy *(Southend, E)*
Temple-Morris, Peter
Thompson, Patrick *(Norwich N)*
Thornton, Sir Malcolm
Thurnham, Peter
Townsend, Cyril D *(Bexl'yh'th)*
Trend, Michael
Trimble, David
Trotter, Neville
Walker, A Cecil *(Belfast N)*
Walker, Bill *(N Tayside)*
Waller, Gary
Ward, John
Waterson, Nigel
Wells, Bowen
Whitney, Ray
Whittingdale, John
Widdecombe, Ann
Willetts, David
Winterton, Nicholas *(Macc'fld)*
Wolfson, Mark
Wood, Timothy
Yeo, Tim

**Tellers for the Noes:**
**Mr. Derek Conway and**
**Dr. Liam Fox.**

*Question accordingly negatived.*

## New clause 16

PRESERVATION OF MATERIAL EVIDENCE

' .—(1) The Secretary of State shall make regulations for the preservation of material evidence following a criminal conviction on indictment in order to ensure its availability to the Commission in undertaking any relevant inquiries.

(2) Any power under this section to make regulations shall be exercisable by statutory instrument.

(3) No statutory instrument to which this section applies shall be made unless a draft of the statutory instrument has been laid before Parliament and approved by a resolution of each House.'.—*[Mr. Michael.]*

*Brought up, and read the First time.*

8 pm

**Mr. Michael:** I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker:** With this, it will be convenient to discuss also the following: Government amendments Nos. 32 and 33.

Amendment No. 8, in clause 16, page 13, line 5, at end insert—

'(2A) The Commission may, where it is reasonable to do so, issue a direction to the person who is the appropriate person in relation to the public body, that the document or other material shall not be destroyed, damaged or altered for as long as is reasonably necessary.'.

Amendment No. 9, in page 13, line 8, after 'to', insert 'or other material of relevance to'.

Amendment No. 11, in clause 19, page 15, line 9, at end insert—

'(2A) Where an investigating officer is appointed it shall be his duty to take all reasonable steps for the purpose of obtaining and preserving evidence relating to the case.'.

**Mr. Michael:** The aim of the new clause is to ensure that evidence following a criminal conviction on indictment can be preserved so as to be available to the commission when it undertakes any relevant inquiries. It carefully proposes the means to ensure that that power exists and that there is accountability for its exercise, under regulations.

The Government amendments grouped with the new clause follow undertakings given in Committee on behalf of the Government to consider this need to preserve evidence. Indeed, we had a helpful debate in Committee. The Minister considered the amendments that we tabled and undertook to return to the matter on Report. He agreed that we had made serious points in respect of the preservation of evidence, but was not sure that our amendments were strictly necessary.

We have sought to deal with the matter in a constructive new clause that would leave the detail to regulations to be laid by the Home Secretary and considered by the House. We thought that that offered the necessary flexibility.

In Committee, the Minister accepted the necessity of preserving evidence, and the Government amendments demonstrate that too. The question remains whether the Government's amendments go far enough, or whether their phraseology is too limiting. They are of course permissive amendments; I hope that the Minister will clarify exactly how he intends to limit the capability to preserve materials; and that he will tell us why he is confident that the amendments, not the new clause, will deal with all the circumstances for which we have sought to empower the Home Secretary.

It is most important that there should be no gap through which various materials might fall. There may be a time between a growing apprehension that there may have been a miscarriage of justice and the point when formal action begins. During that period, evidence could be removed or lost through no fault of an individual. Such evidence has often mysteriously disappeared as soon as it has become clear that there is likely to be a full investigation.

It is most important that any legal requirement and regulations be effective in ensuring that such things cannot go on—or at least that their incidence is limited.

I hope that the Minister will be able to reassure us on these points. I welcome the fact that Ministers have followed through their undertakings in Committee to take seriously the points that we raised there, and the fact that they, like us, have produced suggestions that we can debate on the Floor of the House this evening.

**Mr. Maclean:** Like the hon. Member for Cardiff, South and Penarth (Mr. Michael), I recognise the necessity of

*[Mr. Maclean]*

ensuring that investigations made by or on behalf of the commission are not hampered by the destruction or alteration of what may be crucial documents or other material. It is right that the commission should be able to direct that papers, and so forth, should not be destroyed or altered during the course of an investigation by the commission.

I am grateful to the hon. Gentleman and his hon. Friends for raising the subject in Committee. That gave us the opportunity to look at the wording of the Bill, to ensure that the powers involved were adequate. We thought that clause 16 granted the commission fairly strong powers to ensure that all documents were retained; but following our debate in Committee I agreed to look again at whether the commission could or should be given powers to direct that documents or other material held by a public body should not be damaged, altered or destroyed while the commission was considering the case to which they related.

We concluded that it would be wise to table the amendments in this group. They enable the commission to direct the appropriate person of any public body that the documents or other material held by him in relation to any case should not be damaged, destroyed or altered until the direction is withdrawn.

As to the wider question of whether we need broad regulation-making powers of the sort envisaged in the new clause, I am not persuaded. As I said in Committee, we need a more consistent approach to retention periods than we have now; that goes for all documents in Government and police circles. As many hon. Members already know, work is under way with a view to developing such an approach. Discussions are taking place with the police service, the Forensic Science Service, the CPS and others whose papers and/or other material may be of assistance to the commission and to others in the performance of their respective functions. We hope that those discussions will result in far greater standardisation of retention periods. Legislation may not be needed to achieve that—perhaps a code of practice or a set of guidelines will ultimately suffice. It may turn out that there is a need for legislation, but I doubt it.

The Government consider it best to look to the work that I have described to achieve what we all want: greater consistency governing the retention periods for documents and other material. We should not try to legislate separately and in detail. New clause 16 is a genuine attempt to draw attention to a problem. I acknowledge that clause 16 could have been better worded, so we tabled the amendments to plug a loophole. I hope that the hon. Gentleman finds that satisfactory. However, I do not want detailed regulations to cover the commissions's work. We want a wider solution—

**Mr. Michael:** I acknowledge that the Government amendments deal with the situation once the commission is aware of the possibility that it might need to investigate a case. What I am worried about, however, is that it may become clear that a case will be referred to the commission, but until that case reaches the commission, it will not be in a position to make a relevant order.

We did not seek to set out detailed requirements; we tried to leave it to the Secretary of State to come up with regulations to plug any gap. Does the Minister not feel that there may still be some gaps in the necessary powers attaching to the Home Secretary, and that the new clause would allow him to lay the necessary regulations?

**Mr. Maclean:** No. The gap, such as it may be, is in the power of retention generally. The hon. Gentleman says that there might be a case which it becomes clear will go to the commission, but there might be many other cases where no one suspects that there might be an alleged miscarriage of justice and where there is no prospect at an early stage of the case going to the commission.

Unless we have proper rules to keep relevant papers for three, seven, 10 or 20 years, they will automatically or routinely be destroyed in all innocence—by the police after a given period or by the Crown Prosecution Service or someone else—because it could be many years before a miscarriage of justice is alleged. To deal with such cases, we need general and sensible retention rules throughout the whole criminal justice system so that we are not legislating only for those cases in which we can spot a mile away that there might one day be the allegation of a miscarriage of justice. We therefore intend to hold all relevant papers for a sensible period, and I think that the Government's proposals will make for a wider and more sensible solution across all Departments.

For those reasons, I do not accept the detailed new clause. I am, however, grateful to the hon. Gentleman for raising the subject in Committee, as that enabled us to have a further look—that is how Committees should work sensitively and constructively—and to table Government amendments Nos. 32 and 33. I am grateful to the hon. Gentleman for his wise words but I hope that he will not press the new clause to a Division.

**Mr. Michael:** I am grateful to the Minister for the way in which he has spoken to the new clause and the Government amendments. I was pleased to hear more about the intention to introduce requirements for the general retention of papers. I acknowledge that that would deal with the generality of cases, including those which may be caught by the provisions of new clause 16 relating to the potential work of the commission. However, it seems that a small gap is left.

New clause 16 would provide a wider power than is relevant to the commission's work, as the Minister rightly said, but the use of that power could be limited to cases that were relevant to the commission's work. If the Government amendments are accepted but the new clause is not, there will still be a slight gap in the Bill's provisions. However, it seems sensible that the Government's amendments should be passed with our support and that the remaining gap should be a matter for further discussion in another place.

I hope that the Minister will acknowledge my point that there might be a need for some regulation to allow defence solicitors or the commission to flag up something that has not formally come to their notice but seems likely to do so. In such circumstances, it would be appropriate for the preservation of papers and other evidence to be guaranteed, even in advance of the general powers that the Minister says will be introduced in due course. Perhaps another amendment could fill the gap between us.

I am sure that the Minister accepts that there are difficulties, and I understand that new clause 16 perhaps ranges wider than would be appropriate in a measure that deals specifically with the responsibilities of the

commission. For that reason, I indicate my support and that of my colleagues for the Government amendments, and beg to ask leave to withdraw the motion.

*Motion and clause, by leave, withdrawn.*

**New clause 17**

LEAVE TO APPEAL: ENGLAND & WALES

'In section 1 of the Criminal Appeal Act 1968 (appeal against conviction) after subsection 2 (requirement of leave to appeal or certificate of trial judge) there shall be inserted the following subsection—

"(2A) The Court of Appeal may, if they think it necessary or expedient in the interest of justice, grant leave to appeal against conviction notwithstanding that a previous application to appeal has been determined (either by refusal for leave or after a substantive hearing) in respect of the same conviction".'.—*[Mr. Corbyn.]*

*Brought up, and read the First time.*

**Mr. Jeremy Corbyn** (Islington, North): I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker:** With this, it will be convenient to discuss also new clause 18—*Leave to appeal: Northern Ireland*—

'In section 1 of the Criminal Appeal (Northern Ireland) Act 1980 (appeal against conviction) subject to the requirement of leave to appeal or certificate of trial judge) there shall be inserted the following subsection—

"(1A) The Court of Appeal may, if they think it necessary or expedient in the interest of justice, grant leave to appeal against conviction notwithstanding that a previous application to appeal has been determined (either by a refusal for leave or after a substantive hearing) in respect of the same conviction.".'.

**Mr. Corbyn:** I feel a bit like an intruder in a private conversation, as hon. Members have clearly had many debates in Committee to which I was not privy, although I have access to the Committee *Hansard*.

New clauses 17 and 18 are designed to give direct access to the Court of Appeal for leave to appeal against conviction. My hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael) tabled new clause 4, which was not selected but which would have allowed direct access to the Court of Appeal to appeal against sentence. New clauses 17 and 18 are extensions of that new clause's provisions.

It is common sense that a wrongful conviction is a cause of deep concern. Many of us have been involved in campaigns against miscarriages of justice. Clearly, we feel that there should be access directly to the Court of Appeal for people who believe that, despite having lost a previous appeal, their cases should be heard again.

In his report into the investigation of the Preece case, the ombudsman said:

"A miscarriage of justice by which a man or woman loses his or her liberty is one of the gravest matters which can occupy the attention of a civilised society. And it seems to me that when an unprecedented pollution of justice at its source is discovered, quite an exceptional effort to identify and remedy its consequences is called for."

Surely, such views are generally held.

I hope that the new clauses will extend the idea behind, and the provisions in, the Bill because the opportunity to put right what has caused the growing concern about miscarriages of justice in England, Wales and Northern Ireland does not often occur. I shall deal later with Northern Ireland but I hope that we are well into a peaceful and healing process there. I believe that new clause 18 would assist in that respect.

8.15 pm

The proposed reforms to the criminal justice system in England, Wales and Northern Ireland fall a long way short of the changes introduced recently in the Republic of Ireland's Criminal Appeal Act 1993. In particular, a prospective appellant in the Republic who alleges that a new or newly discovered fact shows that there has been a miscarriage of justice now has the statutory right to appeal directly to the Irish Court of Criminal Appeal for an order quashing the conviction.

The rationale behind that new statutory method is simple. If the possibility of a miscarriage of justice is a matter of serious concern in a civilised society, which it is, every prospective appellant should be given a reasonable opportunity to present his case properly. At the moment, he does not necessarily have that right. There are a number of reasons for that.

First, there have been serious problems with the sharing of evidence, as was mentioned in earlier debates. Secondly, until the Bill becomes law, the Home Secretary would be the only route to the Court of Appeal after an appeal had been lost.

In our adversarial system, those in the best position to judge whether prospective appellants have an arguable case to overturn their convictions are their lawyers. That must be borne in mind because lawyers have a duty to defend the best interests of their clients and obviously work to get them released if they have a strong case. The new clause is therefore a means of enabling us to examine the issue further and giving that direct access to the courts.

I do not think that any useful purpose is served by the introduction of a quasi-judicial intermediary stage in the process. If the necessary evidence or arguments exist, it would serve only to increase costs and delay proper resolution of the case.

One could cite a large number of large cases involving a miscarriage of justice—I have been involved with some—where the present system of lack of access to the Court of Appeal other than through the Home Secretary or, in future, through the commission, has been found deeply wanting. For example, I recall the case of Sivalingham and Kulasingham, which I took to the Home Office several times. They were wrongly convicted of fire-bombing some property in east London and were sentenced to long terms of imprisonment. A death had occurred and the spectre of murder charges haunted them. Eventually, the Home Secretary agreed that the synthesis of argument put forward by myself and others had merit. There was a police investigation, the case was ultimately referred to the Court of Appeal and the people were released. There have been a number of similar cases.

What I find depressing is the hit-and-miss approach in examining miscarriages of justice. If one has influential friends or people who are prepared to campaign on one's behalf, there is a possibility of getting the case heard, of getting it before the Home Secretary and, ultimately, into the Court of Appeal. I do not want the new system to end up like the old one, in which getting a case before the

*[Mr. Corbyn]*

Court of Appeal depended on the strength and ability of one's campaign. Therefore, I believe that there should be a statutory right of access to the Court of Appeal.

**Mr. Oliver Heald** (Hertfordshire, North): I am grateful to the hon. Gentleman for giving way. Does he agree that one of the difficulties with the system that he proposes is that it would open up the possibility of multiple applications being made to the Court of Appeal, time after time, by appellants who were in person without the advice of lawyers, which could result in the Court of Appeal being clogged up with cases that really have no great merit? Is it not better to have a filter of the sort that the Government suggest?

**Mr. Corbyn:** Clearly, a number of people would put cases forward repeatedly. I understand that problem and see that particular danger, although I think that it is possibly slightly exaggerated. What I am concerned about is the large number of cases that C3 has dealt with over the years, the delays involved in them, and, as I said earlier, the hit-and-miss approach on how a case gets to the Court of Appeal. Although some cases will not get very far, surely it is better that cases come before the court—they may well be re-examined by the court and dismissed, but new evidence would have to be produced to have the case re-examined, or there would have to be some argument in support of it—than to have a system in which there is a serious danger that there would be a continuation of miscarriages of justice in this country.

The people who were released fairly recently, following miscarriages of justice, are not the only ones, given the quality of legal representation in the first place, the quality of the evidence that was collected, the lack of sharing of that evidence and all the problems that go with it. That cannot be right. My hon. Friend the Member for Sunderland, South (Mr. Mullin) has chronicled in the House on a number of occasions, and did so again earlier today, the case of the Bridgewater Three.

New clause 18 gives the same powers to the Appeal Court in Northern Ireland, and would allow it to receive applications and to have access to them. That could be seen very much as part of a healing process and part of a peace process. Those who often have a significant mistrust of the judicial system in Northern Ireland, with the Diplock courts, would at least have direct access to a Court of Appeal to have their cases examined in some detail.

My hon. Friend mentioned the Bridgewater case. I represented evidence to the Minister on 8 June 1993 with the solicitor representing the accused. We were promised a rapid investigation and a rapid answer. It is now 1995. It is coming up to two years since I personally deposited a substantial dossier of 1,100 pages and 100 new items of evidence on his desk. We are on to the eighth police inquiry. That case cannot go on for ever being batted back and forth, with huge amounts of new evidence being produced. Indeed, evidence suggests that there was a lack of disclosure of evidence in the first place. I hope that, in his reply, the Minister will reiterate what he said earlier or at least give me some hope that that case will be referred as soon as possible.

Those essentially are my main points. There is a fundamental weakness in the Bill in that it does not allow direct access to the Court of Appeal. Anyone who has been involved in the misery and horrors of long-term campaigning on miscarriages of justice will recognise that the new clause would be an important step forward. It cannot be right that there is limited access to justice, that it is limited to those who can afford it or who have friends who are prepared to campaign for it. That is why I tabled my new clauses, which would strengthen, not weaken, the Bill. I believe that they would strengthen the judicial system and give much greater equality of access to the law for everyone, not just the rich and the famous or those who have such friends. It should be available to everybody. I think that this will be a major step toward.

**Mr. Donald Anderson** (Swansea, East): I wish to give the Labour party's blessing to the new clauses tabled by my hon. Friend the Member for Islington, North (Mr. Corbyn) in so far as we understand their purpose, which he outlined, and their effect. If the Government feel that the effects of the new clauses go too far and if they wish to limit them in some way or to protect access to the Court of Appeal, they can, of course, do so by tabling amendments.

Essentially, we agree with my hon. Friend that the Court of Appeal should not shut the door. There is a case for access other than through the section 17 procedure. The history of the cases that form the background to the royal commission and the public concern on the matter only add weight to that. Therefore, we believe that the principle is worthy of support. The Court of Appeal already has its sifting mechanisms and sanctions, which are available. They include a single judge, at which some two thirds of applications fail. If the applications so fail, legal aid will not be available for the case thereafter. There is also the possibility of losing time.

We have only one hesitation in principle: what mechanism can one devise to deter repeated applications that are without merit? Having said that, we are inclined to support the principle of my hon. Friend's new clauses. We look forward to the Minister's reply, which we hope will be as forthcoming as that in the previous new clauses.

**Mr. Nicholas Baker:** I welcome the hon. Member for Islington, North (Mr. Corbyn) to the discussions. I certainly respect the reasons that prompted him to table his new clauses. I confess, however, to being slightly puzzled when I first saw them, because they appear to call into question the very purpose for which the commission was created. I think that the hesitation expressed by the hon. Member for Swansea, East (Mr. Anderson) in that respect was entirely understandable and right.

The commission will be tasked with investigating possible miscarriages of justice and given power to refer cases, whether in relation to a conviction or sentence—or both—to the courts for them to consider at the resulting appeal. It will, essentially, be a body of last resort, whose role will begin—save in exceptional circumstances, such as when a court uses the powers introduced by clause 5 to order an investigation—when all other avenues of appeal have been exhausted. I emphasise that anyone may approach the commission, whether on his own behalf or on behalf of another. If the commission believes that the case meets the criteria for reference in the Bill, I know of nothing to suggest that the case will not be referred. That is the commission's role. Therefore, I have to ask what need there is to provide for the Court of Appeal to hear second, third—or more—appeals on the same conviction.

The hon. Member for Islington, North asked me about the Carl Bridgewater case. I can tell him that the police report is expected very shortly. One reason why the inquiry has been extended has been the need to consider further matters raised by the solicitors on several occasions since June 1993. We shall give a very high priority to considering that report.

I can also assure the hon. Gentleman that low-profile cases—which, I know, are the ones that he has in mind—are not ignored. No case is ignored by the Secretary of State. I know of nothing to suggest that any case will be ignored by the commission. The Secretary of State refers cases on their merits, and so will the commission. If any case meets, in the commission's view, the criteria for a reference set out in the Bill, it will be referred.

My hon. Friend the Member for Hertfordshire, North (Mr. Heald) was right. The new clauses would allow those who were tried originally on indictment, who had already exhausted the usual appeal procedures, to bypass the commission and to appeal again to the Court of Appeal in relation to their conviction and, subject to leave being granted, to have their appeal heard.

8.30 pm

Aside from the fact that that is unnecessary in view of the Government's decision to create the new commission, I can see other real difficulties with what the hon. Gentleman proposes. First, the new clauses would remove the concept of finality in criminal proceedings. It is essential that all cases are considered fairly, but it is also important that there is finality. The hon. Gentleman may be aware of the important case of Pinfold, which established the principle that the Court of Appeal may not entertain a second application for leave to appeal in the same case. Providing what would effectively be extended rights of appeal on conviction would breach that principle.

My second concern about the new clauses is that they relate to the need for investigation of alleged miscarriages of justice, and who would be responsible for that? That is a real difficulty. Thirdly, the proposals would be bound to create confusion. Under them, applicants would be able to make representations to the court and to the commission.

We have put in the Bill a strong and effective last resort procedure in place of the powers of the Secretary of State to investigate and refer cases to the courts. A last resort procedure will be precisely that. For those reasons, I regret that I cannot support the new clauses and I invite—

**Mr. Corbyn:** I thank the Minister for giving way just before completing his reply. I referred to the anomaly that in the Republic of Ireland there is a wider right of access to the Court of Appeal than there is at the moment in Northern Ireland or would be should the Bill become law. Does the Minister recognise that an obvious lesson will be drawn from that by people in Northern Ireland concerned about miscarriages of justice, possible delays by the commission or the commission not supporting or being willing to refer a case? They would have an unfettered right of access south of the border, but not north of the border.

**Mr. Baker:** People south of the border in Ireland would not have a commission operating in the same way that this commission will operate, which will be a real advantage for all the reasons that I have given.

Therefore, I regret again to have to ask my hon. Friends to reject the new clause.

*Question put and negatived.*

## Clause 2

GROUNDS FOR ALLOWING AND DISMISSING APPEALS

**Mr. Trimble:** I beg to move amendment No. 14, in page 2, line 38, at end insert—

'For the purposes of this section "unsafe" means, where in the light of representations made to the court and of all the circumstances, it is not satisfied—

(i) that the appellant is guilty of the offence; or

(ii) that a reasonable jury would have convicted the appellant if the trial had, in all respects, been conducted properly.'.

**Madam Deputy Speaker:** With this, it will be convenient to discuss also amendment No. 15, in line 45, at end insert—

'For the purposes of this section "unsafe" means, where in the light of representations made to the court and of all the circumstances, it is not satisfied—

(i) that the appellant is guilty of the offence; or

(ii) that a reasonable jury would have convicted the appellant if the trial had, in all respects, been conducted properly.'.

**Mr. Trimble:** With these amendments, we come to ground on which touched on Second Reading and in Committee, although we did not have the opportunity in Committee to consider this particular measure. However, hon. Members familiar with the debate will recognise the source of the amendments in that they are drawn from the valuable and useful article by Sir John Smith, which was kindly made available to us and relied on not only by me but by members of the Labour Front Bench and the Government at various stages in the debate. It cannot be often that a draft academic article, supplied largely through the hon. and learned Member for Burton (Sir I. Lawrence), is quoted from so copiously in debates.

It was towards the end of Sir John Smith's article that he put forward the suggested definition of the word "unsafe". It will be of value if that definition is included in the legislation. A significant feature of the legislation is that it replaces as the ground for referring cases to the Court of Appeal the simple concept that the conviction may be unsafe.

Justice, in its briefing notes for this stage of the Bill, commenting on this subject, says:

"A great deal will hinge on judicial interpretation of a single word, namely, unsafe."

It goes on:

"The traditional practice already varies between the two jurisdictions of Northern Ireland and England and Wales."

That is indeed the case. There is such a variation in practice.

Justice argues:

"There are significant differences of interpretation within each of those jurisdictions between different judges, particularly at the critical leave to appeal stage which is decided by a single judge on the papers, particularly on such matters as lawyers' errors. We therefore continue to argue for the legislation to signal clearly that what is required of judges is doubt as to the safety of a conviction, not certainty as to its unsafety."

That is to some extent what the amendments hope to do by inserting into the relevant legislation definitions of that single word "unsafe". At present, everything will hinge on its judicial interpretation.

*[Mr. Trimble]*

There has been, as hon. Members have said, a sea change in the approach of the Court of Appeal, or some members of it in England and Wales. In Committee, the Minister said that it was the intention to consolidate that new broader approach. That is fine if the word "unsafe" is consistently given that broader interpretation. However, there is a danger that that will not happen. It is not safe in the present situation simply to rely on the assurances of some members of the judiciary, no matter how senior they may be, that the word will be given a broad interpretation.

We cannot be sure that that will be done in all cases and, speaking as a Member from Northern Ireland, I cannot be sure that the same broad interpretation will be given by the courts in Northern Ireland, particularly when the background is that the courts in Northern Ireland have not seemed to have had as thoroughgoing a sea change as the Court of Appeal in England and Wales.

It is for that reason that it is desirable to spell out in a little more detail the definition of "unsafe". That Sir John Smith did in terms that I am happy to adopt and put forward for the consideration of the House. That will help to send to the courts the clear signal that we are expecting, in the operation of the legislation, to see underwritten and, if necessary extended, the different broader approach which has been adopted in some of the more recent English cases. We hope that it is consolidated and whole-heartedly adopted in Northern Ireland.

**Sir Ivan Lawrence** (Burton): The Bill's purpose is to provide an effective and speedy system for correcting miscarriages of justice. One limb of the Bill, at clause 2, requires the Court of Appeal to allow an appeal if it thinks that the conviction is unsafe.

At the prompting of the eminent academic, Professor Sir John Smith QC, whose reputation in the field is accepted by the Court of Appeal and senior judges, I raised a number of issues on Second Reading which, on the face of it, challenge the use of the word "unsafe". I circulated to hon. Members on both sides of the House, as the hon. Member for Upper Bann (Mr. Trimble) said, the professor's draft article, which also raised other issues of possible confusion.

The suggested amendment to the Bill proposed by Professor Sir John Smith has formed the amendment now proposed. However, the draft article was written in response to the Runciman royal commission's analysis of the situation, before the publication of the Bill and before our Second Reading debate. As a result of the publication of the Bill and of hearing the Second Reading speeches, Sir John has updated his version of the article and, having seen clause 4, he has added the words "of any fresh evidence" to his suggested definition of "unsafe". It now reads:

"A conviction is unsafe where, in the light of representations made to the Court, of any fresh evidence, and of all the circumstances, it is not satisfied—

(i) that the appellant is guilty of the offence;

(ii) that a reasonable jury would have convicted the appellant if the trial had been properly conducted in all respects."

That addition, however, is but a detail.

What is more than a detail is what Sir John says about the substitution of the words "capable of belief" in clause 4 for "likely to be credible", the purpose of which is apparently to lower the high test of "likely to be credible" before fresh evidence is admitted under section 23 of the Criminal Appeal Act 1968 to the lower test of "capable of belief", and thus to allow evidence to be admitted that might be excluded under the existing test. Sir John said in his article, although in much more elegant language, that as "credible" means "believable", according to the *Shorter Oxford Dictionary*, the distinction intended to be drawn is utter nonsense.

Furthermore, Sir John says that although one can say, if one is the Court of Appeal, that some fresh evidence is "likely to be credible" before one hears it, one cannot say that it is in fact credible until it has been given and cross-examined, which would have to be after the Court of Appeal is expected to make its decision to admit it. That shows that the great academics will go on arguing about any definition that we arrive at in this place to explain further the word "unsafe".

I am caught on the horns of a dilemma on the amendment. Although I understand the point of defining "unsafe", and of making it statutory and, therefore, binding on future courts of appeal, it is obvious that definitions will not be agreed so easily. If the word is defined, I foresee long years of argument in the Court of Appeal. The Society of Conservative Lawyers wanted "lurking doubt" made statutory because the Court of Appeal did not always follow the line laid down in the early cases of Cooper and others on that phrase.

I have no doubt that my hon. Friend the Minister will respond by saying that the Lord Chief Justice is content that "unsafe" would be clear, just and comprehensible, and would enable the Court of Appeal to quash a conviction on both evidential and procedural grounds. I am not sure whether that means that, in certain cases, inadmissible evidence will be allowed to render the verdict unsafe. Apparently, we must await the Law Commission's report on the rules of evidence before that decision is reached.

Of course, a problem exists about allowing the Court of Appeal to admit evidence that is inadmissible at the trial. There is something faintly absurd about allowing evidence to be admitted in one court and not in another. Equally, there is a problem, if one wants to avoid miscarriages of justice, about allowing a person to remain convicted of crime where evidence exists of his innocence that cannot be admitted because it is hearsay, however powerful that evidence may be.

The summary of Sir John's amended article says that

"the problem which will arise if the Criminal Cases Review Commission finds convictions to be unsafe on grounds which are inadmissible in evidence is more serious than has been recognised; and that the only satisfactory way to deal with the matter is to admit at the trial, subject to safeguards, any evidence, the exclusion of which might render a conviction unsafe."

**Mr. Donald Anderson:** I assume that the hon. and learned Gentleman is aware that the Law Commission is studying that point in relation to the hearsay rule, and hopes to produce its conclusions, I believe, by the summer.

**Sir Ivan Lawrence:** That is why I said that, apparently, we must wait for that report before the Government are minded to take any further steps.

I am driven reluctantly to conclude that the word "unsafe" undefined is as likely, because of its simplicity, to avoid a miscarriage of justice as any definition that will

be argued over by academics and judges in the Court of Appeal, indefinitely, at great cost to the criminal justice system.

The Select Committee on Home Affairs recently heard evidence from Mr. Justice Brooke, who is the distinguished chairman of the Law Commission. He says that, as an argument for codifying the criminal law, an assessment is needed of the cost of uncertain law. The permanent secretary to the Lord Chancellor's Department told the Home Affairs Select Committee not many minutes ago that he would try to assess the costs to the system of convicting people who are subsequently considered by the Court of Appeal, interpreting the meaning of words, to have been innocent in law and acquitting them—costs that will obviously turn out to be substantial to the system.

The only question in my mind is whether a future Lord Chief Justice, unfettered by a statutory definition, would adopt the same attitude as the present incumbent, who is apparently saying, "Unsafe is okay for us. The Court of Appeal will take into consideration matters of procedure and of evidence, and we need no further definitions."

This is probably a case for guidelines. But, whichever way we decide on the amendments, thankfully, there is no prospect of the work of the criminal Bar being concluded. I only hope that the resource pool from which legal aid fees are drawn never dries up.

8.45 pm

**Mr. Donald Anderson:** I thank the hon. and learned Member for Burton (Sir I. Lawrence) not only for distributing copies of the famous draft article to all relevant hon. Members, which formed the basis for discussions in Committee, but for again acting as the middleman and intermediary between Professor Sir John Smith and the House. It can hardly be satisfactory that we need such a middleman. The Bill is essentially non-partisan and cries out for consensus, and for the House to get it as right as it reasonably can, in the knowledge that such Bills come before the House only once in a generation.

Surely, rather than having an expert middleman like the hon. and learned Gentleman, on reflection this should have been a matter for a Special Standing Committee, which he, as the Chairman of the relevant Select Committee, would have chaired. It is sad that, since the inception of that new Special Standing Committee procedure in 1980, and the first flush of Special Standing Committees in the 1980-81 Session, when three Bills—the Criminal Attempts Bill, the Deep Sea Mining (Temporary Provisions) Bill and Education Bill—were discussed in that way, only three Bills have gone through that procedure. In the past 10 years, only one Bill has gone through it.

Such a procedure was set up precisely for Bills of this sort. We could well have had four such sittings prior to the Standing Committee. We could have called before the Special Standing Committee relevant practitioners and academics of the stature of Sir John Smith. As a result, we would probably have emerged, not with a higher standard of confusion about the various formulae that have been adopted but with a much clearer understanding, which would have been more likely to stand the test of time. That said, I believe that an opportunity was missed. I hope that hon. Members will be alert to the existence of the Special Standing Committee procedure and will be more ready to adopt it.

The amendments seek the objective that we sought in Committee—the definition of "unsafe" or "unsatisfactory". I accept the point that, whatever the phrase used, it is capable of widely varying interpretations depending on the tribunal that considers it. There will be no finality, because the composition of the Court of Appeal may change. Although we are told that the current formulation reflects the practice of the current Court of Appeal, we know that, just as the prevailing climate of the Court of Appeal has altered markedly over the past few years, the position could alter in future. All that the House can do, therefore, modestly recognising that there can be no finality, is to give as strong a signal as possible to the judges about our views.

I hoped that the formulation that came from the royal commission, which was accepted by the Law Society and the Bar Council, would be acceptable. It proved not to be acceptable to the Government, and they may rue that. They have said that there were wide consultations on the matter, but we are rather puzzled about that. The starting point was the royal commission and all the published evidence was in one direction. The Government talk about wide consultation, yet they have come to a view that is contrary to all the known published evidence. On the face of it, that is anti-democratic; it does not enhance the quality of debate. I repeat the point about the case for a Special Standing Committee.

The hon. Member for Upper Bann (Mr. Trimble) has taken the initiative of adopting the suggestion of Professor Sir John Smith. We need inter alia to give a signal and some guidance, especially if we wish to make the test less restrictive than the old test.

In the helpful clarification given to the Committee, which is now relevant because of the Pepper *v.* Hart case, the Minister helpfully said:

> "We do not intend the test to result in fewer convictions being overturned than at present, or to narrow the grounds for allowing an appeal . . . I repeat what I said to make it absolutely clear: the intention is to consolidate the existing practice of the Court of Appeal and to provide as simple and clear a test as possible . . . The test that we propose fully allows a conviction to be quashed on a lurking doubt. The appellant does not have to prove that a conviction is unsafe; the court merely has to think that a conviction is unsafe. It would be hard to enact the lurking doubt test more explicitly."—[*Official Report, Standing Committee B*, 21 March 1995; c. 25.]

Those remarks will be relevant; they will be read and acted on by the Court of Appeal following the Pepper *v.* Hart principle. If the Government are prepared to agree that the formulation accepts the lurking doubt principle, why do they not say so explicitly? What is the mischief in accepting an amendment that would put the matter clearly in statute?

Our judgment is that we need a clearer definition for the formula. It may well be that the formula set out by Professor Sir John Smith is not wholly adequate. I hope, however, that the Government will consider the matter and come forward with a considered view. I hope that the current test of "unsafe", which is not defined and which is certainly not approved by all those whose evidence we have read, will be seen by the Minister to be insufficient. We need to give a clearer signal. We would certainly be ready to support the formulation of Professor Sir John Smith, as set out in the amendment.

**Mr. Nicholas Baker:** Although I cannot accept everything that the hon. Member for Swansea, East (Mr. Anderson) has said, I take his point about consensus. I do not think that, except in a very technical sense, this is a matter for a Special Standing Committee. The hon.

*[Mr. Nicholas Baker]*

Gentleman is, of course, right in saying that we are giving our view to the judges. I am glad that he read out my own words which I cannot oppose. They and all our words will be read and used.

We had consultation, about which the hon. Member for Swansea, East asked. It was not, however, the case that everyone came to the same view. We came to the view that it was right to follow the royal commission in replacing the current three overlapping grounds of appeal with a single broad ground of appeal. The amendment would replace that single ground with two grounds. The hon. Member for Upper Bann (Mr. Trimble) has most helpfully and usefully tabled the amendment, but I see difficulties with the definition. It is possible that some of the words are restrictive. The words "a reasonable jury" invite difficulties which throw me back, as we were thrown back following the earlier consultation, on the rightness of having a single test.

In a brilliant speech, my hon. and learned Friend the Member for Burton (Sir I. Lawrence) has explained to us, using all his background, how academic views can change and how the discussion will go on. He raised the point about inadmissible evidence. We felt that it was necessary to preserve the option of a pardon in cases that could not be considered because of inadmissible evidence. My hon. and learned Friend is right to say that we shall wait for and carefully look at the Law Commission's report.

I come back to the approval given by the Lord Chief Justice, which I mentioned in Committee, for one test—the test of "unsafe". It is clear, just and comprehensible. My hon. and learned Friend the Member for Burton left out the next words, which will appeal to the hon. Member for Islington, North (Mr. Corbyn) as they appeal to me. The Lord Chief Justice added the words "to the ordinary citizen." If we want the system to be transparent and if we want everyone to feel that the commission is available to them, we want, as far as possible, language that the ordinary citizen can understand. I believe that the test will stand. It will, of course, depend on the judges' interpretation. It is a broad definition and I believe that we are right to stick to one test. For those reasons, I cannot accept the amendments.

**Mr. Trimble:** I very much regret the line that the Minister has taken. To some extent, he misunderstands the position. We do not seek through the amendments to change the test; the test will be set out as "unsafe". We do not propose to alter the single ground—whether the court thinks that the conviction is "unsafe". The amendments are an attempt to spell out in a little way the meaning of "unsafe" and to suggest the broad range of things that can go to make up the definition of "unsafe".

The hon. and learned Member for Burton (Sir I. Lawrence) referred to the possibility that people will argue as to what the definition of the clause and the terms in it mean and how academics may still argue about things and change their views from time to time. Well, judges may do exactly that as well.

For many years, there have been grounds on which the Court of Appeal could overturn convictions and we have seen how the approach of the Court of Appeal has varied. We are delighted to see how in recent years the approach of the Court of Appeal in England has been broader. In Committee, the Minister said that the single word "unsafe" was intended to consolidate that approach by the Court of Appeal, by which I take it that he is referring to the recent, more liberal interpretation by the Court of Appeal in England. That shows how there has been a difference in approach.

The definition is to enable us to find a way in which to signal clearly to the judges—not only to the present Lord Chief Justice, who is apparently ready to take a good, broad, liberal view, but to all the judges, all the future judges and all the judges in Northern Ireland as well as those in England—that we want to underwrite and clarify the new, broader approach developed in some recent cases by the Court of Appeal.

I agree with the points made by the hon. and learned Member for Burton about inadmissible evidence. That issue must be tackled. I do not see that it is relevant to these amendments or would be a ground for turning them down. None the less, although I am not especially happy with the line that the Minister has taken—I do not think that it is particularly coherent—I do not wish to delay the proceedings. I am sure that the matter will be considered again in another place. I trust that, by then, the Government will have a slightly broader and more liberal approach. In the light of that and with that hope, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

## Clause 8

THE COMMISSION

9 pm

**Mr. Nicholas Baker:** I beg to move amendment No. 30, in page 7, line 33, leave out '(which for this purpose' and insert

'and of them at least one shall be a person who appears to him to have knowledge or experience of any aspect of the criminal justice system in Northern Ireland; and for the purposes of this subsection the criminal justice system'.

**Mr. Deputy Speaker (Mr. Michael Morris):** With this, it will be convenient to discuss also amendment No. 20, in page 7, line 35, at end insert—

'(6A) At least one of the members appointed under subsection (6) above shall be a person who appears to the prime Minister to have sufficient knowledge or experience of the criminal justice system in Northern Ireland.'.

**Mr. Baker:** During our discussions in Committee on qualification for membership of the commission, I agreed to look further at whether the Bill could be amended to provide for one member of the commission to have knowledge and experience of the criminal justice system in Northern Ireland. As hon. Members know, it has always been our intention that the commission should include at least one member with just such experience and we see merit in making that clear in the Bill, not least in the light of the discussions initiated by the hon. Member for Upper Bann (Mr. Trimble). Amendment No. 30 is the result of our deliberations on how best to do that and I commend it to the House.

**Mr. Trimble:** I rise simply to thank the Minister on this occasion for accepting an amendment which I tabled in Committee. I am very glad that he has had the good sense to accept what I said. I simply regret yet again that he did not have the good sense to accept what I said a few moments ago.

*Amendment agreed to.*

**Clause 13**

GENERAL PROVISIONS ABOUT REFERENCES

**Mr. Michael:** I beg to move amendment No. 23, in page 10, line 34, leave out from first 'appeal' to 'against'.

**Mr. Deputy Speaker:** With this, it will be convenient to discuss also amendment No. 26, in page 10, line 40, leave out from 'appeal' to 'against' in line 41.

**Mr. Michael:** We had quite a discussion in Committee about the limitations in clause 13 on the reference of matters to the commission. The Bill as it stands does not change the present situation—that fresh evidence is needed before the Court of Appeal can consider a further appeal in a case of alleged miscarriage of justice. The clause was changed in Committee. It was amended quite considerably, in fact, but it was not amended in the way in which the Opposition recommended. Indeed, we believe that the amendments resulted in a restriction which is far too tight.

As I said, there is a case for arguing, as the Bill now provides, that evidence which has been considered by a court should not be sufficient for the reopening of a case. There is a case to be made for perhaps allowing the court a little discretion where the commission wishes to bring matters to the court, but that is not in dispute today. We seek to remove the words from clause 13 which mean that matters which have been raised on application for leave to appeal should be sufficient to rule out further consideration. Perhaps I should express that again; it is not a simple point.

The clause as redrafted in Committee is so tight that, if an issue has been raised or evidence has been brought forward during an unsuccessful application for leave to appeal, it cannot be used in arguing the case for investigation by the commission and subsequent appeal by the Court of Appeal. That seems too tight and restrictive. Therefore, it seems sensible to remove those words, which is precisely what our amendments do.

In clause 13, line 34, we would leave out the words that effectively mean that evidence has been raised

"on any appeal on application for leave to appeal against, the conviction, verdict or finding."

It is not a vast widening of the powers of the courts to consider fresh matters where the commission considers that they should be so considered, but it would avoid a restriction which may in the fullness of time be seen to be unnecessarily tight and to prevent reference to the Court of Appeal and consideration by the Court of Appeal of cases where there is manifestly real concern that a miscarriage of justice has occurred.

In view of the importance of restoring confidence in the court system and in the criminal justice system, we think that clause 13 constitutes one step too far, one restriction too tight, and that the Minister would be well advised to reconsider the amendments which were made in Committee and to allow the simple and modest change sought in amendments Nos. 23 and 26.

**Mr. Nicholas Baker:** Clause 13 provides that there should be some new element for the courts to consider before a referral of a conviction, verdict, finding or sentence may be made by the commission. The hon. Member for Cardiff, South and Penarth (Mr. Michael) said that that makes the criteria within which the commission must operate narrow and restrictive. I am afraid that I cannot accept that, and I reject it.

The criteria provided in the Bill are wide and sensible. They enable the boundaries between the commission's functions and those of the courts to be clearly defined. Indeed, we believe that the criteria as drafted are broad enough to allow the commission to refer any conviction, verdict or finding where there is new evidence or new argument in relation to any evidence which may have already been raised which is of sufficient weight, bearing in mind the context of the case as a whole, to give rise to a real possibility of the appeal being allowed.

The amendments seek to exclude, from the definition of matters already raised within the terms of clause 13, any matters raised only in an application for leave to appeal. We do not think that that would be right. If the matters raised as grounds for appeal are rejected by the single judge, the applicant can renew his application to a full court. If they are then rejected by the full court, what useful purpose would be served by the commission's referring the case to a court on those same grounds—unless there were some new evidence or argument for the court to consider?

Were some new evidence or argument to come to light, and were the commission to consider that the case met the criteria for referral, it could be referred anyway, using the criteria that we have provided. For those reasons, I cannot support the amendments.

**Mr. Michael:** The Minister has misunderstood the whole position, and has taken an excessively legalistic approach to a commonsense amendment. He said that there must be some new element for the court to consider. In other words, if the courts have considered something once, that is not new. But our amendments do not contradict that idea. We say that, although an element is not new if it has been considered by a court, it may be new if it has been considered only during the course of an application for leave to appeal.

The Government's approach is unduly restrictive, and the Minister's analysis of the position is wrong, as is his response to this brief debate. He should think again, because I have no doubt that the Government will be invited to think again when the clause is debated in another place. Between now and then, the Minister would be well advised to consider the points that I have made, as well as what was said by several Members in Committee in a rather wider-ranging debate on how closely it is appropriate to restrict the commission.

*Amendment negatived.*

**Clause 15**

ASSISTANCE IN CONNECTION WITH PREROGATIVE OF MERCY

*Amendment made:* No. 31, in page 12, line 38, at end insert—

'(2) Where in any case the Commission are of the opinion that the Secretary of State should consider whether to recommend the exercise of Her Majesty's prerogative of mercy in relation to the case they shall give him the reasons for their opinion.'.—*[Mr. Maclean.]*

## Clause 16

POWER TO OBTAIN DOCUMENTS ETC

*Amendments made:* No. 32, in page 12, line 44, leave out

'The Commission may, where it is reasonable to do so,'

and insert

'Where it is reasonable to do so, the Commission may'.

No. 33, in page 13, line 5, at end insert

'and may direct that person that the document or other material must not be destroyed, damaged or altered before the direction is withdrawn by the Commission.'.—*[Mr. Maclean.]*

## Clause 19

INQUIRIES BY INVESTIGATING OFFICER

*Amendments made:* No. 34, in page 15, line 19, leave out from 'may' to end of line 21 and insert

'take any steps which they consider appropriate for supervising the undertaking of inquiries by an investigating officer.'.

No. 35, in page 15, line 21, at end insert—

'(4A) The Commission may at any time direct that a person appointed as the investigating officer in relation to a case shall cease to act as such; but the making of such a direction shall not prevent the Commission from imposing a requirement under section 18 to appoint another investigating officer in relation to the case.'.

No. 36, in page 15, line 27, at end add—

'(6) When a person appointed as the investigating officer in relation to a case submits to the Commission a report of his findings he shall also submit to them any statements and opinions obtained, and any reports commissioned, in connection with the inquiries which he was directed to undertake in relation to the case.'.—*[Mr. Maclean.]*

**Mr. Michael:** I beg to move amendment No. 5, in page 20, line 10, after 'appoint', insert 'subject to subsection 1A'.

**Mr. Deputy Speaker:** With this, it will be convenient to discuss also the following amendments: No. 6, in page 20, line 11, at end add—

'(1A) The powers of the Commission in sections 9 to 13 of this Act to investigate any sentence given by a Court shall not come into force until a draft regulation setting out a timetable for their implementation has been approved by a resolution of both Houses of Parliament; and no such draft regulation shall be laid before either House of Parliament until at least twelve months after the Commission has been established.'.

No. 40, in page 20, line 11, at end add—

'(1B) Any power in this section of this Act to make regulations or orders shall be exercisable by statutory instrument.'.

No. 39, in page 20, line 11, at end add—

'(1C) Until such time as the powers of the Commission referred to in subsection (1A) above have come into force, transitional arrangements shall operate as laid out in subsection (1D) below.'.

No. 41, in page 20, line 11, at end add—

'(1D) In section 11 of the Criminal Appeal Act 1968 (supplementary provisions as to appeals against sentence) after subsection (1A) there shall be inserted the following subsection—

"(1AA) The Court of Appeal may, if they think it necessary or expedient in the interests of justice, grant leave to appeal against sentence notwithstanding that a previous application to appeal has been determined (either by refusal of leave or after a substantive hearing) in respect of the same sentence.".'.

**Mr. Michael:** The clauses with which we are dealing give the commission powers to investigate sentences. Everybody who has been involved with the campaigns to establish a body to deal with miscarriages of justice is puzzled and bemused by the Government's decision to give such powers to the commission, and subsequently to the courts—but especially to the commission.

In Committee, we received no satisfactory answer as to why the power had been given. When we asked whether such a power would not clog up the whole system, there was no answer to that, either. Anyone who has dealt with any seriousness with the prison system, and has experience of talking to prisoners, knows that there is much resentment among prisoners about sentences, and a great wish to have them changed. Sentences are one of the issues that cause the greatest amount of debate and discussion.

The amendments would provide a cushion, or safety valve, because they would allow the Government to keep in the Bill a provision that we believe is unnecessary and possibly ill advised, but they would also provide for a delay in the implementation of the provision for reconsidering sentences.

During the interim period, it will be possible to see what sort of burden of work is being put on to the commission, and whether it has the capacity to deal with the additional burdens imposed by a provision that was not sought or recommended by the royal commission and has not been mentioned in the general debate on the type of body that should be established to investigate miscarriages of justice.

The idea seems to have arisen from a desire to deal with the interests of the Home Office, rather than to fulfil the prime responsibility under the Bill, which is to establish a proper mechanism for dealing with allegations that miscarriages of justice have taken place.

Amendment No. 6 says that the powers that the Government seek, which we suggested in Committee should not be among the provisions of the Bill, should not come into force until draft regulations setting out a timetable for implementation have been approved by a resolution of both Houses of Parliament, and that no such draft regulations should be laid by either House until at least 12 months after the commission has been established.

The point is that, during that 12 months, the commission can become established. It will be for Ministers to assess the work load. If we are wrong and the commission is not overloaded, Ministers will surely go ahead at that stage. If we have been right, Ministers will be able to control the situation. Either way, Ministers would lose nothing by accepting our amendments, and would gain a great deal in terms of flexibility and the capacity to avoid dangers that may arise.

9.15 pm

Amendments Nos. 39 and 41 establish transitional powers, and respond to points made by Ministers during the debate in Committee. They suggested that, if there was a delay in the provision of these powers or if they were not provided at all, there would be an anomaly. So the transitional arrangements which are effectively contained in amendment No. 41 will allow the Court of Appeal, if the court thinks it necessary or expedient in the interests of justice, to grant leave to appeal against sentence, notwithstanding that a previous application to appeal has been determined. So it allows for that arrangement to take place.

In Committee, we had a comparatively short debate, in which the Minister was not able to set out good reasons for including sentence within the burdens to be placed on the new commission. It is surely a matter of common knowledge that the royal commission concentrated on miscarriages of justice, and that that led the royal commission to recommend the establishment of the body that we are creating in the Bill.

In his response to the Committee debate, the Minister said:

"I acknowledge that the royal commission did not recommend that the commission should refer sentences to the courts—in fact, it did not mention the matter."—[*Official Report, Standing Committee B*, 30 March 1995; c.109.]

It did not mention the matter, because it was not a matter of general concern, contention or belief on the part of those who had taken an extended interest in the whole matter.

The power which the Home Secretary has at present to refer sentences to the Court of Appeal can be dealt with in a variety of ways. Those matters are already dealt with. I will not repeat the points that were made in Committee, but there are mechanisms for dealing with those matters. The Court of Appeal has powers. There is no reason to burden the commission, particularly in its early days, when it has a backlog of alleged miscarriages of justice to deal with, before it becomes established as a body with a more predictable work load.

I hope that the Minister will accept the amendments. They do not detract from or diminish the powers contained in the Bill. They provide a cushion, and ensure that those powers are not acted on precipitately or without evidence that the commission will be able to cope with the additional work load involved.

**Mr. Maclean:** During our debate in Committee, I set out in full the Government's reasons why we thought that the approach taken by the Opposition was misguided. There was a fundamental disagreement between us. The Opposition did not like the arguments that I advanced. I have no new arguments to advance tonight, because the ones that I gave in Committee were sensible and serious, and I will stick to them, but briefly.

The Government gave a good deal of thought to the future arrangements for dealing with wrongful sentences when drawing up their proposals for legislation in this area. One option that we considered was to provide extended rights of appeal to the courts, but we rejected this for several reasons.

First was the need to maintain some finality in criminal proceedings. If we were to provide extended rights of appeal on sentence of the sort that Opposition Members propose, the principle of finality established in the case of Pinfold would be breached, and the courts could well find themselves inundated with unmeritorious applications, with all the consequential delay and disruption which that would cause. Applicants would go on appealing ad nauseam to the courts. That cannot be right.

Secondly, it would be wrong, in our view, to provide extended rights of appeal on sentence while still requiring those alleging wrongful conviction to be referred to the new, more powerful commission before their cases could be reconsidered by the courts.

Thirdly, representations on sentence, as on wrongful conviction, often require some investigation. If the courts receive these applications, they will either require time-consuming hearings, or the applications will be dismissed on paper, at the risk of important points being missed or discounted.

Last but not least, if we were to accede to what the Opposition propose, there would be further scope for confusion, as, in making representations, some applicants raise points on both their conviction and their sentence. The amendments would result in such cases being simultaneously pursued in the Court of Appeal and investigated by the commission.

Although I understand that the Opposition's desire in proposing the amendment is genuine, it is misguided. It ignores the fact that the commission will be an investigative body, resourced and empowered to investigate possible miscarriages of justice. The Government believe that they are the persons best placed to look into possible wrongful sentences and refer them if appropriate.

That is the most sensible and cost-effective solution to the problem of who should deal with these matters following the abolition of the Secretary of State's powers. It simply does not make sense to take away the vast bulk of cases that come before my right hon. and learned Friend on conviction, to set up a powerful new independent commission to deal with them, and then to say, "Never mind, the Secretary of State can be trusted to deal with the handful of cases left on sentencing, and we shall ignore the new commission." It must be sensible to let the commission deal with those cases.

I explained in Committee the size of the work load that we envisage. I have nothing more to add to that. We do not envisage a large work load for those sentence cases. The powers provided in the Bill should be available to the commission from the beginning of its operation, so that it can do the full range of its work as quickly and effectively as possible. I do not propose that the commission be delayed for 12 months before having those powers.

For those reasons—the same as I advanced more fully in Committee—I cannot support the amendments.

**Mr. Michael:** I am surprised by the Minister's response, because he has had time to reflect on the debate that we had in Committee.

One barrister has expressed the concern that the clause gives an applicant the unfettered right to apply to the commission for his sentence to be referred to the Court of Appeal. He said that applicants are not restricted to matters which were known to the sentencing judge, or arguably should have been known then, or to the need to have exhausted the normal routes of appeal to the Court of Appeal.

From his response, the Minister clearly does not understand the Pandora's box that he is opening in giving the body that has been established to deal with allegations of miscarriages of justice, the responsibility to deal with problems and complaints about the weight of sentence. There is no body of existing law to help the commission or the Court of Appeal to assess the reductions that might be appropriate in a variety of circumstances.

The Minister has not said whether it is intended that the commission can refer sentences on the grounds that they are manifestly excessive or would need reviewing in the light of changed circumstances since a sentence was passed, or only on the narrow grounds of wrong facts or misinterpretation of the law at the time of sentencing. If

*[Mr. Michael]*

it is the latter, would it not be better to signal that in the Bill, to avoid confusion and a rush of unmeritorious applications?

The Minister has not taken on board the points that were seriously made by a variety of hon. Members in Committee. It is clear from his response today that he has given the matter no fresh thought. This will be a matter of debate in another place. Yet again, the Government will be well advised to consider carefully the arguments which the Opposition advanced in Committee and to think again.

It would be a tragedy if the body established to rescue our criminal justice system from the problems that have arisen due to miscarriages of justice, which is being established to restore confidence in the criminal justice system and provide confidence that miscarriages of justice can and will be dealt with properly, were constrained and overwhelmed with a number of applications on sentence.

The Home Secretary's power to review and refer with regard to sentence has been a relatively little-known power. It will inevitably be used more by the commission than it has by the Home Secretary. I hope that I am wrong, and that the commission will not be burdened as a result of this element in the Bill, but I fear that the Minister is wrong, and that, by his failure even to allow the cushion and protection that we offer in the amendments, he will build up problems for the future.

*Amendment negatived.*

**Schedule 1**

THE COMMISSION: FURTHER PROVISIONS.

**Mr. Trimble:** I beg to move amendment No. 28, in page 22, line 32, leave out 'and' and insert 'or

(aa) in the case of a function specified in sub-paragraph (3A), by any committee of, or by one or more of the members of the Commission, and'.

**Mr. Deputy Speaker:** With this, it will be convenient to discuss amendment No. 29, in page 22, line 39, at end insert—

'(3A) The functions referred to in sub-paragraph (2)(aa) are

(a) requiring the production of documents or other material under section 16,

(b) requiring the appointment of investigating officers under section 18,

(c) giving directions to investigating officers under section 19.'.

**Mr. Trimble:** With these amendments, we come to provisions in the schedule that relate to the way in which the commission will discharge its functions. The amendments relate to an issue that I mentioned in Committee, in respect of which I was glad to have the support of the hon. Member for Barrow and Furness (Mr. Hutton), who has also signed the amendment being considered this evening.

We were worried that the provisions in paragraph 6 of schedule 1 are designed in such a way that, whereas the primary functions of the commission, such as that of referring a case to the Court of Appeal, can be discharged only by the commission as a whole or by a committee consisting of not fewer than three members, any other function of the commission can be discharged by a committee or one or more members or an employee, so that, under the schedule, a range of important functions of the commission can be discharged by an employee. It seemed to me that that was not appropriate.

We mentioned the matter in Committee, and had the opportunity since Committee to table what I hope are amendments on which the Minister will look favourably. Of the functions that I have singled out in amendment No. 29, functions such as requiring the production of documents from other organisations, requiring the appointment of an investigating officer and giving directions to investigating officers, should not be dischargeable by an employee of the commission. They should be discharged through the commission, or at least a member of the commission.

I know that there is a provision in the schedule that those functions can be conducted

"under the general direction of the Commission"—

in other words, the commission can give general direction as to the way in which its employees are to discharge functions. But that does not satisfactorily answer the question about functions such as that of appointing an investigating officer.

Earlier, we had a debate about the provisions in clause 18 concerning the way in which investigating officers will be apppointed. The Minister of State laid great emphasis on the power of the commission to control and direct the conduct of investigations and to control the choice of who was to be appointed as an investigating officer. Yet when one reads the schedule, one discovers that those powers—control, supervision and direction and requiring appointments—can be exercised by an employee without the specific decision going through a commissioner. That is unsatisfactory.

I very much hope that the commission will not in practice avail itself of the tremendous width that paragraph 6 of the schedule affords. It would not be good practice for any type of commission to avail itself of those broad powers.

I hope that the Minister will look favourably on those amendments, which are sensible amendments to ensure that important functions are discharged, and that each specific exercise of them is under the control of the commission or, at the very least, a member of the commission.

**Mr. Hutton:** I shall not detain the House long, but I want to say one or two words about the amendments, which are simple but important. Before I do so, I wish to express my appreciation of the role that the hon. Member for Upper Bann (Mr. Trimble) played in Committee. He tabled several important and useful amendments, such as those that we are discussing.

The hon. Gentleman has drawn our attention to a fundamental issue. Obviously everyone wants the commission to work effectively, with the maximum flexibility. No one wants to place the commission in a straitjacket. We are discussing important powers—powers that might loosely be described as quasi-judicial. They relate to the appointment of investigating officers, the way in which the investigating officers are to perform and discharge their functions and responsibilities, and several another aspects.

Clause 20, which is not referred to in our amendment, gives the commission any other residual power that it considers it may appropriately take in relation to any inquiry. The amendments raise a very simple question:

why should those important powers be administered by an individual employee of the commission? The answer is that they should not.

It is clear in paragraph 6 of the schedule that there has been an attempt to rein in those powers by making employees subject to the general direction of the commission. However, as the hon. Member for Upper Bann has said, that is unlikely to be adequate to deal with the range and complexity of cases that may confront the commission. The acts of individual employees will be scrutinised or investigated ex post facto—after the event. I do not think that that is good enough; it would be too late.

9.30 pm

I think that it would be better if that part of the schedule specified in greater detail that those important powers should be exercised only by a committee of commission members or possibly by one commission member and not by individual employees. I do not think that that places an unreasonable restraint upon the commission's flexibility—far from it. I think that it will make the commission's important powers transparent and accountable to those people who are supposed to be responsible for their discharge—the commission members.

If that is not good enough for the Government, I ask the Minister to reflect on another point. We debated in Committee another aspect of the schedule concerning the commission's power to appoint employees. The Government insisted on amending the original draft of the Bill to refer to a chief executive of the commission. That employee is mentioned briefly in the schedule and his powers and general role and responsibility within the commission are not specified.

If the Minister is content with employees exercising powers—even some of the more important powers, such as those referred to in clause 20—I hope that he will consider reserving the responsibility for discharging some powers to the chief executive at least.

**Mr. Nicholas Baker:** We had a good debate about this matter in Committee, and I hope that hon. Members will forgive my fairly brief reply.

I respect the fact that the commission has been given very wide-ranging powers. In the schedule, we have provided some guidelines as to how commission members should exercise those functions. However, I think that we should resist the temptation referred to by the hon. Member for Barrow and Furness (Mr. Hutton)—many of whose comments I had great sympathy with—to get too involved statutorily with the workings and the management of the commission.

I accepted the advice of the hon. Member for Upper Bann (Mr. Trimble) earlier in the evening, and I am sorry that I cannot do so again in this case. We do not believe that the amendments that he has proposed are helpful to the commission—indeed, in one instance they could only confuse, and possibly weaken, the measures that we have provided to ensure that the commission's key decisions are taken at a proper level.

According to amendment No. 29, the decision requiring an investigating officer to be appointed under clause 18 should be made by one member of the commission acting on his own. The hon. Gentleman is quite right to say that that is a key decision. We recognise that fact, and we have provided that such decisions should be taken by a committee of not fewer than three members. In so far as paragraph 6(3)(d) is untouched, the amendment would lead to confusion between the two provisions.

The hon. Gentleman's amendments are not helpful, because I believe that they would inevitably slow the speed at which the work would be undertaken. The commission must set the policy and decide what activities should be delegated to which members of staff. I emphasise that that is a perfectly normal arrangement, which is common to perhaps all public bodies and most public sector companies.

I do not see why it should be wrong for the commission—which, in many ways, we have circumvented with very tough controls in the Bill—to be empowered to act in managing its affairs. For example, preparing papers, obtaining transcripts of court cases and other management details can be undertaken perfectly well by the commission's own staff who are acting within the guidelines and under the direction of commission members. For those reasons, I am afraid that the Government cannot accept the amendments.

**Mr. Trimble:** I thank the Minister for pointing out that provision in respect of the appointment of investigating officers. I am delighted to see that it is included in paragraph 6(3). I am glad that the Department considers it important enough to ensure that that function is not discharged by an employee.

I am sorry that the Minister did not appreciate that the same argument should apply to giving directions under clause 19 or the production of documents under clause 16. I can only express the hope that the commission will consist of people of considerable ability and merit, and that they do not avail themselves of, or allow their employees to use, the wide powers and great flexibility that the Minister has provided. The measure would not work well in practice if they did. In view of that, we must hope that the commission is more sensible than I regret the Minister has been.

In view of the lateness of the hour and the desire of hon. Members to contribute to the next stage, I do not intend to comment further or to press the matter. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Order for Third Reading read.—[Queen's Consent, on behalf of the Crown, signified.]*

9.36 pm

**Mr. Nicholas Baker:** I beg to move, That the Bill be now read the Third time.

I am pleased to have played a part in guiding the Bill through the House. The Criminal Appeal Bill is creating new and independent machinery for identifying possible miscarriages of justice and referring them to the courts and reinforcing and extending the power of the courts in criminal appeals. It is a measure of great importance.

Hon. Members have rightly emphasised the importance, in dealing with possible miscarriages of justice, of procedures whose independence is beyond question. Those procedures must also be effective in securing the aim of getting to the heart of cases which continue to raise doubts after the normal processes of trial and appeal have finished.

*[Mr. Nicholas Baker]*

The changes made to the Bill do not affect its basic structure and thrust. They strengthen it and enhance the powers of the commission to do its work. The Bill is now in even better and more effective shape than when it started. I am grateful to right hon. and hon. Members for their contributions and I am convinced that the Bill will make a significant contribution to the quality of the criminal justice system in future. I wish it well as it goes to another place.

9.37 pm

**Mr. Michael:** I am glad that the Minister acknowledges that we have been able to make some improvements to the Bill in Committee and today, but it would be wrong to allow the Bill to pass without comment. It is an important measure in restoring confidence in our criminal justice system and it is important that we get it right. If the body that is established under the Bill fails to win the confidence that is so desperately needed, it will be even more difficult to restore confidence in future.

This body will deal with alleged miscarriages of justice and restore public confidence in the criminal justice system and that system's capacity to deal with miscarriages. Its birth has been extremely slow. The Opposition have been calling for the establishment of such a body for a number of years and it now comes with high expectations.

I am concerned about some of the difficulties and shortcomings that remain in the Bill. I am also concerned that some of the comments by a Minister earlier in today's debate suggest that the aspirations that we thought were shared on all sides are not shared by the Government and that the Government intend that the body should be constrained and should almost do the job on the cheap to an extent that certainly is not in accordance with the views expressed by the Royal Commission on criminal justice. That body referred to the need to restore public confidence in the criminal justice system and pointed out that the majority of trials are conducted in a manner that all participants regard as fair. It added:

"But the damage done by the minority of cases which the system is seen to have failed is out of all proportion to their number."

It referred also to the burden of work that will fall on the new body. Paragraph 6 of chapter 11 stated:

"There is in theory no restriction on the numbers or categories of cases which the Home Secretary may refer to the Court of Appeal under section 17 since the section gives him discretion to refer cases 'if he thinks fit'. In practice, however, as Sir John May observed in his second report on the Maguire case, the Home Secretary and the civil servants advising him operate within strict self-imposed limits."

Paragraph 7 stated:

"The effect of this second criterion was examined in depth by Sir John May as part of his inquiry into the Maguires. We cannot do better than quote his conclusion."

I invite the House to consider that conclusion:

"There is no doubt that the criterion so defined was and is a limiting one and has resulted in the responsible officials within the Home Office taking a substantially restricted view of cases to which their attention has been drawn . . . The very nature and terms of the self-imposed limits on the Home Secretary's power to refer cases have led the Home Office only to respond to the representations which have been made to it in relation to particular convictions rather than to carry out its own investigations into the circumstances of a particular case or the evidence given at trial . . . the approach of the Home Office was throughout reactive. It was never thought proper for the Department to become proactive."

It is necessary for the new body to take on board the capacity to investigate where there is concern over alleged miscarriages. In view of today's exchanges, there will be debates in the other place to ensure that the Government fully understand the need for a proactive body.

Page 185 of the royal commission report refers to the need for the capacity to investigate:

"In our view the Authority should be able to discuss cases direct with applicants if it thinks that this would help it to decide whether a case called for further investigation. It has struck us forcibly that many people who believe that they are victims of miscarriages of justice feel that they have a right to be heard and are frustrated by the fact that they have been unable to put their case in person to the Home Office officials who are considering it. We understand the resource constraints that have prevented the Home Office from interviewing applicants, and we accept that this could not be done in every case. We nevertheless recommend that the Authority be adequately resourced to conduct interviews with prisoners where it believes that this might help. It is not always possible for people who have suffered a miscarriage of justice and then been sentenced to a long term of imprisonment to set out their case clearly and cogently in writing, and an interview may sometimes be the best way of convincing the Authority that the case is one that is worth investigation."

Earlier, the Minister suggested that no cases were waiting to be investigated. I believe that there are, and give the example of my constituent Mr. Mike O'Brien. For the avoidance of doubt, again I make clear that he is not the same Mike O'Brien as my hon. Friend the Member for Warwickshire, North. He contacted many people, including every Member of Parliament, to assert his innocence. I do not assert his innocence unconditionally, but I am convinced that something needs to be investigated in that case. The commission's establishment will enable investigations in that and like cases.

It is not satisfactory that Ministers appear to have resiled from acknowledging the importance of that role. There is also some inadequacy in dealing with the need for a knowledge or understanding of mental disorders, mental illness or adults with learning difficulties, who are often among the victims of miscarriages of justice. That aspect was dealt with briefly in Committee and there has not been an opportunity to debate it fully on Report. Those issues need to be dealt with fully. I hope that they will be dealt with in another place, and that the Government will make some concessions.

Finally there is the whole issue of disclosure. Members and officials of the commission will be subject to restrictions on their disclosure of information and of evidence. There have been exchanges as a result of the letter from Justice and of the reply from the Minister, a copy of which, further to his promise in Committee, he has kindly provided me with. That still leaves questions to be answered if we are to be sure that there will be full and adequate disclosure to enable all serious allegations of miscarriage of justice to be properly dealt with. If they are, that will help to restore confidence in our criminal justice system—a process that the Opposition believe to be thoroughly necessary. Evidence of the need for that restoration of confidence is provided by the many cases in which my hon. Friend the Member for Sunderland, South (Mr. Mullin) and others have been involved over the years.

We wish success to the commission that will be established under the Bill. We also wish the Bill a successful passage through another place, where we hope that more improvements to it will be made. When the Bill returns to us I trust that many of our reservations about its effectiveness will have been dispelled.

9.45 pm

**Mr. Beith:** Now that the Bill has nearly completed its Commons stages, and bearing in mind the strong possibility that it may be significantly improved in another place, where I expect it to attract a great deal of close and careful interest, on behalf of my right hon. and hon. Friends I wish the new commission every success in its work. I attach great importance to the added public confidence that its work could bring to the police and criminal justice system. I believe that we may have to revisit some of these issues at some stage—especially the capacity of the commission to mount independent investigations in certain cases. Certainly its task will be an important one. We wait with interest to know who will carry out the work and bear these important responsibilities.

I strongly welcome the passage of the Bill.

9.46 pm

**Mr. Mullin:** I am glad to see the Bill approaching the statute book. I was also glad to see the Government accept amendment No. 35, which strengthens the powers of the commission—although it does not go far enough. I made my views on that known earlier this afternoon.

I welcome the Home Secretary—belatedly—to his place in the Chamber, and I draw his attention to some remarks by Lord Runciman which I quoted earlier. I shall not repeat them now, but they were to the effect that nothing in the proposal for a dedicated force of investigators contradicted what he and his colleagues in the royal commission asked for.

One or two other reservations of mine have been touched on today. I do hope that arrangements applying to Scotland will be made soon, because there are quite a number of problems up there. I am also a little worried that the terms of reference might be interpreted as being unnecessarily restrictive. That could lead to some disputes between the commission and the Court of Appeal.

The success of the whole enterprise will largely depend not on anything in the Bill but on the personnel put on the commission. A former Tory Home Secretary told me some time ago that those people would not be like the usual ones who are put on Tory quangos—

**Mr. Patrick McLoughlin** (West Derbyshire): You should be on it.

**Mr. Mullin:** I am not interested. I have been doing the job for the past few years anyway, and to be perfectly honest I am getting rather fed up with it.

We really will require people who are a cut above the usual quango appointments, because they will have to confront, at some stage, mighty vested interests among the police and in the Court of Appeal. The success of the Bill will also depend on a continuing improvement in the attitude displayed by the new management at the Court of Appeal. Many hon. Members have remarked on an improvement of attitude following the change of personnel in that court—but they could of course change back again. The suspicion has been voiced to me that the recent liberalisation may in some way be affected by the fear that something more drastic might be done to limit its powers.

I recall that when the Select Committee on Home Affairs suggested such a commission in 1982, an idea that the Government rejected, the Lord Chief Justice promised that the Court of Appeal would be more open minded when considering appeals, a promise on which he promptly reneged once the threat of such a commission had disappeared over the horizon. I therefore hope that the attitude of the new management of the Court of Appeal will last.

I regret that it is still an unhappy fact of life that someone who believes himself to be the victim of a miscarriage of justice is better off approaching a journalist than a policeman or lawyer. I hope that those days are over, although, even as we sit here, Channel 4 is showing a programme on the Brian Parsons case, which is one of the more serious outstanding alleged miscarriages of justice. There will always be a role in a free country for an inquiring journalist.

Since the release of the Birmingham Six, I have received several thousand letters from several hundred prisoners who allege that they are the victims of miscarriages of justice. There is a limit to what one can do to advise them. Organisations such as Justice have also received large numbers of representations from prisoners, far more than I could possibly cope with and no doubt far more than Justice can cope with. I hope that the Bill marks an end to this chapter in my correspondence and, I hasten to add, so does my secretary.

I also hope that the Bill marks an end to an unhappy period in the history of the British judicial system and that we can look forward to a greatly improved system in which everyone can have confidence.

*Question put and agreed to.*

*Bill read the Third time, and passed.*

## PETITIONS

### Mr. Kevin Maxwell

9.51 pm

**Mr. Robert Jackson** (Wantage): I wish to present a petition on behalf of my constituent, Mr. Kevin Maxwell, who is being tried on a count of conspiracy to defraud contrary to common law.

My constituent desires in his petition that reference be made in the proceedings that he will face

to certain evidence and related material of the Select Committees on Social Security in the present and the previous Parliament which has not been reported to the House and which has not been published.

Your Petitioner therefore requests that the House of Commons will give leave for said records, transcripts, documents, correspondence and notes . . . to be produced to the Hon Mr. Justice Phillips at the Central Criminal Court so that he may decide if the documents should under normal common law principles be disclosed to the parties in the trial; and if the Hon Mr. Justice Phillips so decides, the Court be permitted to make reference to them.

It may be for the convenience of the House if I give notice that I intend to table a motion forthwith to give effect to this petition.

*To lie upon the Table.*

### Schools (Darlington)

**Mr. Alan Milburn** (Darlington): I have pleasure in presenting a petition signed by 2,000 of my constituents who are alarmed at the impact of Government funding cuts on local schools. It has been signed by parents, governors and teachers, including head teachers, who are concerned about rising class sizes, the threat to teachers' jobs and diminishing school budgets. They are angry that Government policies are threatening children's education in Darlington. I hope that the Government will act swiftly in response to my constituents' concerns.

The petitioners request that

the House of Commons urges the Secretary of State for Education to immediately review her policies to ensure that Darlington schools are not prevented from offering children the highest possible educational standards.

*To lie upon the Table.*

## Rwanda

*Motion made, and Question proposed,* That this House do now adjourn.—*[Dr. Liam Fox.]*

9.54 pm

**Mr. Tony Worthington** (Clydebank and Milngavie): I had no idea, when I put my name into the ballot for an Adjournment debate, that the theme of the Government's policy in Rwanda would become so tragically relevant after the events of the past weekend in Kibeho camp. It was because I feared such an event that I put my name in. It was an event that could have been anticipated. I shall ask a great many questions during the debate. I realise that the Minister will not be able to answer them all, but I hope that—perhaps by letter afterwards—I will get a reply to the questions that I raise.

Let me deal with the events of the weekend. It will never be clear how many people were slaughtered, but it was clearly thousands. One can only deplore the attempt by the Government of Rwanda to minimise and disguise that death toll. The international community now has to demand that those responsible for the carnage are brought to trial as rapidly as possible. It is clear that the slaughter was conducted by the army of Rwanda and that the army officers responsible must be punished. The silence of the Vice-President of Rwanda, General Kagame, who is also the Defence Minister, is disturbing. He is also seen as the major power within the country.

I met General Kagame when he visited London a few months ago. Perhaps the Minister did as well. At that time, General Kagame was seeking the assistance of the international community in setting up a judicial system to bring the Hutu perpetrators of genocide to trial. He quite correctly said that, unless the people of Rwanda could see the perpetrators of genocide brought to justice within Rwanda, the country would never be able to come to terms with itself. At that time, he was talking about the Hutu killers, but he now has to ensure that the Tutsi perpetrators of the latest massacre are brought to justice. I understand fully the difficulties of the Government of Rwanda in dealing with armed militia within the camp, but the test of that Government will be how they deal with their own offenders.

Overwhelmingly, the blame for the situation in Rwanda must lie with the leaders of Rwanda itself, and they must shoulder that responsibility, but there is a wider responsibility in a world in which that desperately poor and overcrowded country is not helped to join in the prosperity and development that should be part of the lives of its people.

We must also face up to the fact that European colonialism, which used the tribes of Africa for its own selfish reasons, has left a legacy of infinitely worsened community relations. The legacy—in this case, of Belgium and France—is grim. Every involvement that they have with Rwanda and Burundi is tarnished, and there is a need for us to increase our leadership at the Security Council. I can understand why we argued at the beginning that it was not an area of our concern or a traditional sphere of influence for us, but unless some countries with unblemished hands take a lead, the situation will become worse.

I want to make it clear that I sought this debate not because of humanitarian aid. I do not wish to attack the Government for failing to supply aid, water, food or shelter. That is clearly not true. The British contribution has been good. It was slow, but it has been good and of high quality. That is not the point of the debate. I am concerned not with the performance of the British Overseas Development Administration but with that of the Foreign Office. There is a major distinction. While talking about aid, I want to pay tribute, as I am sure that the Minister would, to the immense contribution made by our aid agencies, for the immensely skilled and courageous work that they are doing in bringing food, water and shelter to the victims of those horrors.

There seems to be an inability, because of lack of political will, for the United Nations, and that means overwhelmingly the permanent members of the Security Council, to take the actions that are necessary to avoid those catastrophes. Undoubtedly, the horrors of Rwanda could have been prevented or at least diminished. There are further horrors around the corner either in Rwanda or Burundi, of that I am convinced. Shall we act to stop those horrors?

It is interesting—that is a neutral word—that the Aid Commissioner in Brussels, Emma Bonino, is recommending with her colleagues the cutting off of non-humanitarian aid to Rwanda. In the papers this morning, the recommendation that was said to be emerging was that humanitarian aid would be cut. It is no better that humanitarian aid is not being cut. The implications of that recommendation—

*It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put.*

*Motion made, and Question proposed,* That this House do now adjourn.—*[Dr. Liam Fox.]*

**Mr. Worthington:** The recommendation that there should be a cutting of non-humanitarian aid is simply calamitous. I hope that the Minister will clarify what is happening.

Non-humanitarian aid can be used for things such as setting up the judicial system, schools and clinics or remedying the appalling lack of infrastructure. Non-humanitarian aid is a sign of medium and long-term political will by the rest of the international community. I hope that the Minister will tell us that the British response to the EC Commission's recommendation will be hostile. I noted today in a press release put out by the noble Baroness Chalker the statement that the United Kingdom has fulfilled all its pledges to help Rwanda towards rehabilitation and reconstruction.

The United Kingdom and European Union would not be fulfilling their pledges towards rehabilitation and reconstruction were the recommendation of the EC Commission to be accepted. I strongly recommend to Commissioner Bonino and all her colleagues that she would be better occupied in finding out why there has been a lack of political commitment to solving the problems of Rwanda than in tampering with aid. I strongly suggest that she should look at the role of France and Belgium in that respect and find out what can be done to obtain a consistent European contribution to the solution of the problems of Rwanda.

It is transparently clear that the need to establish a judicial system is paramount, but only yesterday we had an announcement from New York about the appointment of 12 judges to start the work of the genocide trials. That is welcome, but there has also been talk about the need for 600 magistrates to tackle the problems of Rwanda.

*[Mr. Worthington]*

The situation in Kigame prison is totally untenable. The prison was built to hold 2,000 people, but now has more than 8,000 people in it without anyone being charged or any dates in prospect for action. When we neglect that situation, we promote the sort of slaughter that we saw at the weekend. That is the sin of neglect.

Why is it that stimulators and perpetrators of genocide, such as the director of Radio Mille Collines and other prominent supporters of the previous Government, are allowed to live in luxury and walk the streets of other African countries such as Kenya and Cameroon? In February, the programme director of Radio Mille Collines gave an interview in Cameroon on French television. For 24 hours a day, that radio station repeatedly incited murders of Tutsis and drew up an endless list of wanted opponents. Why are such people allowed to wander free? One year after the genocide, not one single person among the politicians who masterminded it has been brought to justice.

What will the Government do to expedite the work of the genocide tribunal? Is it really realistic to ask the remarkable Judge Goldstone, whom I have met—his contribution to the development of South Africa has been astonishing—to supervise the genocide tribunals in Bosnia and Rwanda? There is a lack of credibility about that.

On the issue of slowness of action, when the Hutu militias set themselves up in the camp to terrorise people, why was it not possible to stop them becoming established and preventing an orderly return to Rwanda? When more than 60 countries were asked to contribute forces to the policing of camps, why was the only offer from Zaire, whose forces, to put it mildly, are not known for their reliability? The reason why other troops were not offered was the chaos of the United Nations.

Concerns exist about the role of President Mobutu. In February, "Africa Confidential" reported that he accompanied the widow of the former President of Rwanda to China on an arms buying spree. Is that true? UN Security Council resolution 918 imposes an arms embargo in the region, but it is simply being ignored. Will the Government confirm that that is so? If the permanent five on the Security Council had made a commitment and given support, the situation could have been stabilised, and intimidation stopped. We now have an incomparably worse position because of the failure to take simple action to prevent military organisation in those camps. The military training camps are being fed by our aid.

I want to hear what the Government's policy is in Rwanda in the medium and long term, as against simply giving aid. We must face up to the scale of the disruption in central Africa. Perhaps 2 million recent Rwandan refugees are in neighbouring countries such as Zaire, Tanzania and Burundi. Imagine the tension among local people living next to camps of hundreds of thousands of people who receive guaranteed food when they have nothing. Those are desperately poor countries with their own problems. There is no way that they can cope without the help of the prosperous world. We cannot go on ignoring that. If we perpetuate that sin of neglect, it will cost us more and more.

A huge regional problem affects Rwanda, Burundi, Uganda, Tanzania and Zaire. Last year, those nations and the northern powers such as the United States of America, the United Kingdom, France and Germany agreed about the need for a regional conference to attempt to tackle those hideous problems, but what has happened? In November, our representative at the UN Security Council, Mr. Gomersall, said that the proposed regional conference could play an important role, and that he hoped that all concerned would work to ensure that it was held as soon as possible. Six months later, I am not aware of any progress being made towards the holding of that conference.

We need real commitment to solve Rwanda's problems. It was gratifying that, in January, the donors pledged nearly $600 million, but what has happened to those pledges? What money have we and others committed and actually delivered? The UN underperforms because we allow it to do so and because of our lack of commitment.

That takes me back to the initial response to the Rwandan debacle. I remember the sense of shame when, following the death of Belgium paratroopers, UNAMIR—the United Nations Mission in Rwanda—forces were reduced to 270. Following the genocide, it was decided to increase forces to 5,000, but it took month after month after month for them to get there.

In November, Oxfam was begging for the commitment of the 5,000 troops promised. They were desperately needed, but a lack of political will existed among the UN's permanent members, including Britain. The permanent five ruled out sending their own troops; I do not necessarily quarrel with that. However, when the African nations offered their forces, none of the permanent five was willing to provide them with the logistical support and equipment that they needed to get there and to be established there. By then, however, there were already 20,000 militia in the camps, who were basically running them.

I should like the Government to explain their attitude to the deployment of our forces in Rwanda. We took the attitude to start with that we should not put in our own forces. Mysteriously, a group of British soldiers, engineers I believe, then went to Rwanda on a three-month contract. Their work was superb. They were put there because commercial interests had not turned up; the firm engaged to do the logistical support was not yet ready. The troops were then withdrawn. In Rwanda, there is a desperate need for buildings at the prison, for schools and for offices. A contingent of engineers could transform large parts of Kigali quite quickly, but we seem unwilling to send such people. I should like the Government to explain their medium and long-term contribution to Rwanda and their position—not what their aid is.

Will the Minister explain Britain's diplomatic contribution? I gather from a press release today from the Minister for Overseas Development that there has been a decision that we shall reinforce our diplomatic presence in Kigali and in Bujumbura. I hope that the Minister will explain what that means. It seems strange that we should have had a short-term contract for a chargé d'affaires in Kigali which runs out at the end of April and that we should then decide to have another extension of the contract. That is short-termism when Rwanda's problems are clearly long term; it sends exactly the wrong kind of message and increases the insecurity there.

I am conscious that I have asked the Minister many questions about the situation in Rwanda. It is a rare privilege to have 20 minutes of the Minister's time in which to ask questions on behalf of millions of people in Britain who are utterly puzzled about Britain's stance on African disasters such as the one in Rwanda. I look forward to the Minister's reply.

10.12 pm

**The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Tony Baldry):** The hon. Gentleman must be thanked for his perspicacity in applying for this debate. It is a timely opportunity for me to explain what we have been, are and will be doing to help to alleviate the pain and suffering of Rwanda. Sometimes it seems as if the horrors of Rwanda have never been off our television screens. It is, in fact, just over a year since the deaths of the Presidents of Rwanda and Burundi at Kigali airport which sparked the massacres, the killings and the genocide that followed. It is important always to remember that every person killed is an individual with a name and a family—part of God's creation.

Last weekend saw a tragic reminder of those events, with the deaths in the camps for the internally displaced in south-west Rwanda. There is still some confusion over the exact cause of these events. As *The Times* stated on Monday:

"Britain's reaction to the weekend's massacre . . . has been a measured one. Baroness Chalker . . . was correct to emphasise the wider context of events and the fact that Kibeho had been in the grip of Hutu extremists".

We had little experience or involvement in Rwanda before April 1994. It was a Belgian colony prior to independence in 1962. Since last April, the United Kingdom has made an important and valued contribution to international efforts to alleviate the serious humanitarian problems among the refugees in Zaire, Burundi and Tanzania as well as those displaced within Rwanda itself.

We were among the first into Mwanza in Tanzania providing a vital air bridge into Rwanda, among the first into Goma with water facilities and airport handling services to help get vital supplies moving, and among the first in Rwanda itself as soon as Kigali airport reopened to help relief to get to the people of Rwanda. There was nothing slow about the reaction of the United Kingdom. It was always, throughout this process, in the forefront, seeking to help.

Six hundred and fifty British Army peacekeepers spent three valued months last year with the UN peacekeeping forces and were widely and justly praised for their work in Rwanda, their professionalism in rebuilding damaged infrastructure and for ensuring the delivery of vitally needed emergency and medical assistance. Before anyone even considers criticising the UK peacekeeping commitment to the United Nations, it is perhaps worth recalling that, at this very moment, UK peacekeepers are serving with UN forces throughout the world. Indeed, there are more UK peacekeepers committed to the UN than there are from practically any other country.

We have committed more than £90 million in just over 12 months towards alleviating the terrible human costs of the Rwanda crises. In people and in money, we have made, and continue to make, a full contribution to the international effort, which was fairly acknowledged by the hon. Member for Livingston (Mr. Cook), who observed:

"Britain has already done much, and more than most".

Humanitarian aid and help to the people of Rwanda must continue. The international community, with Britain continuing to play a full part, will provide help for those refugees in need, wherever they may be.

Following last weekend's tragedy, we have been in constant touch with our non-governmental organisation partners—Save the Children, Feed the Children and others which are doing vital work on the ground. We have made it clear that we shall continue to provide the money so that they may continue their life-saving activities. Baroness Chalker and I will meet British NGOs tomorrow to discuss that further.

Andy Bearpark, the head of the ODA's emergency aid department, will visit Rwanda next week with Edward Clay, our high commissioner in Kampala, who is also accredited as ambassador in Kigali. They will assess the needs at first hand, and they will have clear messages to deliver to the Rwandan Government from my right hon. Friend the Foreign Secretary. We also plan to reinforce our diplomatic presence in Rwanda and Burundi to ensure that our views are conveyed to best effect.

Since the start of this year, the emphasis has rightly been on helping the new multi-party and broad-based Government in Kigali to create conditions conducive to the safe return of refugees to their homes in Rwanda. That is not an easy task. Their country was devastated; the infrastructure severely damaged; and human and physical resources decimated. In January, the international community, including Britain, expressed its support for Rwandan rehabilitation plans at a pledging conference held in Geneva. Almost $580 million was pledged for an immediate one-year programme.

British assistance was specifically offered as quick disbursing aid to help meet immediate needs. The Rwandan Government, including the Prime Minister and the Vice-President during their visits to London, have expressed their appreciation for our contribution. We met in full what we pledged at that conference.

Unfortunately, the Rwandan Government, under pressure to rebuild, have shown frustration at what they see as the international community's slowness in bringing those guilty of genocide to trial. In their view, the international community continues to feed those responsible for the genocide in the refugee camps just beyond their borders, while doing little to separate the former Rwandan army and militia. We cannot and do not condone their decision to close their border with Zaire, which prevents humanitarian assistance getting to the innocent, the young and the infirm. We condemn the indiscriminate firing into crowds of stampeding and frightened people at Kibeho.

But we understand the frustrations of the Rwandan Government. We share their desire to deal with the perpetrators of genocide and to sort out the innocent from the guilty and the armed militia within their borders. That is why we were in the forefront of support for United Nations Security Council resolutions establishing an international war crimes tribunal for Rwanda and calling for all countries to co-operate in tracking down and bringing to justice those implicated in genocide. We have

*[Mr. Tony Baldry]*

provided money and material support to the international tribunal's work, and offered help to rebuild the shattered judicial system in Rwanda.

The Rwandan Government know our commitment and our concern, and they must avoid intemperate action. The reconstruction programme has only just begun. It will take time. Precipitate and impatient military action will lose them international good will. It risks making them, in the eyes of the world, no better than their predecessors.

We welcome the apology made on Monday to all the people of Rwanda by the Prime Minister of Rwanda. We hope that level-headed members within the coalition Government, itself comprising more Hutus than Tutsis even now, will ensure that progress is resumed. We hope that they will control any who may be intent on vengeful actions, which will get them nowhere.

In Rwanda the need is to continue to press ahead with the agreed international strategy for reconciliation, including the provision of security in the refugee camps outside Rwanda, the rehabilitation of the Rwandan infrastructure, support for the Rwandan judiciary and consolidating the work of the war crimes tribunal, for which Britain has pledged £200,000, part of which will be used to second three British police officers early next month. The United Nations General Assembly will elect the tribunal's judges next week.

**Mr. Worthington:** I hope that, among the interesting things that the Minister is saying, he will comment on what the European Commission is reported to have done today, in recommending the suspension of much non-humanitarian aid. Does he oppose or support that move? It seems to me to send exactly the wrong message.

**Mr. Baldry:** I have every intention of dealing with that point. I hope that, by the time I finish speaking, I shall have responded reasonably comprehensively to all the issues that the hon. Gentleman raised, including that one, which is of course important.

We work to ensure that the arms embargo is effective and that no weapons get through to the extremists in the camps. We expect the Government of Rwanda to address the concerns and fears of those innocent refugees in the camps outside Rwanda—fears that will have been widened by the events last weekend. The Government of Rwanda must continue to work to create conditions conducive to the secure return of refugees, and must resolve urgently the problems over land and property tenure.

The Government there also have to address the problems of the expanding prison population. It is imperative that the international community continue to help them to strengthen the legal process. The Rwandans also need to free women, children, elderly people and those against whom their case may be slight. The consequence of failure to bring about effective national reconciliation will be further civil unrest and loss of life within Rwanda.

We continue to work with and within the international community to find lasting solutions to the problems in Rwanda. But the international community cannot dictate, cannot impose solutions. We can help. We can provide resources and expertise. We can train and advise. We can monitor. There is too great a readiness on the part of some commentators simply to blame "the west" or "the international community". Rwanda is first and foremost the responsibility of the people of Rwanda.

The regional Governments of the countries that border Rwanda—Zaire, Tanzania, Uganda and Burundi—which are already bearing the impact of the huge number of refugees seeking sanctuary within their borders, also have an important part to play. We shall encourage those regional leaders to play a constructive role. We believe that the Organisation of African Unity and democratic African leaders can have a positive influence on the outcome of what are fundamentally African problems. They have a clear interest in helping to bring about greater regional stability and security.

Against that background, and with the experience of conflict in Rwanda and elsewhere in Africa in mind, my right hon. Friend the Foreign Secretary launched his initiative on conflict prevention and peacekeeping in Africa at last year's United Nations General Assembly. It is designed to help Africans to help themselves, by setting up a system of support structures, running from early warning and preventive action through to humanitarian and peacekeeping missions on the ground, should preventive diplomacy fail.

The proposals contain three elements: the development of an early warning system to give notice of impending crises; an institutional framework for preventive diplomacy; and the enhancement of African peacekeeping capabilities through, for example, the establishment of UN peacekeeping skills centres and UN logistics bases in Africa.

We are already putting some of those ideas into action, through, for example, providing specialised training for African troops about to deploy on UN peacekeeping missions. We will be doing more this year to develop the practical capabilities of African peacekeepers through training and exchange.

Our aim is to encourage Africans themselves to take the lead, with the international community providing support. Africans have already shown a determination to develop capacity in conflict resolution and peacekeeping with the creation of the OAU's conflict resolution mechanism. We must support and enhance these measures to ensure that in future Africans are better equipped to respond appropriately to problems on their continent.

Whenever a tragedy such as this occurs, there is a tendency to blame the UN. Such a rush to judgment is rarely justified. The UN is only the sum of its parts—the member states—and its failings are, more often than not, their failings. But one must also take into account the burden that the UN has had to carry in the past five years, with an exponential demand in not only the number but the complexity of the problems that it now has to deal with.

The very intractability of many of these problems, most of them within states rather than between them, has underlined the need for more emphasis on preventing them from reaching boiling point. The UN has recognised this need. In his 1992 report "An Agenda For Peace", the Secretary-General identified the need for the UN to develop its capacity to spot and head off crises before they developed. Since then, the UN's preventive diplomacy capacities have been built up.

We have all been deeply saddened by the news of the tragic events at Kibeho in recent days. They represent a setback to the process of reconstruction and national reconciliation to which we are all committed. They come in the wake of increasing concerns about the deterioration of the situation inside Rwanda and in the region more generally.

The position of the European Union is clear. Yesterday, the presidency, on behalf of the European Union, issued a clear statement. It said:

"The European Union utterly condemns the violence which led to several thousand civilian deaths in the Kibeho camp during Rwandan army operations to close down the camp on 22 April. The Union urges the Rwandan authorities to launch an inquiry without delay in order to identify those responsible for the massacre and to take all the necessary sanctions speedily.

Events of this gravity can only make it more difficult for refugees and displaced persons to return, this being an essential prerequisite for national reconciliation and a lasting solution to the Rwandan problem.

The European Union would point out that its development aid for Rwanda is conditional on respect for human rights and progress towards national reconciliation.

It emphasizes that international aid to the local population must be allowed to proceed unhindered. It therefore calls on the Rwandan authorities to make it easier for the international and non-governmental organizations to carry out their task of relieving suffering."

So we are all agreed on the need for humanitarian aid. The Commission's proposal today, which is of course subject to consultation with member states, including Britain, appears to cover longer-term development assistance. Obviously, we will study that, but our position on the need for rehabilitation is clear. It is vital that it proceeds to ensure the stability of Rwanda.

We must not allow the latest events to derail the process to promote peace and reconciliation. We have fulfilled all our pledges to help Rwanda towards rehabilitation and reconstruction, and we shall be working with our partners in the international donor community to ensure that others do so, too. We need to continue to work with the Rwandan Government to remind them of their own responsibilities to work towards the achievement of lasting peace and ensure that they send the right signals to the innocent Hutu refugees that they may return home safely.

As I say, to that end, we shall be reinforcing our diplomatic presence in Kigali. We shall also continue to support the NGOs, many of them British, and UN agencies which are providing life-saving humanitarian assistance throughout the region, particularly for those internally displaced people currently on the move within Rwanda. We will continue to provide funds to support their programme.

In short, we will do all that we can to support the international effort to reduce suffering in Rwanda and to help bring that troubled country to a longer and more peaceful future.

*Question put and agreed to.*

*Adjourned accordingly at twenty-nine minutes past Ten o'clock.*

# House of Commons

*Thursday 27 April 1995*

*The House met at half-past Two o'clock*

PRAYERS

[MADAM SPEAKER *in the Chair*]

## PRIVATE BUSINESS

CITY OF WESTMINSTER BILL *[Lords] (By Order)*
*Order for consideration, as amended, read.*
*To be considered on Thursday 4 May.*

# Oral Answers to Questions

## NORTHERN IRELAND

### Pig Industry

1. **Ms Hoey:** To ask the Secretary of State for Northern Ireland what plans he has to visit a pig farm in Northern Ireland to discuss the future of the pig industry. [19607]

**The Minister of State, Northern Ireland Office (Mr. Michael Ancram):** My right hon. and learned Friend discussed the position of the pig sector with the Ulster Farmers Union at a meeting on 31 March, when he invited the president to arrange for him a day of representative visits.

**Ms Hoey:** I thank the Minister and I urge him to visit one or two smaller rural pig farms in Northern Ireland, where I am sure he will be very welcome. Is he aware of the concern among Northern Ireland pig farmers about the cost of the EC directive for Aujeszky's disease among pigs? The cost per pig is being borne by individual farmers. The pig industry and individual farmers have to bear those costs, yet the dairy industry does not have to pay for the vaccination of individual cows. Is the Minister also aware that the Republic of Ireland claims that its pig industry cannot afford to implement the regulations? Will he do something to help the small pig farmer in Northern Ireland?

**Mr. Ancram:** I am sure that my right hon. and learned Friend will discuss those matters when he meets pig farmers and the National Farmers Union in Ulster. In respect of Aujeszky's disease, as I am sure the hon. Lady is aware, the Department of Agriculture introduced the eradication scheme on 1 September last year, following extensive consultation with the industry, particularly the Ulster Farmers Union. Implementation of the scheme is progressing satisfactorily and it is clearly important to pig producers.

**Mr. William Ross:** Does the Minister really understand the great importance of the pig industry to Northern Ireland, whose high-quality animals and semen are exported all over the world? Does he not realise that a tremendous industry is in great danger of collapsing, as farmers have just experienced about 18 months of the worst returns anyone can remember?

**Mr. Ancram:** I fully appreciate the hon. Member's points, not least the importance of the pig industry to Northern Ireland. I am sure that, given his own agricultural knowledge, he will appreciate that pig production suffers, and will suffer, from cyclical trends. I am sure that he is also aware that there has been a recent improvement in producer returns, which I hope will be a benefit. In particular, prices have risen from 92p per kilo at the beginning of the year to 107p per kilo—an increase of 10 per cent. I hope that that will be reflected in increased confidence within the industry.

### Punishment Beatings

2. **Lady Olga Maitland:** To ask the Secretary of State for Northern Ireland what progress has been made to counter punishment beatings carried out by terrorist organisations. [19608]

**The Minister of State, Northern Ireland Office (Sir John Wheeler):** Punishment beatings are criminal conspiracies; all such criminal attacks are very serious crimes. The Royal Ulster Constabulary makes every effort to prevent those atrocious crimes and bring offenders to justice.

**Lady Olga Maitland:** I thank my right hon. Friend for his reply. Is he aware of just how extremely serious punishment beatings are and that 90 have been reported since the ceasefire? Of that number, 51 were inflicted by republicans and 39 by loyalists. Such savagery is unacceptable. Does my right hon. Friend agree that the topic must be put on the agenda in forthcoming talks with both sides?

**Sir John Wheeler:** I am grateful to my hon. Friend for all that she says. I assure her and the House that Ministers treat those appalling attacks with the greatest seriousness. They are totally unacceptable; they are a denial of human rights and an affront to the concepts of democracy. During the exploratory talks, my right hon. and learned Friend emphasises his condemnation of the attacks and urges all with any influence in the matter to bring them to an end.

**Mr. A. Cecil Walker:** I am sure that the Minister is aware that my constituency suffers more than most from punishment beatings. Has he considered establishing some form of confidential, covert operation with the assistance of victims, to combat that scourge in our community?

**Sir John Wheeler:** The hon. Gentleman is right to draw attention to the plight of victims. The Royal Ulster Constabulary will best be effective in diminishing or reducing such unlawful acts if the public help by giving the police information. They can do so in confidence, and the RUC is innovative in looking for the best ways of working with the community to ensure that persons who commit such crimes are arrested and taken before the courts.

**Mr. Barnes:** In addition to and allied with the savage beatings, there is the expulsion from Northern Ireland by terrorist groups of many Catholics and Protestants, who are not allowed to return; it is a form of exclusion order. Many organisations, especially Families Against Intimidation and

Terror, fight against both savage beatings and expulsions. Would it not be useful to provide such organisations with extra funding for their valuable work?

**Sir John Wheeler:** The hon. Gentleman is right to say that there is widespread condemnation of such evil acts within Northern Ireland and without. I hope that all who have influence on the persons who perpetuate such acts will use their voices to urge that those acts should end. Voluntary organisations do much good work in the community, often bravely. The organisation to which the hon. Gentleman referred already receives some public money, and I met its representatives recently to advise how it might attract further funding. Such organisations do a worthwhile job, and I am always willing to consider how they might reasonably be assisted to continue their work.

## Terrorism

3. **Mr. Molyneaux:** To ask the Secretary of State for Northern Ireland if he will report progress on dismantling the apparatus of terrorism. [19609]

**The Secretary of State for Northern Ireland (Sir Patrick Mayhew):** Despite the welcome cessation of violence, I can report no evident dismantling of the apparatus of terrorism. How that may be achieved is rightly for discussion in exploratory dialogue with parties closely associated with paramilitary organisations.

**Mr. Molyneaux:** Given that terrorism will be a continuing and permanent scourge of civilisation, will the Secretary of State enter discussions with the Clinton Administration with a view to designing measures to extricate all terrorists, including those posing as members of political parties, and removing from their hands all instruments of terror and destruction?

**Sir Patrick Mayhew:** I noted, as I am sure the hon. Gentleman did, that some time ago President Clinton described the need for a worldwide campaign against terrorism. I do not doubt for one minute that recent tragic events have reinforced that opinion, which we certainly share.

**Mr. Hunter:** Does my right hon. and learned Friend agree that what is important is not only the dismantling of the apparatus of terrorism but maintaining the momentum in political developments? Was not my right hon. and learned Friend's recent invitation to the constitutional parties to take part in bilateral talks a significant and timely step? Will he make encouraging such discussions with and between the constitutional parties of Northern Ireland a priority?

**Sir Patrick Mayhew:** I much agree with my hon. Friend that political progress is an important component in protecting people against the scourge of terrorism, and I look forward to beginning the talks to which he referred. This is a single-track process—not a dual-track process, as I sometimes see alleged—to substantive political talks. That single track is open to all parties with a substantial electoral mandate that establish a commitment to exclusively peaceful methods and show that they abide by democratic means.

**Mr. Mallon:** The Secretary of State will be aware how difficult have been the past eight months. Nevertheless, does it come as a surprise when I tell the right hon. and learned Gentleman that public perception of the Government's handling of the peace process of late has been one of vacillation, clumsiness and a lack of any defined strategy? Would he be even more surprised to learn that at times the Government look uncertain, if not foolish, in some of their utterances?

Given the centrality of this issue to the lives of the people in the north of Ireland, will the Secretary of State take this opportunity to tell the House how he intends to move from the present point to the round table negotiations, the only context within which the fundamental questions about an absence of violence and the principle of consent can be put to those parties and answers irrevocably gained?

**Sir Patrick Mayhew:** I very much agree with the importance of proceeding to round table talks, resuming after an interval of some two or more years. I think it extremely important, and I believe that the people of Northern Ireland think it very important, that their politicians should be talking to see whether we can achieve that overall political accommodation which was our objective two or three years ago.

I heard what the hon. Gentleman said at the beginning of his question. I am quite used to a variety of criticisms being made. I should be surprised if this is the one area in Northern Ireland politics in which there is the total agreement that he suggests; but I do my best, with my right hon. and hon. Friends, to secure the maintenance of the important principles, one of which, and only one of which, is that we do not sit down and negotiate the political structures on the future of Northern Ireland with people who, by implication, reserve the right to resort once again to violence.

**Ms Mowlam:** The Labour party welcomes the exploratory dialogue between Sinn Fein and Ministers, and we also welcome the statement, which I think the Secretary of State just made, that no political party can expect to participate in full-scale talks about the future of Northern Ireland while it retains, by inference or implication—if I understood what the Secretary of State was saying—the use of violence.

Will the Secretary of State confirm to the House the statement that he just made—that he does not see inclusive talks happening in under two years? I think that that is what he said. I think that there was some confusion among Opposition Members and it might be useful if the Secretary of State clarified that matter at this point.

**Sir Patrick Mayhew:** I am very glad to clarify that. I referred to talks that concluded two or more years ago. I certainly hope that round table discussions will resume very much sooner than that. I welcome the hon. Lady's confirmation of the principle that I described a moment or two ago. It is essential not only that we do all that we can to get those talks resumed but that we maintain the principle which I have described. If we do not, we send a signal that we are prepared to sit down with people who, if they do not get what they want in democratic discussion, are prepared to go outside and resort once again, or support the use once again, of armaments. That is fatal to democracy and to the interests of those who have submitted themselves to the disciplines of constitutional government.

**Mr. Robathan:** Notwithstanding what was said by the hon. Member for Newry and Armagh (Mr. Mallon), may I pay tribute to my right hon. and learned Friend's and

his hon. Friends' skilful handling of the peace process so far? Does my right hon. and learned Friend not think that the time has come for some tangible evidence of good faith from terrorist organisations, particularly the major terrorist organisation—the IRA, linked with Sinn Fein? When does he think that we might see some movement towards it actually handing in some of its huge stockpile of arms?

**Sir Patrick Mayhew:** I thank my hon. Friend for what he said at the beginning. Of course, he is right to say that this is the time for some tangible evidence of good faith. He will recall that the Government have consistently said that, in order to make the transition from exploratory dialogue to participation in the substantive political talks, a willingness to support the principle of decommissioning has to be declared. In addition, some substantial progress has to be made, including tangible decommissioning of arms, sufficient to signify the beginning of a process—which must be on-going—and the good faith of which my hon. Friend spoke.

### Schools and Colleges

4. **Mr. Beggs:** To ask the Secretary of State for Northern Ireland what steps are being taken by the Department of Education in Northern Ireland to determine the total amount of public expenditure required at this time, to bring schools and colleges to an acceptable level of maintenance, to enable schools and colleges to comply with health and safety regulations and the demands of the national curriculum. [19610]

**Mr. Ancram:** My Department regularly reviews the capital needs of the education estate in consultation with the education and library boards, individual schools and voluntary authorities. Each year, my Department assesses the priorities within which decisions are then reached, subject to available resources.

**Mr. Beggs:** I thank the Minister for that response. Is he aware that in the North Eastern education and library board area about £30 million is urgently needed to deal effectively with the backlog of maintenance, to comply with health and safety regulations and to meet the needs of either new or refurbished facilities for science, information technology, art and design, home economics and, indeed, technology itself? Is not at least another £60 million needed for new build and major capital development? If the position is similar across the five boards in Northern Ireland, about £500 million is urgently needed.

I urge the Minister to obtain that level of funding from any peace dividend and to bring our schools and colleges up to date. Above all, we need to create employment and provide hope for those who are unemployed. We also need to revitalise our construction industry.

**Mr. Ancram:** I understand the hon. Gentleman's concern, which I share to the extent that I appreciate that there is a greater need for capital spending than there are funds available within the budget each year, for which I have to decide the spending priorities. As he knows, last year was a very hard year and decisions effectively had to be between spending on capital new starts and classroom provision. I took the view, I think rightly at that stage, that classroom provision was the priority and that it should be given the advantage over capital spending.

This year, partly because of money that has become available because of the changed security position in Northern Ireland, I have been able to restore a capital programme of £63 million. Inevitably, within that I have to make decisions because the need is greater than that sum. However, when the hon. Gentleman studies my announcements on capital starts, I hope that he will appreciate that not only did I devote a great deal of time to deciding the priorities but I tried, wherever possible, to visit the schools so that I was personally informed.

**Mr. Worthington:** Will the Minister confirm two points about the capital building programme? First, are there not more than 3,000 temporary classrooms in Northern Ireland which, at the present rate of replacement, it will take almost 50 years to replace? What does the hon. Gentleman mean by "temporary"?

Secondly, the Minister will be aware that the Prime Minister has said that nursery education is a priority for the Government. Is the hon. Gentleman aware that in this year's allocation of capital there appears to be no money for nursery education programmes? How can he square that with the Prime Minister's promise?

**Mr. Ancram:** I welcome the hon. Gentleman to his new Front-Bench role. He and I used to cross swords in previous political incarnations. I am sure that we will now wish to work together for the good of education in Northern Ireland. I certainly welcome him to what I am sure he will find a fascinating portfolio.

The question of temporary classrooms is not unique to Northern Ireland. It is very much a matter for concern when I am trying to decide priorities in evaluating the needs of each school that applies for capital—the state of the temporary classrooms is obviously one of the factors that I take into account. I am sure that the hon. Gentleman is aware that some temporary classrooms are in much better condition than others, which must also be taken into account.

On the hon. Gentleman's point about nursery education, he knows that the Government are considering the best way to advance the undertakings given by my right hon. Friend the Prime Minister. We will wish to take full account of those decisions in relation to Northern Ireland in due course.

### Unemployment

5. **Mr. John Marshall:** To ask the Secretary of State for Northern Ireland what is the latest unemployment rate; and what the figure was in December 1992. [19611]

**Mr. Ancram:** The seasonally adjusted unemployment rate in March 1995 was 11.9 per cent., which compares with 14 per cent. in December 1992.

**Mr. Marshall:** I am sure that everyone will welcome that reduction of one seventh in the number of people unemployed since December 1992, which is due to this Government's policies. However, does my hon. Friend accept that that is nothing compared with the peace dividend to which the people of Northern Ireland can look forward? Will not peace lead to substantial inward investment in the Province?

**Mr. Ancram:** I am grateful to my hon. Friend, who makes a good point. We all welcome the consistent reduction in the unemployment figures which has taken

place in Northern Ireland. Of course they remain too high for any of us to be complacent, and we want them to be reduced. He makes an important point when he says that peace will itself bring a jobs dividend. I would go further and say that peace, underpinned by a political settlement that brought political stability, would increase inward investment even faster, and would benefit the jobs position in Northern Ireland significantly.

### Peace Process

6. **Mr. Winnick:** To ask the Secretary of State for Northern Ireland if he will make a statement on the latest developments in the peace process in Northern Ireland. [19612]

**Sir Patrick Mayhew:** Following intensive exchanges with Sinn Fein, we have told it that we believe that a sufficient basis now exists for ministerial entry into exploratory dialogue. Arrangements are being made for a meeting at which the Minister of State, my hon. Friend the Member for Devizes (Mr. Ancram), will lead the Government team.

**Mr. Winnick:** That is most welcome. Has not the peace process that has been in operation for the past seven months been a tremendous relief to the people of Northern Ireland, after sustained terror and destruction over 25 years? Although I fully accept what the Secretary of State has already told the House about the decommissioning of weapons, and that Sinn Fein should certainly repudiate all forms of terrorist violence, is not the last thing we want in Britain, Northern Ireland or the Irish Republic a sort of breakaway group, repudiating what Sinn Fein may or may not do and, once again, as in 1970, starting the cycle of terrorist violence?

**Sir Patrick Mayhew:** Naturally, we want to avoid that. There is no place for violence in any democracy. I am grateful that the hon. Gentleman, who takes an interest in these matters, supports what I have said and, for that matter, what the Taoiseach, Mr. Bruton, has very recently said in the Dail about the impossibility of entering into substantive talks while an implication remains that the use of violence is on the cards. That is very important.

It is essential that the Government continue to maintain their long-established and consistently held position that a proper place exists at the conference table for all parties that are democratically mandated to any substantial extent, that have made it absolutely clear that they are committed to a democratic means of approaching political purposes and that have set aside any connection with the use of violence.

**Mr. Hume:** Does the Secretary of State agree that the basis of order, which is the basis of stability in any society, has never existed in Northern Ireland since its foundation, that that is based on agreement on how people are governed and that its absence has created the terrible symptoms, such as 50 years of discrimination, violence and killing in every decade, and the terrible 25 years that we have just been through? Does he now agree that the past eight months have given, as the hon. Member for Walsall, North (Mr. Winnick) said, the greatest hope that our people have ever had? Would the Secretary of State please advise his Back Benchers to keep their negative mouths shut, because all they are doing is undermining that great new atmosphere among the people? May I appeal to his Government, whom I consistently praise for putting this problem at the top of their agenda, where it belongs—I thank him totally for that—to move swiftly now to get all parties to that table to create the basis of order and stability: agreement on how we are governed?

**Sir Patrick Mayhew:** I accept what the hon. Gentleman has said about agreement being the basis for stability and for order. That is so not just in Northern Ireland; it is so in every civilised and democratic society. That is the first point.

The second is that I acknowledge that the basis of the division of the community in Northern Ireland is one that denies—that has denied in the past—a necessary element of agreement; I accept that. That is why I welcome the part that the hon. Gentleman and all the other leaders of the constitutional parties have played in recognising the need to sit down together and to fashion a new beginning in relationships that will yield greater agreement.

I was sorry that the hon. Gentleman made those allusions to negative attitudes among Conservative Back Benchers. I would have thought that there was a very unwelcome and uncharacteristically negative contribution by his hon. Friend the Member for Newry and Armagh (Mr. Mallon) a minute or two ago. We have been working for exactly what the hon. Member for Foyle (Mr. Hume) describes. I am glad that that has achieved what I hope and believe is the understanding that I mentioned a few moments ago.

### Investment

9. **Dr. Goodson-Wickes:** To ask the Secretary of State for Northern Ireland what recent assessment has been made of trends in investment inquiries in Northern Ireland since the ceasefire brokered by the Government. [19616]

**Mr. Ancram:** There has been a significant increase in the number of inward investment inquiries received at the Industrial Development Board's headquarters in Belfast and by its eight overseas offices, especially those in London and in the United States, since the cessation of violence last autumn.

**Dr. Goodson-Wickes:** Does my hon. Friend agree that the transformation in Northern Ireland since the ceasefire has been remarkable, especially to those of us who served there in the early 1970s? Is that not an enormous tribute to the Prime Minister and his ministerial colleagues? But does my hon. Friend accept that peace can be built upon only if there are even further incentives to investment in Northern Ireland to reassure those who, rightly, still have strong doubts about the future?

**Mr. Ancram:** I thank my hon. Friend for those comments and for the way in which he has used his question. It is indeed evident that the coming of peace has had a substantial effect on inward investment in Northern Ireland. It is interesting that, in the six-month period from 1 September 1994 to 31 March this year, the IDB received 743 investment inquiries, whereas in the corresponding period for the previous year it received 189. Of course we shall always look for ways in which to attract inward investment to Northern Ireland, but I repeat what I said earlier—that the best incentive is peace underpinned by political stability.

**Mr. Clifford Forsythe:** The Minister will be aware that inward investment requires development, and that

development helps the construction industry. Is he aware of the allegations of increased interference from racketeers on certain construction sites in Northern Ireland, which in some cases is serious enough for the sites to be closed? Will he consult his colleagues with a view to giving extra powers to C1(3) to help to stamp out the grave extortion that is taking place?

**Mr. Ancram:** Such allegations are matters for great concern, and if there is evidence of any such thing I am sure that the hon. Gentleman and other hon. Members will make it available to the Government. Certainly, my colleagues with more ministerial responsibility in that area than I have will have heard what the hon. Gentleman said. However, when we consider inward investment and attracting industry it is important to show the best side of Northern Ireland and not to allow the worst side to gain the upper hand.

**Mr. Bellingham:** Does the Minister agree that, although inward investment is clearly valuable, the small firms sector is also crucial? What is he doing to encourage small businesses and entrepreneurial activity in the Province?

**Mr. Ancram:** Several agencies, including the Local Enterprise Development Unit, are trying to give encouragement to such businesses. Certainly, they are of great importance to Baroness Denton, who is responsible for that aspect of the Northern Ireland Office. When we talk about rather dry facts concerning inward investment, it is worth recalling that over the past two days there has been significant inward investment. First, in the constituency of the hon. Member for Londonderry, East (Mr. Ross), Seagate announced yesterday a £60 million expansion that will bring 300 new jobs to a company that already employs many people in that area. Secondly, Dae Ryung industries announced an £18 million investment in Craigavon that will bring 500 jobs by the end of 1997. Those are two significant announcements of inward investment, and I suspect that they have much to do with the new situation in Northern Ireland.

**Mr. Spellar:** We welcome the new inward investment, especially yesterday's announcement on Seagate. I urge the Minister to consider the Government's role in providing infrastructure, as there is a worrying decline in the fortunes of the construction industry. Is he aware that recent surveys by the chartered surveyors, and by the construction employers only yesterday, demonstrate a quite substantial decline in the fortunes of the industry? Is he aware of the substantial need of schools, of housing and of roads for infrastructure and new investment in Northern Ireland? Will he ensure that the peace dividend does not turn into a peace deficit for the extremely important construction industry?

**Mr. Ancram:** This question would have been dealt with more successfully had the hon. Member for Rhondda (Mr. Rogers), who had tabled the previous question, on the construction industry, been present to ask it. Obviously, the matter does not fall within my ministerial responsibility, but I understand that my hon. Friend the Under-Secretary has asked all his sections of the Department to report back to him on how the construction industry may best be assisted over the coming year and whether expenditure on construction remains the same as previously.

## Arms and Explosives

11. **Mr. Cyril D. Townsend:** To ask the Secretary of State for Northern Ireland what progress is being made over the removal of arms and explosives from illegal organisations. [19618]

**Sir Patrick Mayhew:** The security forces continue to recover illegally held weapons and munitions. The most recent example was a find on 4 April of a substantial quantity of weapons, weapon parts, ammunition and weapon-making equipment in a house in Holywood, County Down, and the subsequent recovery of a substantial quantity of arms in a house in Chester-le-Street in County Durham. The RUC will continue to seek out terrorist weaponry with the utmost vigour.

**Mr. Townsend:** I warmly welcome that news. Will my right hon. and learned Friend assure the House that that topic remains right at the top of the agenda? Does he agree that any talks between various groups in Northern Ireland which fail to address that subject could be fatally flawed? Does he believe that organisations, such as the United Nations, and individual countries have a part to play in helping with the removal and destruction of illegal arms and bombs in Northern Ireland?

**Sir Patrick Mayhew:** I agree with my hon. Friend. I reckon that the people of Northern Ireland and the people of the whole island of Ireland are sick to the back teeth of weapons being used for political purposes and of those who justify such use. I agree with what he said about the importance of addressing that matter in talks as well as with what he said in his concluding question.

**Mr. Trimble:** The Secretary of State, in reply to the previous question and to earlier questions, tried to state the circumstances and requirements for the decommissioning, as it is now called, of terrorist arsenals. May I tell him that he did so in extremely uncertain and opaque language, which people outside will find difficult to understand, that the vague and uncertain criteria stated by the Northern Ireland Office provide an opportunity for the ill-intentioned criticism of the hon. Member for Newry and Armagh (Mr. Mallon), from which he suffered earlier, and that such language also opens the door to the sort of slippage of the Government's position that has happened so often over the past few months? The only sensible thing to do is to state the clear requirements of decommissioning and the surrender of weapons and to stick to them.

**Sir Patrick Mayhew:** The Government have stuck, throughout the whole of this period, to the conditions that they have described. It has been perfectly clearly stated that to make a transition from exploratory dialogue to main political talks, in which I trust that the hon. Gentleman's party will soon be taking part, there has to be substantial progress on the decommissioning of arms. I have been asked what is meant by that. I described it in Washington as a declared willingness in principle to disarm progressively, a common practical understanding of what decommissioning would entail, the decommissioning of some arms as a tangible, confidence-building measure to test practical arrangements and to demonstrate good faith and a signal of the start of a

process. The hon. Gentleman waves his arms as though he cannot understand that, but it is very easy to understand and it makes very good sense.

**Mr. Shore:** In the talks on the decommissioning of terrorist weapons, should not the surrender of Semtex explosives have the highest priority since those particular weapons are clearly in use only for aggressive rather than defensive purposes?

**Sir Patrick Mayhew:** Nobody would disagree with what the right hon. Gentleman has said. I am sometimes told that there is a long tradition of hiding the pike in the thatch when violence has come to an end. That cannot possibly be prayed in aid in favour of those who retain Semtex, given the appalling capacity of even a few pounds in weight of that material.

### Peace Process

12. **Mr. Canavan:** To ask the Secretary of State for Northern Ireland what recent discussions he has had about furthering the peace process; and if he will make a statement. [19619]

**Sir Patrick Mayhew:** I refer the hon. Gentleman to the answer that I gave the hon. Member for Walsall, North (Mr. Winnick) earlier today.

**Mr. Canavan:** I welcome the decision, however belated, to initiate dialogue with Sinn Fein at ministerial level, but can we have an assurance that, from now on, the talks will be as inclusive as possible and the agenda of the talks will be as comprehensive as possible, including constitutional matters as well as the decommissioning of arms? Do the Government now accept that they have no excuse whatsoever for excluding any party, or not fully including it in the talks, on the ground that it is allegedly not constitutional?

**Sir Patrick Mayhew:** The hon. Gentleman has run together two stages. My hon. Friend the Member for Devizes (Mr. Ancram), the Minister of State, will be participating in the exploratory talks, and if our understandings prove to be correct, there is no relevant matter that cannot be discussed. As to the second part of the hon. Gentleman's question, whether Sinn Fein enters the substantive political talks depends on whether it divests itself of what has disqualified it from joining. I have repeated in answers to several questions today what it is necessary for it to do.

**Mr. Dykes:** As these various complicated processes are gathering pace in a most encouraging way, will my right hon. and learned Friend examine the way in which parliamentarians and Ministers can together persuade the Ulster Unionists to join the British-Irish parliamentary body at long last?

**Sir Patrick Mayhew:** I am glad that my hon. Friend finds the process encouraging—I think that it is—but, if it is going to continue to be, there has to be the most steadfast adherence to principle and we have to play matters coolly and resolutely, as well as in a sensible and imaginative way. As to what the Ulster Unionists do in regard to the body that my hon. Friend mentioned, that is a matter entirely for that party, led by the right hon. Member for Lagan Valley (Mr. Molyneaux).

**Dr. Hendron:** When the Secretary of State is considering ways of furthering the peace process, will he at the same time consider prisoners, both republican and loyalist, bearing it in mind that many of the young men from both communities who are in prison were not responsible for the extremely adverse environments in which they spent their formative years? Will he please look sympathetically, therefore, at the whole question of prisoners? At the same time, does he accept that the time must surely have come when Irish prisoners in England should be brought to Northern Ireland, so that their friends and loved ones can visit them there?

**Sir Patrick Mayhew:** The hon. Gentleman invites me to look sympathetically at the question of prisoners, but he will know that such sympathy cannot exclude, for example, sympathy with the feelings of the relatives of those who have been murdered. There are no political prisoners in Northern Ireland. Those in prison are there only by reason of having been convicted of offences such as murder, conspiracy, the possession of arms and so forth. Accordingly, those who have been sentenced by the courts will have to serve their sentences in accordance with the law. It is very important that the hon. Gentleman, whose constituency has suffered much from these hideous crimes, should not give weight to the idea that those were somehow political crimes—they were not, they were murders and crimes of great evil and malice, done to people whom he represents, along with others.

**Mr. Bernie Grant:** Will the Secretary of State clarify whether the Irish National Liberation Army has declared a ceasefire? If so, is the right hon. and learned Gentleman prepared to have talks with it?

**Sir Patrick Mayhew:** I have no knowledge of any ceasefire having been declared by INLA.

### Manufacturing Investment

13. **Mr. William Ross:** To ask the Secretary of State for Northern Ireland what further incentives he intends to provide to encourage inward investment in manufacturing industry in Northern Ireland. [19620]

**Mr. Ancram:** A competitive package of incentives is already available, which has resulted in a number of major inward projects in recent years. There are no plans to introduce changes at present, but the competitiveness of the package is kept continuously under review.

**Mr. Ross:** Does the Minister agree that one of the great disincentives to investment is the high cost of electricity in Northern Ireland, which is due in part to the high rate of VAT on heavy fuel oil, which affects Northern Ireland unduly? Will he take up that matter with the Chancellor of the Exchequer?

**Mr. Ancram:** I shall certainly pass on that comment to my right hon. and learned Friend the Chancellor. As I have said before, when we consider inward investment to Northern Ireland, it is important that we not only look at some of the difficulties, but that we continue to point out that Northern Ireland is now an excellent place in which to invest. In that way, we can attract overseas investment, which will bring jobs to the constituencies of hon. Members representing Northern Ireland, including that of the hon. Gentleman.

## PRIME MINISTER

### Engagements

Q1. **Mr. John Greenway:** To ask the Prime Minister if he will list his official engagements for Thursday 27 April. [19637]

**The Prime Minister (Mr. John Major):** This morning, I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

**Mr. Greenway:** Would my right hon. Friend care to comment on the council tax levels set by the district councils in my area for middle-range band D houses? Labour York is charging £101, a 21 per cent. increase; Liberal Democrat Ryedale is charging £78, a massive 57 per cent. increase; while in neighbouring Conservative Hambleton, householders are getting a £32 refund. Does that not show that Labour remains the high-tax party, that a protest vote for the Liberal Democrats can prove very expensive and that people are better off under the Tories?

**The Prime Minister:** I can confirm what my hon. Friend has said. Examples similar to those that he has given can be found right around the country. The Labour party has sought repeatedly during the local election campaign to mislead people with comparisons on council tax, but it knows, as everyone else should know, that, band for band, like for like, Conservative councils are infinitely cheaper than Labour councils and substantially cheaper than Liberal Democrat councils.

**Mr. Blair:** Can the Prime Minister sympathise in any way with the anger of nurses, who will be paid differently for the same job, according not to their performance, but to the money in the hospital trust?

**The Prime Minister:** We have done for nurses precisely what they asked of us. We have provided them with their own review body and met in full its recommendations. That is something that no previous Government were prepared to give nurses. We have given them that. A great many nurses have now accepted the national settlement, to which, of course, must be added the local settlements.

**Mr. Blair:** The Prime Minister is surely aware that the review body set a national figure and that it included the local component because of Government pressure to do so. He therefore cannot shuffle off responsibility on to it. Is not the effect of Government policy on the health service now to pit nurse against nurse, hospital against hospital, doctor against doctor? The result will be to divide and rule and the commercialisation, demoralisation and break-up of the health service, when people want to see the national health service run as a proper national service for the people.

**The Prime Minister:** No Government at any stage have funded the health service as generously in terms of pay or other aspects of it as we do. Set against what the right hon. Gentleman has just had to say, can he perhaps explain whether it is fair or unfair that nurses' pay has risen by an average 78 per cent. in the past six years, which is twice as fast as the economy as a whole? Does he also recall that, under the Labour Government, nurses' pay actually fell—it did not even maintain its value; it fell? Since then, it has increased by 78 per cent., and nurses have, as they have always sought, an independent pay review body that is, I remind the right hon. Gentleman, independent.

Q2. **Mr. Clappison:** To ask the Prime Minister if he will list his official engagements for Thursday 27 April. [19638]

**The Prime Minister:** I refer my hon. Friend to the reply that I gave some moments ago.

**Mr. Clappison:** Does my right hon. Friend agree that those who are indulging in political knockabout on the subject of tower blocks are ducking the real issue, which is how we can help the people who live in tower blocks? Will my right hon. Friend urge all local councils to co-operate with the Government in getting rid of tower blocks?

**The Prime Minister:** I quite agree with my hon. Friend. Yesterday, I tackled serious issues that affect the lives of many people in inner cities. As a smokescreen at that time, the hon. Member for Holborn and St. Pancras (Mr. Dobson) issued a press release purporting to represent my record at Lambeth council. Even a cursory checking would have shown the hon. Gentleman that every aspect of that press release was a falsehood.

It is, of course, more than a quarter of a century ago, so I have had the facts checked. The buildings for which I am supposed to have been responsible were designed and approved by the Labour council, before I was elected to the council, let alone became housing chairman. The Leader of the Opposition may well shift uneasily in his seat. He speaks of higher standards in politics and he allows the Labour party to indulge in falsehoods, day after day.

**Mr. Ashdown:** Would not the Prime Minister's great predecessor, Winston Churchill, turn in his grave if he knew how much of the public's money was now being spent to purchase his state papers, while investment in the nation's real assets—our children and their education—is being cut to ribbons by the present Government?

**The Prime Minister:** The right hon. Gentleman, I am afraid, has his facts entirely wrong about the state papers. What were purchased were the personal papers of Sir Winston, which could have been freely sold to any number of buyers, and which Sir Winston had decreed, through his trustees, should go to his subsequent descendants. It is those papers that have been purchased.

The archive, as a whole, includes state papers and personal papers, many of which have no connection whatsoever with Sir Winston's time in government. The personal papers could have been freely sold to any number of buyers. It was to maintain the archive intact that the national heritage memorial fund, which is independent, decided to fund the purchase of the personal papers from the Churchill family trustees. The Government decided at the same time to transfer the state papers, similarly, to Churchill college.

There is no question whatever of lottery money having been used to purchase papers that are the property of the state, and the right hon. Gentleman was wrong in his remarks.

**Mr. Jenkin:** May I draw my right hon. Friend's attention to the rather nasty and vindictive policy being pursued by the Lib-Lab pact on Essex county council,

which is withdrawing support for the transport of children to grammar schools? Does he agree that, while the Opposition parties try to speak the language of choice and diversity, they continue to have the language of envy and vindictiveness engraved on their hearts?

**The Prime Minister:** I am surprised to hear what my hon. Friend has to say in view of the repeated comments about education from the right hon. Member for Yeovil (Mr. Ashdown) and his hon. Friends. It seems that they are concerned about discrimination only when it does not involve some pupils in Liberal Democrat-controlled authorities, whose parents happen to have chosen for them to go to grammar schools.

Q3. **Mr. Tipping:** To ask the Prime Minister if he will list his official engagements for Thursday 27 April. [19639]

**The Prime Minister:** I refer the hon. Member to the answer I gave some moments ago.

**Mr. Tipping:** The Prime Minister has clearly had time to reflect on the statement that he made yesterday about inner cities and their housing conditions, but does he remember that in 1979, £7 billion was spent on housing investment and this year the figure has been cut to £2.5 billion? Is that not another example of the Government saying one thing, but doing another?

**The Prime Minister:** If the hon. Gentleman looks at the records through the years, he will find that the changes made in inner cities—all of them beneficial—have been opposed by him and his colleagues throughout the past 16 years. The 12 urban development corporations, which are now credited with turning round the worst inner city centres, were opposed by the Labour party. Estate action and housing action trusts were opposed by the Labour party. The single regeneration budget, which is helping to fund the scheme that I saw yesterday in Hackney, was opposed by the Labour party. The deputy leader of the Labour party, who has a loose connection with facts most of the time, seems to believe that his party was responsible for the private finance initiative. May I remind him that the Labour party has opposed us time after time over moves to bring private capital to the inner cities. I know that the Labour party is stealing many of our policies, but the right hon. Member for Kingston upon Hull, East (Mr. Prescott) should have some shame and not try to steal all of them.

**Mr. Dykes:** I thank my right hon. Friend for the continuing Northern Ireland peace process and the encouraging signs therein. When does he expect the talks with Sinn Fein to start and how long are they likely to last? I know that that is a difficult question. Is my right hon. Friend optimistic about the outcome?

**The Prime Minister:** The exploratory talks with Sinn Fein will start before very long. Those exploratory talks must be concluded, with a number of matters settled, as my right hon. and learned Friend the Secretary of State for Northern Ireland has set out on a number of occasions, before we can enter into the political talks process itself. I very much hope that the exploratory talks can begin very speedily.

Q4. **Mr. Nigel Griffiths:** To ask the Prime Minister if he will list his official engagements for Thursday 27 April. [19640]

**The Prime Minister:** I refer the hon. Member to the answer I gave some moments ago.

**Mr. Griffiths:** Since so many charities have lost income because of the national lottery and since Lady Churchill so freely gave to the national archives so many of Sir Winston's works, does the Prime Minister not think that it would be patriotic to follow her example today?

**The Prime Minister:** Charities will find that they will be substantial beneficiaries of the national lottery—that will continue to happen year after year. I should have thought that the hon. Gentleman would have welcomed the substantial help that will go, not only to charities, but to a number of other worthy causes, as a result of the Government's initiative.

Q5. **Mr. Duncan:** To ask the Prime Minister if he will list his official engagements for Thursday 27 April. [19641]

**The Prime Minister:** I refer my hon. Friend to the answer I gave some moments ago.

**Mr. Duncan:** Is the Prime Minister aware that 250 jobs are about to be created by the reopening of a colliery in Nottinghamshire and that the Asfordby pit in my constituency is about to go into full production? Will my right hon. Friend call on the right hon. Member for Sedgefield (Mr. Blair) to give credit where credit is due? The right hon. Gentleman should recognise the success not only of a privatised coal industry, but of the gas industry. After the passage of the Government's Gas Bill, will not the benefits of competition and choice be extended to every domestic consumer of gas in this country?

**The Prime Minister:** I imagine that the right hon. Member for Sedgefield (Mr. Blair) heard what my hon. Friend had to say. Despite the ridiculous predictions from the Labour party time after time, competition has reduced prices in the gas, electricity and telephone industries. I see no reason to suppose that it will not deliver a successful coal industry. In the case of gas competition, domestic customers should see their bills fall by about 10 per cent. thanks to the measures taken—something I should hope that everyone would welcome.

Q6. **Mr. Mullin:** To ask the Prime Minister if he will list his official engagements for Thursday 27 April. [19642]

**The Prime Minister:** I refer the hon. Member to the answer I gave some moments ago.

**Mr. Mullin:** Has the Prime Minister read the recent speech by Mr. Michael Grade about the rise of Rupert Murdoch? Does he think that it is right that a foreign-owned corporation headed by a ruthless megalomaniac should control one third of our newspapers and much of our television? Does the Prime Minister plan to do anything about it?

**The Prime Minister:** The hon. Gentleman knows that we have been studying the law relating to cross-media ownership. That study is not concluded and, as soon as it is, we shall publish what we propose to do.

As to Channel 5—which is clearly what the hon. Gentleman has in mind—the process of choosing a Channel 5 licensee must be, and is being, conducted on the basis of long-standing rules legislated by the House.

**Mr. Stephen:** Will my right hon. Friend ask the Lord Chancellor to think again about paying legal aid in civil cases to people who are not ordinarily resident in this country? Is my right hon. Friend aware that our constituents object to that practice, not on the basis of the applicant's nationality, but because there is not enough money in the legal aid fund to pay legal aid to our middle-income constituents who have paid taxes all their lives?

**The Prime Minister:** My hon. Friend raises a matter that a number of people are concerned about. I assure him that my right hon. and learned Friend the Lord Chancellor will examine it.

## Business of the House

3.30 pm

**Mrs. Ann Taylor** (Dewsbury): May I ask the Leader of the House for details of future business?

**The Lord President of the Council and Leader of the House of Commons (Mr. Tony Newton):** The business for next week will be as follows:

MONDAY 1 MAY—Remaining stages of the Children (Scotland) Bill.

TUESDAY 2 MAY—Remaining stages of the Atomic Energy Authority Bill.

WEDNESDAY 3 MAY—Until 2.30 pm, there will be debates on the motion for the Adjournment of the House.

Debate on exports, industry and inward investment, on a motion for the Adjournment of the House.

THURSDAY 4 MAY—Debate on the Royal Air Force, on a motion for the Adjournment of the House.

FRIDAY 5 MAY—It will be proposed that the House will meet at 9.30 am for Prayers and thereafter adjourn. Addresses will be presented to Her Majesty the Queen in Westminster Hall at 12 noon.

Monday 8 May is, of course, a bank holiday, and the House will not sit. I regret that, at present, I am not able to give details of business later that week. I will do so next week and, at the same time, I hope to give some indication as to business for the following week. I will make every effort—if I may predict one of the questions that the hon. Member for Dewsbury (Mrs. Taylor) will ask—to include provision for Opposition time.

**Mrs. Taylor:** I regret the slippage in announcing future business that the Leader of the House has announced. We were making good progress, and I urge him to try to regain that position in the future.

I could raise many issues with the Leader of the House today, but I intend to put them to one side in light of the seriousness with which we view his failure to provide a Supply day for the Opposition next week. I have been pressing for a Supply day since the end of March, so that Opposition Members could choose the subject of debate. Today, the Leader of the House has announced the business of the House up to and beyond the local elections on 4 May, and we have been denied a Supply day yet again. That will mean an interval of at least six weeks between Supply days.

I believe that the Leader of the House is aware of his obligations to Her Majesty's Opposition, and I know that he must have come under very significant pressure—not least, because he promised in the Chamber on 30 March and on 18 and 20 April that he would do his best to take on board our requests for a Supply day.

I cannot stress enough that it is unacceptable for the Government to refuse the Opposition a Supply day throughout the run-up period to the local elections, especially given the desire on both sides of the House for a debate on health. Even with the Whip restored to some to compensate for other hon. Members who have been suspended, are the Government still afraid of the outcome of a debate on London health? The Leader of the House must realise that he is wrong to try to gag the Opposition, wrong to delay debates until after the local elections, and wrong to duck debates on London health.

**Mr. Newton:** I need hardly say that there is no question of trying to gag the Opposition or duck debate on legitimate issues. There was an above-average frequency of Opposition days earlier in the year, and we have had an above-average need to deal with Government business in the past few weeks, including three Bills for which the Opposition pressed very hard, among them the Children (Scotland) Bill, which we are due to debate next Monday. I always take account of the hon. Lady's representations, which is not to say that I can always meet them, but I have just said that I shall make every effort to include Opposition time in my next business statement.

**Sir John Gorst** (Hendon, North): Could the Leader of the House find time for a debate in Government time on the closure of London hospitals?

**Mr. Newton:** There have already been substantial exchanges on that matter in relation to the private notice question which my right hon. Friend the Secretary of State for Health answered two or three weeks ago. I have no plans to provide for a debate in Government time, but I shall note my hon. Friend's representation.

**Mr. Paul Tyler** (North Cornwall): Does the Leader of the House accept that the widespread consternation and confusion about the exact position in relation to the Churchill archives has not been dispelled by the answer given by the Prime Minister to my right hon. Friend the Member for Yeovil (Mr. Ashdown) a few minutes ago?

It is not the distinction between the state and private papers that concerns people in all parts of the House and the country, but the clear impression that Ministers have given the House on successive occasions that the national lottery would be new money, not money to substitute for something in which the Government and the state should invest anyway. Will the Leader of the House therefore assure us that there will be an opportunity not only to hear from the Secretary of State on that matter, but to debate the issue?

**Mr. Newton:** I certainly cannot promise an opportunity for debate but, as ever, I shall bear the request in mind. I thought that my right hon. Friend the Prime Minister was absolutely clear about the position, and, as he emphasised, the decision was taken by independent trustees of the national heritage memorial fund.

**Sir Patrick Cormack** (Staffordshire, South): May I quote a phrase which my right hon. Friend just used and suggest that there is an "above-average need" for a debate on the situation in the former Yugoslavia? Can we have one very soon?

**Mr. Newton:** While noting my hon. Friend's request, and very much respecting the interest that he has taken in those matters over many years, I cannot promise a debate at the moment. Given the pressures I face from those on the Opposition Front Bench and elsewhere, he will understand some of the difficulties that I might find in so doing. I will, however, keep it in mind.

**Mr. Dafydd Wigley** (Caernarfon): Will the Leader of the House arrange for the Secretary of State for Wales to make a statement next week on the delays and

prevarications with regard to the district auditor's reports on an investigation into possible fraud in the housing renovation department in Rhondda? A management letter was submitted last year on the matter and has not been actioned. A public interest report should be brought forward. One was promised before March, but will not be brought forward before the local elections. Do not the electorate have a right to know about important material in such reports before local elections take place?

**Mr. Newton:** I am not aware of any plans that my right hon. Friend the Secretary of State for Wales has to make a statement on that matter, but I shall bring the hon. Gentleman's question to his attention.

**Mr. Bob Dunn** (Dartford): Could the Leader of the House arrange for an urgent debate on commitment in politics, given that the House may wish to decide which is the greater cosmetic act: the setting up of Max Factor, or Labour's review of clause IV?

**Mr. Newton:** I will reflect on that.

**Mrs. Alice Mahon** (Halifax): Is the Leader of the House aware that the public, who are outraged by the Churchill payout, will not be pacified by the Prime Minister's answer this afternoon? As the hon. Member for Davyhulme (Mr. Churchill) will almost certainly be made redundant at the next general election, will the Leader of the House make time for an urgent debate on what will be seen as the biggest redundancy payout ever?

**Mr. Newton:** As I have said, I thought that my right hon. Friend the Prime Minister made the position absolutely clear in his answer at Prime Minister's questions today. What is more, I think that it will be generally welcomed that it has proved possible to keep this invaluable collection of papers, regardless of their original ownership and whether they were state papers or private papers, or those on which the National Heritage Memorial Fund will have taken legal advice, together as a single, invaluable collection.

**Mr. Edward Garnier** (Harborough): The hon. Member for Dewsbury (Mrs. Taylor) is keen to have a debate on the health service. Will my right hon. Friend assist her by allowing an Opposition day debate on the health service in Leicestershire, because my right hon. Friend will find that 93 per cent. of those who responded to a survey across my constituency were not only well satisfied but wholly happy with the way in which the health service is running under the Government's reforms? Can my right hon. Friend find Opposition time for such a debate?

**Mr. Newton:** I will certainly endeavour to bring that out should such a debate take place. In any event, I endorse my hon. and learned Friend's observations about the experience that people report when they actually have treatment with the NHS.

**Ms Diane Abbott** (Hackney, North and Stoke Newington): Will the Leader of the House make time for a debate on the lottery? Is he aware that people in poor areas in Hackney spend more money, as a proportion of their income, on lottery tickets than people anywhere else? They are amazed to find that £13.5 million of their money is going to the Churchill family trust.

Is the right hon. Gentleman aware that the Prime Minister's answer this afternoon was misleading, and that what the Prime Minister described as personal papers are personal only in the sense that Sir Winston Churchill chose to take them with him when he retired from office? Is he aware that the Attlee family donated all his papers, state and personal, to the nation, and will he not urge the Churchill family to do the same?

**Mr. Newton:** I do not believe that the hon. Lady is right in what she says.

**Mr. Jacques Arnold** (Gravesham): Will my right hon. Friend allow a debate on school transport? I am sure that his constituents must have been very concerned at the comments of my hon. Friend the Member for Colchester, North (Mr. Jenkin) about the vindictive action of the Lib-Lab pact that controls Essex county council and the damage that it will do to less well-off families whose children need to go some distance to get to school. It will not surprise my right hon. Friend that in Kent, where the county council is also run by a Lib-Lab pact, we are also very concerned.

**Mr. Newton:** The constituency of my hon. Friend the Member for Colchester, North (Mr. Jenkin) is immediately adjacent to mine—indeed, it is half a mile from where I live—so I am well aware of the concerns that are felt in Essex about the policies that are being considered by the Lib-Lab pact that runs Essex county council. Indeed, I am making representations on behalf of my own constituents.

**Mr. Dennis Skinner** (Bolsover): Will the Leader of the House arrange a debate on the pay of the bosses who run the privatised utilities, and has he noticed that his friend Lord Young, who is the head of the privatised Cable and Wireless company and receives £948,000 a year, has had the bare-faced cheek to attack teachers who are asking for 3 per cent. as being "greedy"? Is it not time that we debated this issue to put into context the fact that, among those who have taken those jobs, are 19 ex-Tory Cabinet Ministers, with 19 directorships between them? They are the greedy people, and the last thing they should be talking about is our teachers and nurses.

**Mr. Newton:** The position is that we are awaiting the recommendations of the Greenbury committee, which is considering the issue of executive pay in all public companies. I think that that is the right context in which to consider those matters, and any report from that committee would be the right context in which to consider a debate.

**Mr. John Wilkinson** (Ruislip-Northwood): Can I reiterate to my right hon. Friend my previous plea for an urgent debate on civil air transport, which is one of this country's largest sources of employment and foreign exchange? In that context, could my right hon. Friend reconsider the subject matter for next Thursday's debate, and move the debate on the Royal Air Force to a later date, because the Royal Air Force affects the whole of the nation and many right hon. and hon. Members will be away for the local elections, whereas civil air transport is of particular concern to London Members, especially to those like me, who have many constituents working at Heathrow airport?

**Mr. Newton:** Of course, I shall, as ever, bear my hon. Friend's request in mind. I must say, however, that I am

*[Mr. Newton]*

mildly surprised by his request in one sense, in that he is one of those from whom I had anticipated pressure for a debate on the RAF had I not announced one.

**Mrs. Bridget Prentice** (Lewisham, East): Given that the Director General of the Prison Service is now on probation, mainly because the Home Secretary cannot make up his mind whether to sack him or back him, is it not time that we had a debate on prison privatisation?

**Mr. Newton:** I cannot add to what my right hon. and learned Friend the Home Secretary told the House about this matter yesterday. There are no plans for a debate such as the hon. Lady suggests, but I shall, of course, bear her request in mind, too.

**Mr. Oliver Heald** (Hertfordshire, North): Will my right hon. Friend find time for a debate on civil air transport and air services agreements between the United Kingdom and the United States, so that Conservative Members can make the point that it is the job of the United Kingdom to negotiate such agreements, not that of the European Commission, and that we are going to defeat the ambitions of the Commissioner involved, as we have in the past?

**Mr. Newton:** I have to acknowledge that that is a genuinely attractive proposition for a debate, but I must stop short of promising it. I can but stress that I share my hon. Friend's view that the United Kingdom's interests are best served by direct air services agreements made by national Governments. We firmly believe that the United Kingdom and other member states should remain free to negotiate bilaterally with the United States.

**Ms Angela Eagle** (Wallasey): Will the Leader of the House arrange for a debate early next week on funding and financial provision for the Royal British Legion, especially as that would be just ahead of VE day, which we shall all celebrate, so that we can consider what might have been done with the £14 million that has just been given to the trust of one hon. Member, and how it might have been used to help the veterans who really deserve it?

**Mr. Newton:** I understand why the hon. Lady feels it right to ask the question in that way. I would venture the view, however, that members of the Royal British Legion and, indeed, all those who served in the British forces and on the British civilian scene in the second world war, would be very unhappy at the thought of the Churchill papers being broken up.

**Mr. Toby Jessel** (Twickenham): On that subject, does my right hon. Friend accept that everybody knows that, if it had not been for the inspirational leadership of Sir Winston Churchill in the second world war, it is highly likely that we would have been defeated and that this country would have been governed by Adolf Hitler? Does he not consider that this country owes an unbounded debt to Churchill and his memory, and that his wishes should be honoured and respected?

**Madam Speaker:** Order. I did not hear the hon. Gentleman ask for any change of business next week. This is not the time to make statements about individual views, but an opportunity for hon. Members to question the Leader of the House about next week's business. However, I shall hear the Leader of the House reply—he is quite capable of doing so in spite of the way the point was put to him.

**Mr. Newton:** I am grateful for that compliment from the Chair, and I shall do my best. Perhaps the best that I can do is to point out that part of what is in effect our business next Friday is the start of the celebrations for VE day weekend, with the events in Westminster Hall. I am sure that the contribution that Sir Winston Churchill made to enable us to hold such events will be much in everyone's mind.

**Mr. Derek Enright** (Hemsworth): Has the Leader of the House read the Conservative manifesto of one John Kelly, a local election candidate in Manchester, who writes:

"Are you depressed, unhappy, suicidal?—then think what it's like for me as a Conservative candidate"?

Could we have a debate a week on Friday to discuss the medical advice available for defeated Tory candidates?

**Mr. Newton:** I have not read that manifesto. On the second point, I do not share the reported feelings of the person in question. In answer to his last question, the hon. Gentleman will find that the Friday in question is a non-sitting day.

**Mr. Harry Greenway** (Ealing, North): May we have a debate on the decision to acquire the Churchill papers? I support all who called for such a debate with a view to congratulating those who made the great decision to acquire the papers of the greatest man in the century, perhaps the greatest Englishman of all time. *[Interruption.]* It is true. May we have such a debate without descending to the politics of envy?

**Mr. Newton:** Once again, I have a request that I shall bear in mind, but I am afraid that I cannot accede to it from the Dispatch Box this afternoon, although I appreciate my hon. Friend's motives.

**Ms Mildred Gordon** (Bow and Poplar): May I inform the Leader of the House that a number of my constituents have complained that there is still a police cordon around the City of London? I note that the letter boxes around Paddington station are still sealed. Will he arrange for a debate about security provisions on the mainland, in view of the changed circumstances?

**Mr. Newton:** I shall, of course, bring those remarks to the attention of the appropriate authorities, and ask them to be drawn to the attention of the appropriate authorities in the City. My own observations, as a result of being a frequent user of Liverpool street station, are that the arrangements have improved traffic flow in the area.

**Lady Olga Maitland** (Sutton and Cheam): Will my right hon. Friend consider providing time for an urgent debate on local government? Is he aware of a recent study that showed that most politically obsessed local authorities are all Labour-controlled? Indeed, their obsession with race, gender and sexual orientation is said to heighten awareness, not discrimination, and is causing serious resentment in the community at large, as people feel that they are not getting a fair share of the cake.

**Mr. Newton:** I certainly agree with my hon. Friend that the costs of what is known as political correctness are probably one reason why, band for band, the costs of Labour local councils are higher than those of others.

**Mr. Dennis Canavan** (Falkirk, West): In view of the Prime Minister's inadequate explanation, may we have a statement next week explaining exactly who are the beneficiaries of the £13 million from the lottery fund that was used to buy the Churchill papers? If those papers are part of our national heritage, why on earth did the Government not intervene to stop them being sold off on the international market, instead of using £13 million from the lottery fund as a ransom payment to people who are quite intent on threatening to sell off our national heritage to the highest bidder?

**Mr. Newton:** I repeat that I am clear from our exchanges that my hon. Friends do not regard my right hon. Friend's answer as inadequate. As for the rest of what the hon. Gentleman said, the decision was taken by the independent national heritage memorial fund.

**Mr. Patrick McLoughlin** (West Derbyshire): Will my right hon. Friend find time for a debate on the possible introduction of a national funding formula for education? Is he aware that Derbyshire county council holds back £720 per pupil, Staffordshire holds back £550 per pupil and Nottinghamshire holds back £570 per pupil? If that money went directly into the schools, it would make quite a difference to the financial position of our schools in all those counties.

**Mr. Newton:** I am sure that my right hon. Friend the Secretary of State for Education will examine carefully my hon. Friend's remarks. I hope also that the local authorities to which he has referred will do as he suggests.

**Mr. D. N. Campbell-Savours** (Workington): The Leader of the House was present last week when we debated the abuse of proceedings in the Select Committee on Members' Interests. What is the Government's response? Will there be a statement on what we are to do in circumstances where a libel action in a court is given precedence over the requirements for a Committee of the House of Commons to carry out a full inquiry? Surely the Government must have a position on the matter, particularly as they have a Whip on the Committee.

**Mr. Newton:** You would quickly rule me out of order, Madam Speaker, were I to comment in any detail on the affairs of a Select Committee—in this case, the Select Committee on Members' Interests. My concern last week was to enable that Committee to continue its work without interruption from the hon. Gentleman.

**Mr. James Clappison** (Hertsmere): When my right hon. Friend considers the Opposition request for a debate on London's health services, will he bear in mind the fact that the Opposition had two Opposition days in the recent past on that subject? On one occasion, the Opposition's health spokesman was replaced by their campaigns co-ordinator. Will my right hon. Friend do what he can to ensure that any debate on London's health services is calm and constructive—not the sort of vote-grubbing exercise that the Opposition want?

**Mr. Newton:** I always do my best to ensure that all the proceedings in the House are calm and constructive.

**Mr. Harry Cohen** (Leyton): With the planned closure of the much-loved Bart's hospital and of other hospitals in London, and given health cuts and the discriminatory low pay award to nurses, is there not an overwhelming case for debating London's health services? Does the Leader of the House share the concern felt by me and others that, with the recent three-in-a-bed scandal involving a Member of Parliament, the Secretary of State for Health might think that a good idea for London hospitals?

**Mr. Newton:** In circumstances in which an extra £1.3 billion is being spent on the NHS this year, I do not think that the hon. Gentleman's remarks do justice to the true situation. In referring to cuts, the hon. Gentleman did not state the correct position.

**Mr. Charles Hendry** (High Peak): Further to the question from the hon. Member for Bolsover (Mr. Skinner), will my right hon. Friend arrange an early debate on the extremely high levels of pay of top executives in local government—especially in the light of the fact that the county director of Derbyshire, who earns £70,000 a year, has ignored three requests from me to say by how much his salary and those of his senior executives have risen over the past five years? Should there not be a debate, so that those figures can be brought out into the open?

**Mr. Newton:** I have already referred to the Greenbury committee. If there is a subsequent debate, my hon. Friend might be able to raise those evidently related matters.

**Mr. Michael Connarty** (Falkirk, East): As to the VE day celebrations, will the Leader of the House arrange for a Scottish Office Minister to come to the House to explain how that Department is dealing with the concerns expressed in early-day motion 871?

[*That this House is deeply concerned that the intention of the Royal Proclamation of 22nd June 1994, that 8th May 1995 should be a Bank Holiday to commemorate the 50th anniversary of V.E. Day, is being undermined in Scotland; notes that unlike other parts of the United Kingdom 1st May is an annual Bank Holiday fixed by statute for Scotland; notes that in a letter of 22nd February 1995, replying to a question to the Prime Minister by the honourable Member for Falkirk East, the Department of the Environment stated 'In Scotland the anniversary will be marked by an additional day's Bank Holiday for this year only'; notes, however, that it appears that correspondence between the then Minister for Industry and Local Government in the Scottish Office, the honourable Member for Eastwood, and CBI Scotland encouraged employers to treat 8th May 1995 as a replacement for the 1st May public holiday; notes that this has led some employers such as the Post Office to withdraw the traditional May Day holiday on 1st May and substitute 8th May, in effect forcing employees to pay for their own V.E. Day holiday; and urges public and private companies to negotiate an additional holiday on 8th May so that Scots can celebrate the anniversary of the peace won by the sacrifices of so many. [R] Relevant registered interest declared.*]

Is the right hon. Gentleman aware that Monday 1 May is a statutory bank holiday in Scotland, and that most public workers will get an extra day's holiday on 8 May?

*[Mr. Michael Connarty]*

However, because of interference by a Scottish Office Minister, the Post Office is denying that holiday to its workers, and the Scottish Office is denying it to its workers.

Will the Department of Trade and Industry explain, even at this late date, why it will not compel the Post Office to go to the Advisory, Conciliation and Arbitration Service to avoid a strike on Monday to preserve a national holiday in Scotland, which would bring the good name of the VE day celebrations into disrepute?

**Mr. Newton:** I will bring the hon. Gentleman's questions to the attention of my right hon. Friend the Secretary of State.

**Mr. Harry Barnes** (Derbyshire, North-East): As the Leader of the House is aware, it would be possible to include the Civil Rights (Disabled Persons) Bill on tomorrow's Order Paper, but only if that Bill finishes in Committee. Is the right hon. Gentleman aware that 113 amendments have been tabled in the name of the hon. Member for Richmond, Yorks (Mr. Hague), who is the Minister concerned? The filibuster involved is worse than that seen on the Floor of the House last year in respect of the previous Civil Rights (Disabled Persons) Bill.

Will the Leader of the House take action to ensure that the current Bill is allowed to progress this afternoon, so that it can be debated in the House tomorrow—as required by many hon. Members and the public?

**Mr. Newton:** It is not for me to comment on proceedings in a Committee at which I have not been present, and it would be improper for me to seek to control them. The hon. Gentleman will acknowledge that a wide range of issues require thorough discussion. He can hardly accuse the Government of being unhelpful in a week in which we tabled a money resolution for his Bill.

**Mr. Piara S. Khabra** (Ealing, Southall): I was surprised to hear one Conservative Back-Bench Member remark that 93 per cent. of the population are satisfied with the health service. The fact is that 93 per cent. of the population are dissatisfied with the state of the health service. May I ask the Leader of the House to reconsider, and to approve a Supply day debate on the state of the NHS?

**Mr. Newton:** All I will say is that I will add that request to the list of comparable requests, starting with that of the hon. Member for Dewsbury (Mrs. Taylor).

**Mr. Jimmy Hood** (Clydesdale): May I raise with the Leader of the House the problem of community care, and in particular Orchard house, a nursing home in my constituency? It was recently the subject of a "Frontline Scotland" investigative programme, which exposed malpractice, mistreatment and criminal neglect of residents in that home. Because of the seriousness of the allegations, I ask the Leader of the House for a debate next week on that very important subject, because there are a considerable number of residents in nursing homes such as Orchard house, who need to be protected. I think that the House should have a debate on that.

**Mr. Newton:** I know that the hon. Gentleman will understand that it would be quite wrong for me to seek to comment on allegations of the kind that he has just made or reported, and I shall not attempt to do so. The proper course would be for such allegations to be investigated by the appropriate authorities—the social work department, as it would be in Scotland, or the Secretary of State; I am not sure which. I shall ensure that his remarks are drawn to my right hon. Friend's attention.

**Mr. Andrew Miller** (Ellesmere Port and Neston): As the Leader of the House is nervous about bringing the Secretary of State for Health before the House on a Supply day on London health before the local elections, will he at least ask her to come before the House next week to answer a specific question on an analysis that has been done on Government figures, which show that 74 out of the top 100 prescribed drugs cost less than the £5.25 cost of a prescription, and, what is more, one third of those drugs cost less than £1? That is taxation of the sick. It is about time that the Government answered that important question.

**Mr. Newton:** It is only slightly less than a fortnight ago that the issue of prescription charges was debated on the Floor of the House with the Minister of State. I certainly do not envisage further time for debates in the near future.

**Mr. Don Foster** (Bath): Will the Leader of the House find time for an early debate on education administration in central and local government? Is he aware that such a debate would enable clarification of remarks made to the House by the Prime Minister? Does he recall that, on 16 March, the Prime Minister told the House that there were two education administrators for every three teachers? Yet, in Prime Minister's Question Time last Tuesday, the Prime Minister said that those figures came from "Social Trends".

On checking with the Library of the House of Commons, I am assured that no such figures exist in "Social Trends". The reality is that, in the Prime Minister's own constituency, in Cambridgeshire, there is in fact one administrator for 16 teachers. Does the Leader of the House not think that it would be appropriate to have such a debate, so that we could raise those issues?

**Mr. Newton:** I do not think that it would be appropriate to have such a debate.

**Mr. Jeremy Corbyn** (Islington, North): Will the Leader of the House find time for an early debate on the question of the property of former Ministers and Prime Ministers: what belongs to them, what is personal to them and what is claimed to be their property merely because they held high office?

The revulsion throughout the country at the money that is to be paid to the Churchill family for the papers must be aired in the House. Above all, we need to know that other former Prime Ministers or their families will not make a killing out of selling their papers, which they gained solely by being in office, as a result of being elected and therefore being public servants.

**Mr. Newton:** I will observe in passing that it seems to me to be quite difficult to argue that letters written by a schoolboy to his mother in his early years can be counted as state papers. Clearly, there have been difficulties in determining precisely what is and what is not, but, as I understand it, the trustees of the national heritage memorial fund took careful legal advice on the question of ownership and valuation before making their decision.

## China and Hong Kong

*[Relevant documents: the First Report of the Foreign Affairs Committee, Session 1993-94, on relations between the United Kingdom and China in the period up to and beyond 1997 (HC 37), the Government Observations thereon (Cm. 2608) and the Annual Report on Hong Kong 1994 by the Secretary of State for Foreign and Commonwealth Affairs (Cm. 2788.]*

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Wood.]*

4.4 pm

**The Secretary of State for Foreign and Commonwealth Affairs (Mr. Douglas Hurd):** We welcome this opportunity to review developments in China and Hong Kong and to look at our policies towards them. This is no backwater; it is a central part of our foreign policy and, indeed, the last main chapter of our imperial history. I am sure that it is right that the House should, from time to time, discuss the matter.

The debate is timely. Last year, the Select Committee on Foreign Affairs, under the chairmanship of my right hon. Friend the Member for Guildford (Mr. Howell), produced its thorough report on relations between the United Kingdom and China. The Government have made their observations on that report.

Last month, I laid before the House the annual report on Hong Kong. As it happens, last week in New York I had another of my regular series of meetings with the Chinese Foreign Minister, Vice-Premier Qian Qichen. I hope that he will be visiting London later this year. Next month, my right hon. Friend the President of the Board of Trade will visit Peking and Shanghai, accompanied by more than 100 of our most senior business men.

With fewer than 800 days to go before sovereignty over Hong Kong reverts to China, it is a good time to take stock. The Foreign Affairs Committee was right to begin its report with an analysis of China's growing weight in world affairs. We all know that China's economic growth is formidable. Average growth of over 9 per cent. a year has now continued for more than 16 years. The economic reforms, including the introduction of market principles and the opening of the economy to foreign trade and investment, are, I believe, irreversible.

I am aware that there is speculation about revolutionary change and the break-up of China—on analogy with the former Soviet Union. Sometimes, the growth in regional power and the obvious decentralisation in China are cited as evidence that China is heading down that road. I do not believe that. I believe that China will remain united and, over the years, continue to grow rapidly in economic strength and in influence in the world.

China is not the Soviet Union. As I know from my past time there, in China there exist powerful forces to preserve the unity of the country—a strong cultural and racial identity and strong national institutions committed to keeping China intact and pride in China as a nation.

It is true that economic reforms have given the provinces more economic decision-making powers, which many have been quick to exercise. But there has been no evidence of a concerted attempt by regions to follow their own political agenda. I believe that China's unity and integrity will continue for as far ahead as we can see and certainly long after the transition to the new generation of political leadership.

Against that background, we are seeking to develop a practical and realistic dialogue with China. We work with China as permanent members of the United Nations Security Council. We encourage China to be forthcoming on such issues as non-proliferation—now being debated in New York—and regional conflicts. We want China to join international bodies such as the new World Trade Organisation, although obviously that must be on the right terms. We are building up contacts of all sorts with China through the British Council, the Great Britain-China Centre, the BBC and many other channels.

At the heart of what we do with China is, of course, our special responsibility for the future of Hong Kong. As the House would wish, that responsibility is among our highest foreign policy objectives. We have the joint declaration and we must do what we believe to be in the best interests of Hong Kong on the basis of that declaration. We must not shrink from that. We owe the people of Hong Kong no less; I believe that we owe ourselves no less. That is not at odds with our wider objectives in relation to China. Some people speak as if we had a choice between China policy and Hong Kong policy. In fact, we cannot have one without the other. Only within the context of a wide-ranging relationship with China can we fulfil our responsibility for Hong Kong.

When Vice-Premier Qian and I met in September last year, he spoke of a gradual restoration in Sino-British relations, over Hong Kong and more generally. As part of that, we want to increase the frequency and scope of visits in both directions. The visit that the Minister of State, my right hon. Friend the Member for Eddisbury (Mr. Goodlad), paid to Peking last July was one element in that. We welcomed to London the Chinese Vice-Minister of Finance. This year, two former British Prime Ministers, Baroness Thatcher and my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath), paid successful visits to Peking and they saw, as was right, a number of China's senior leaders. As I said, the next step is next month's visit to Peking by my right hon. Friend the President of the Board of Trade. I mentioned to Foreign Minister Qian that we could develop more contacts between hon. Members and legislators in China.

Perhaps the clearest example of the depth of the relationship is on the commercial side. China's open-door policy has undoubtedly freed the entrepreneurial spirit and talent of Chinese people with spectacular results, as all recent visitors testify. Gross domestic product has trebled in the past decade and a half. British industry and commerce are heavily and successfully involved. Last year, we mounted our largest ever trade mission to China, with more than 100 representatives from more than 70 companies.

Last year, our exports to China were worth £845 million, up more than 14 per cent. on 1993, the figure for which was 72 per cent. up on the previous year. Britain is now the largest European Union investor in China. By the end of last year, our cumulative investment there amounted to $4.5 billion. More than 600 joint ventures in which British firms hold a stake exist in China. Those firms include some of the leading names in British industry.

To help our exporters, we have made use of the aid and trade provision, worth some £25 million a year, and in September last year we signed the third concessional financing agreement, worth £55 million. Therefore, our

*[Mr. Douglas Hurd]*

business men are doing well, but not yet well enough. We need to press for every advantage and opportunity for British industry in a market that, early in the next century, will be among the world's largest.

We have well-established and expanding cultural links with China. Many such contacts exist. I should like just to mention that about 5,000 Chinese students attend British universities and colleges—a striking figure. The British Council is active in promoting scholarships to Britain, English language teaching and a full exchange programme in science, medicine and technology.

Of course, there is not just progress and co-operation. Inevitably, there are disagreements, and the relationship must have the strength to allow those disagreements to be expressed. We need, for example, to talk candidly but calmly to the Chinese about human rights, and we do so. We continue to be deeply concerned at some of the reports that reach us. We raise those concerns regularly. I did so with Vice-Premier Qian in New York the other day, and the mission to China in 1992, led by my noble Friend Lord Howe, produced a number of particular practical recommendations for legal reform. We are continually in touch with the Chinese authorities about the taking up of those suggestions.

Right hon. and hon. Members are rightly much concerned about the threat to Tibetan culture and identity—a particular example of human rights abuse. That can be sorted out and put right only by a thorough dialogue without preconditions between the Chinese Government and the Tibetans. We urge all concerned to start that process without delay.

I should say a word about Taiwan, which comes under this heading, because we have substantial commercial and cultural interests there. We do not recognise it as an independent state and that means that we have no political dialogue with it, but our unofficial links are there and making good progress.

Last year, our exports to Taiwan were worth £735 million, up 10 per cent. on 1993. Nine out of 10 Taiwanese manufacturing investments in Europe have come to the United Kingdom. We have 8,000 Taiwanese students at British universities and colleges.

We have a "One China" policy—which I am sure is right—so we have no political relationship with Taiwan, but we can develop our ties in other sectors. This year's first British festival in Taiwan, including a British education exhibition, is powerful evidence of that.

**Mr. David Howell** (Guildford): What my right hon. Friend says about Taiwan is welcome. As he says, we recognise the "One China" policy, but although 5,000 mainland students are here, we have even more Taiwanese students. Does he accept that in developing commercial relations with Taiwan, we should impose on the movements of people from Taiwan and on the visa procedures no more onerous a regime than any other country does?

**Mr. Hurd:** I shall look into the detail of that question, but we certainly have no desire to put any artificial or unnecessary restraints on people coming and going on their legitimate business between here and Taiwan.

I shall now say something about Hong Kong—

**Mr. D. N. Campbell-Savours** (Workington): May I take the Foreign Secretary back to his reference to student movements to the United Kingdom from China? Is there not an argument that the British Government should take a far more hands-on approach to developing courses in United Kingdom universities in the Chinese languages, and also to promoting Chinese culture? Should we not at the same time promote an extensive programme of moving students from the United Kingdom to study in Chinese institutions? Is not this a critical point in our history, when we can formulate future events and the future relations between the two countries by developing that important area of student movement?

**Mr. Hurd:** Yes, that is important. Each time that I have been to China, I have met British students studying there, as the hon. Gentleman suggests that they should. But I have also met many Chinese who have come back from studying in this country and are now taking up positions in different professions in the People's Republic, and I have been most encouraged by the way in which they look back on their time in colleges and universities here.

If I could come to Hong Kong, there are now just over two years to go before sovereignty over Hong Kong reverts from London to Peking. We have come a long way, and achieved a great deal, since the Sino-British joint declaration was signed in December 1984 and ratified by the House the following May.

On the political front, we have put in place, I believe successfully, arrangements for developing representative government in Hong Kong that are wholly compatible both with the joint declaration and with China's Basic Law for Hong Kong. It is a pity that, as the House knows, after 17 rounds of talks lasting most of 1993, it was not in the end possible to reach agreement with China on those arrangements.

Since then, elections have been held under the new arrangements for both tiers of local government in Hong Kong; for the district boards in September 1994, and last month for the municipal councils. Both elections saw a record number of candidates and a record turnout by the electorate. Pro-democracy parties finished with clear leads, but those regarded as having close links with Peking or with the business community also performed very respectably.

The final round of elections under British rule—those for the Legislative Council—will be held on 17 September this year. I am encouraged by the interest that all sections of the Hong Kong community are showing in contesting the elections, and I see no good reason why China should dismantle electoral arrangements that are wholly consistent with the joint declaration, the Basic Law and other understandings between us, and that so clearly command the confidence of most people in Hong Kong.

But that is not enough; that is not the whole story. The Hong Kong Government have had much more to do than simply to put those arrangements in place. As everybody now present in the Chamber knows, Hong Kong is an intensely dynamic and stimulating place—I think that it is the most stimulating place that I ever visit. It does not stand still, and its Government cannot stand still.

Over the past year, the Hong Kong Government have strengthened the protection of human rights there. In June they announced measures to promote sexual equality, and the United Nations convention on the rights of the child

was extended to Hong Kong last year. The Hong Kong Government have also announced an administrative code on access to Government information, and next week they will introduce into LegCo a Bill to prohibit discrimination on grounds of disability. They have announced plans for legislation to protect privacy in respect of personal data, and to make legal aid more readily available in Bill of Rights cases.

That big social and political legislative programme is against a background of extraordinary economic growth in Hong Kong—6.4 per cent. per annum over the past decade. I am not sure that, when people discuss Hong Kong here, they fully realise the size of what is being achieved. Gross domestic product per capita in Hong Kong is now greater than that in the United Kingdom or Australia. It is now the world's eighth largest trading economy, it has the world's sixth largest foreign exchange reserves and the seventh largest stock exchange and its container port is now the busiest in the world.

In his 1993 and 1994 budgets, the Financial Secretary in Hong Kong was able once again to cut taxes, increase expenditure and put more money aside for Government reserves. Those reserves will be worth more than $HK150 billion—about £12 billion—when Hong Kong is returned to China on 30 June 1997. That is the latest estimate.

**Several hon. Members** *rose—*

**Mr. Hurd:** May I finish this paragraph? Sixty per cent. of the work force in Hong Kong do not pay any salaries tax at all and only 2 per cent have to pay the top rate, which I have to admit to the House is an onerous 15 per cent.

**Sir David Steel** (Tweeddale, Ettrick and Lauderdale): As the Secretary of State passed rather quickly over the human rights section of his speech, I apologise to him for not realising that he had moved on. Does he have any expectation that China will ratify the United Nations covenant on human and political rights before the handover in 1997? Otherwise, what does our guarantee to Hong Kong mean?

**Mr. Hurd:** I have no undertaking on that part. We continue to say that that would be right. In any case, we believe that China has an obligation to report under the Hong Kong obligations in the covenant. I am coming to the matters outstanding between us. The right hon. Gentleman is quite right: that point has not been cleared up and it is important.

**Mr. Mike Gapes** (Ilford, South): The Foreign Secretary has also failed to mention the plight of the widows and the ethnic minorities in Hong Kong. Are the Government proposing to take any action in the near future to try to resolve the difficulties of those groups?

**Mr. Hurd:** Those are two separate points, which were raised in the Select Committee report. I am coming to more detailed Hong Kong matters, but the hon. Gentleman will know that special arrangements have been made to look after the widows' position by my right hon. and learned Friend the Home Secretary. The Government have not been able to accept the Select Committee's recommendation on ethnic minorities. Hon. Members may want to raise that again, but we rest on the legislation that the House passed in 1990, on admissions from Hong Kong.

I was talking about the economic achievements of Hong Kong and I shall finish that point, if I may. The Hong Kong Government have been careful; they are prudent and we are constantly having to point that out to the Chinese authorities, which obviously fear extravagance. However, their fears are not borne out by the figures.

The rate of increase in public spending in Hong Kong has kept pace and is closely in step with GDP growth: public expenditure amounts to less than 20 per cent. of GDP. But because of the amazing prosperity of the place, within that prudence, the Hong Kong Government have been able to increase spending on capital projects, on education and on health and welfare. The most striking symbol of that expenditure is, of course, the new international airport—the world's largest civil engineering project.

Such elements are all in place; they will continue. It is in our interests and that of China that the impetus of Hong Kong's economic success should continue undiminished. We are making a British commitment to that success after 1997 by building our consulate-general there for that time, which will be our largest in the world.

At the top of the Government's agenda for Hong Kong is the relationship with the future sovereign power. I have mentioned the disagreement over constitutional development. That is now largely behind us. Indeed, there have been some significant steps forward in exchanges with China over Hong Kong recently. In June, for example, we reached agreement on something very difficult: the disposal and development of the military estate in Hong Kong. That agreement has released some $HK65 billion worth of property to the Hong Kong Government.

At last, in November last year, we broadly reached an agreement with China on the financing arrangements for the new airport—it is being built and it is being financed out of current revenue—but detailed arrangements are still not in place. In November, we also agreed to set up a new infrastructure co-ordinating committee, to promote necessary co-operation on infrastructure projects between Hong Kong and the neighbouring province of Guangdong.

It is true, as right hon. and hon. Members will point out, that there is still a great deal to be done and little time in which to do it. In important areas of the agenda for the transition, progress has been slow or non-existent. When I saw Vice-Premier Qian last week, I urged him to help to ensure that the work of the Joint Liaison Group—the group that tackles the agenda—was speeded up.

In the weeks and months ahead, a high priority in that work will be the rule of law in Hong Kong, because the legal underpinning on which civil society and the business community rests is crucial to its distinctive international identity and the concept of two systems in one country. That legal underpinning is fundamental to Hong Kong's attractions to foreign investors and its status as one of the world's leading business and financial centres.

A part of that, which is of great practical and symbolic significance, is Hong Kong's need for its own Court of Final Appeal to take over the role that is performed by the Judicial Committee of the Privy Council. We reached an agreement with China in 1991, and the Hong Kong Government have prepared a draft Bill for the Legislative Council, to implement that agreement to establish the Court of Final Appeal before the handover in 1997. We look to China to give its early support to the Bill, so that the court can be set up in good time and good order.

**Dame Jill Knight** (Birmingham, Edgbaston): Having visited Hong Kong not too long ago and spent some time with the chief of the Hong Kong police, I was concerned

*[Dame Jill Knight]*

to hear of their feelings about the problem of corruption, which has been dealt with effectively in Hong Kong through the Independent Commission Against Corruption, but is endemic in China. That is a very real worry. Can my right hon. Friend tell the House anything about that worry or say anything to assuage it?

**Mr. Hurd:** I was about to say that the rule of law is one of the essential qualities in Hong Kong. Another is the professional and objective way in which the public services—the civil service and the police—carry out their duties. They have their problems in Hong Kong, but my hon. Friend is perfectly right. I think that they have overcome them and it is extremely important for the future of Hong Kong that that professionalism, which includes the issue that my hon. Friend mentioned, should be sustained and that China, as the new sovereign power, and the new autonomous Government in Hong Kong should do everything to protect that. It will involve some sensitive handling of the next 800 days by the Chinese Government and Chinese officials and Ministers, especially in the way that they handle the police, their prospects and the civil service in Hong Kong. I made that point to the Chinese Foreign Minister and it is one of the most important points that needs to be made.

**Mr. Tim Renton** (Mid-Sussex): On the Court of Final Appeal, Ambassador Ma, the Chinese ambassador to the United Kingdom, was in the House yesterday evening to address the all-party Hong Kong parliamentary group, of which I am the chairman. At the meeting, he made it clear that China did not want the Bill setting up that court to be introduced at the Legislative Council without China's blessing—he did not want it to be introduced unilaterally. I understand that China has been considering the detail of the Bill for about 11 months and, as my right hon. Friend says, time is beginning to run out. Does he see any way out of the dilemma? Clearly, the introduction of the Bill and the setting up of the Court of Final Appeal is a matter of substantial importance to the people of Hong Kong.

**Mr. Hurd:** That is of substantial importance, and my right hon. Friend is right. There is a way of reconciling what the Chinese ambassador said with the requirements of the Government and people of Hong Kong. The answer is that we should reach agreement with the Chinese. We do not need a new framework agreement; we have got that agreement. Agreement has already been reached, for example, on the role of foreign judges. There is no disagreement between us and China—it was all agreed in 1991. We now need the agreement of China to the actual draft legislation, which the Chinese have and are considering. Expert talks are planned for the next few days—the date does not come immediately to mind, but those talks are imminent.

As I explained to the Foreign Minister, time is pressing. The Chinese know that. They know that we want to see the Court of Final Appeal in good working order well before the transfer of sovereignty. They know the timetable backwards from that to the passage of the necessary legislation by LegCo. There is time to answer any remaining questions from the Chinese and time to reach agreement. That is what we seek. I hope that they seek it, too.

We need also greater certainty on the adaptation of Hong Kong's 600 Ordinances and 1,000 pieces of subsidiary legislation to make them compatible with the Basic Law. A great deal of that will involve technical, professional work, without main political content, but it must be done. We need to speed up the slow business of localising to Hong Kong legislation previously extended to the territory by Order in Council. A raft of multilateral and bilateral international agreements underpin the status of Hong Kong as a first-world economy and society. Those agreements need to be extended, transformed and applied to the new special administrative region.

**Mrs. Gwyneth Dunwoody** (Crewe and Nantwich): I should like the Foreign Secretary to pay particular attention to public health implications, because there have always been enormous differences between the public health rules in Hong Kong and those in the People's Republic. Those differences pose a problem for any doctors in Hong Kong, who frequently find themselves attacked, not on the basis of the adequacy of their medicine, but on the basis of their perceived status as people trained under a previous colonial administration.

**Mr. Hurd:** I shall certainly consider that. We have had, for example, a discussion with the Chinese about sewage pollution in the harbour, which bears on the hon. Lady's request. The Hong Kong Government felt that they had to get on with stage 1 of their scheme to deal with that pollution. The Chinese had some questions and doubts about that, which, I hope, have now been resolved. Certainly, the Government are going ahead with that work. That work illustrates the importance of maintaining the standards of all kinds to which Hong Kong is accustomed, while co-operating with China in the transition.

In answer to the question from my hon. Friend the Member for Birmingham, Edgbaston (Dame J. Knight) about the police, I have already referred to the crucial matter of confidence in the public services in Hong Kong. That confidence in the reputation of Hong Kong for clean and efficient administration is crucial for the future prosperity and stability of the territory. One of our most important tasks in the next two years is to work with China—it must be with China—for a smooth transition in the civil service.

My right hon. Friend the Member for Guildford asked me about one aspect of immigration and nationality arrangements. We have plenty of work to do. We need to clarify with China the provisions for right of abode in Hong Kong after 1997; and to establish arrangements for eligibility for and the issue of the new passport for the permanent residents of the new special administrative region, which is what Hong Kong would be. I discussed that with the Chinese Foreign Minister. We need to continue to discuss in the joint liaison group the matter of visa-free travel for holders of Hong Kong special administrative region passports and holders of British national (overseas) passports. We and the Governor want to do that in co-operation with China.

In October, in his address to LegCo, the Governor set out a series of proposals for co-operation. He promised, for example, full co-operation with the preparatory committee that China will establish early next year to start work on the transfer of sovereignty. He pledged that he

and his administration would give the chief executive designate of the special administrative region every help in preparing to take over.

**Dr. John Marek** (Wrexham): The Foreign Secretary is aware of my general support for his policies and those of LegCo and the Governor. Will he say a little more about the possible statelessness of Crown servants in Hong Kong? It is possible that certain servants of the Crown, for example, military personnel, the police and civil servants, will be stateless. The British House of Commons and the Government have a duty to ensure that none of those people find themselves in such a position after the takeover. Will the right hon. Gentleman perhaps give an assurance to those people that we shall do our duty and ensure that they do not fall into any such position after 1997?

**Mr. Hurd:** I do not understand that those people would be stateless. The issue is more about access to this country and so on. However, rather than answer in detail off the cuff, I shall ask the Minister of State to elaborate on that in his reply.

I repeat: the British Government and the Hong Kong Government want to and need to co-operate with China to ensure the smoothest possible transition for Hong Kong and the fulfilment by both sides of what we undertook under the joint declaration. There has been some improvement in that co-operation, but if the transition is to be as smooth as possible, and as smooth as Hong Kong needs, we shall need to work even more closely together. There is a shared interest in doing so.

Of course, Hong Kong will continue to matter greatly to Britain, even after the total transfer of sovereignty, but China has a huge and growing stake there, too. Hong Kong's economy now corresponds to 26 per cent. of the gross domestic product of China, up from 18 per cent. in 1992—an astonishing figure, given that China has been growing fast and Hong Kong is very small. Hong Kong is hugely important to China—more so than it was even three years ago. We therefore have a shared interest in successful co-operation. That will require political will on both sides.

As the 800 days tick by, it is right that, increasingly, people in Hong Kong and outside Hong Kong will look to China, the new sovereign power, for reassurance about the future of Hong Kong. I believe that the Chinese leaders, past and future, understand increasingly the scale and complexity of the responsibilities that they will take over on 1 July 1997. We want to turn that understanding into practical, concrete steps, which the community in Hong Kong is seeking.

I have spent most of my time discussing Hong Kong, but that is right, because it is—although not the only element—the central element in the relationship between Britain and China. I hope that I have shown that the interests that our two countries have in common, in respect of Hong Kong and in respect of the other links between us, go far beyond the differences that have from time to time divided us. Together, we—that is, Britain, China and Hong Kong—need to build a stronger and deeper partnership for the 800 days until the transfer of sovereignty, and indeed thereafter.

4.37 pm

**Mr. Robin Cook** (Livingston): On behalf of the Opposition, I welcome the opportunity for a debate about China and Hong Kong.

I echo the observation of the Foreign Secretary that China is a major power, and will become an increasingly large power. It has always had one of the largest populations. It now has one of the fastest-growing economies, which is on course to become one of the largest economies, of the world. For that reason, I share the Foreign Secretary's opinion that it is important that China should take its place in the World Trade Organisation. In view of its role in world trade, it would be quite wrong if China were not a member.

That role, as China's economy grows, will also develop into a stronger political role. I noted that the Foreign Secretary met his opposite number in China most recently in New York this month, at the review conference on the non-proliferation treaty. He must be aware that China has taken a lead in the discussions at that review conference and has staked out a clear position that agreement to indefinite extension must be achieved by consensus, not by majority vote. That position has evoked considerable support from the non-nuclear states present in New York, and illustrates the way in which China will increasingly have a power to influence the outcome of international negotiations and to shape the debate in international forums. It is therefore right that the House should consider our relationship with that power.

The Foreign Secretary said that we do not need to choose between having a foreign policy on China or having a foreign policy on Hong Kong. I have some sympathy with the point that we do not have to choose between the two, but we shall not get our relationship with China right if we do not get our policy on Hong Kong right.

I want to consider why this debate is important. It touches on the future of that territory, which is now by far the largest overseas direct interest of the British Administration. We do not approach the debate in a party political spirit. I hope that I do not disappoint the House when I say that I do not intend to make this a partisan occasion. It is a subject that we should try to pursue with the least party political disagreement between us, and with the fullest unity on a national basis. It is important that we do so on two counts.

First, there are important human consequences of any decision in relation to the people of Hong Kong, of whom there are a large number, that we take in the Chamber or that the Government take. There are 6 million residents of Hong Kong, of whom just over 3 million hold British nationality of one form or another. We are dealing with a population that, in terms of total residents, is larger than Scotland and, in terms of British nationality, is larger than Wales. That is the human significance of the issues that we are discussing. We enjoy with those people close economic ties, cultural ties, which we can see in our cities, and historic ties. In the week when we celebrate the 50th anniversary of victory in Europe, it is appropriate to remember that many of those in Hong Kong served in that war.

There will be some disappointment in Hong Kong that, in the debate on Hong Kong during the week of remembrance, the Foreign Secretary was not able to respond to an intervention from my hon. Friend the

*[Mr. Robin Cook]*

Member for Ilford, South (Mr. Gapes) by offering British nationality to the war widows currently in Hong Kong. They constitute a small number and I do not accept that it would set an immense precedent to give them exceptional treatment, and I am sure that such a move would be welcomed on both sides of the House.

The second reason why it is of grave importance that we debate the subject and do so in a non-partisan spirit is that this is a time of anxiety in Hong Kong. The Foreign Secretary repeatedly stressed the importance of confidence in the future of Hong Kong. I agree that it is important, but we would fail the people of Hong Kong if we did not reflect in the debate the considerable unease in some quarters.

I have not seen the figures—I do not believe that the Government have published them—but I understand that the Government's survey of the civil service in Hong Kong has discovered that one third of senior civil servants wish to leave the service before the point of transition. Part of the reason for the anxiety is the continued demand by the Government of China for access to security files held by the Hong Kong Government—a demand repeated in the February session of the preliminary working committee of the Government of China.

There appears to be similar unease within the police force. The senior police officer, who was appointed to head the special unit to ensure that the top 3,000 officers remained after 1997, took early retirement last month saying that he did not wish to continue in service after the transition to Chinese rule.

The root of those anxieties is well understood by both sides of the House. It goes back to the distressing events five years ago in Tiananmen square and its surrounding streets. Images on television are powerful. It is perhaps paradoxical that those powerful images also have a capacity to ebb in the memory. It is appropriate to remind ourselves that the human consequences in China of the events in that period remain. Many people who were arrested in that month in 1989 are still in prison and are likely still to be in prison on 1 July 1997 at the point of the transfer of sovereignty of Hong Kong.

Some hon. Members will have seen the detailed report of Amnesty International on those who were arrested in that period and who are still held, despite being classified by Amnesty International as prisoners of conscience. I shall refer only to one of the many—Chen Lantao, who was charged with counter-revolutionary propaganda and disturbing traffic. Those charges related to the fact that he attended peaceful demonstrations, made one speech and was accused of listening to the Voice of America radio station. For that behaviour, he was sentenced to 18 years in prison. I hope that both sides of the House would say that that is an unacceptable infringement of the right to freedom of speech and does not represent acceptable governance or acceptable standards of political and civil freedom.

Those who took part in the Tiananmen square demonstrations were Chinese nationals. There are other concerns involving the treatment of other ethnic groups—most obviously, the continued denial of autonomy and political rights to the population of Tibet. It is important to stress in such a debate that my hon. Friends and I believe that the protection and promotion of human rights must be one of the consistent objectives of foreign policy. Those of us who have met representatives of the Chinese Government are familiar with the argument that western concepts of human rights are not appropriate in the different cultures of the orient and in the very different social and economic conditions of China.

I agree that it would be wrong to seek to impose the precise legal forms that we have evolved over centuries. That would be a new form of cultural imperialism. But the world has developed universal standards of human rights; they are embodied in the United Nations declaration of human rights. Every member of the United Nations is entitled to demand those universal standards of every other member of the United Nations. Nothing would go further to boost the confidence to which the Foreign Secretary referred than for China to accede to the international covenant on civil and political rights developed through the United Nations.

The events of Tiananmen square had a profound effect on the views of people resident in Hong Kong, and appear to have had a profound effect on the rulers of China as well. One of the issues with which we must now grapple is that those events appear to have left the rulers of China perhaps more hostile to democratic reform and more nervous about the impact on the rest of China of the political processes in Hong Kong. That may have been a factor in the slow progress in recent negotiations. There is a paradox in the fact that the events of five years ago have made progress towards democratic rights in Hong Kong more pressing, but have also made it more difficult to obtain the agreement of the Government of China.

We would fail if we had such a debate without acknowledging that each side must share the weight of its historic legacy and historic failures. Britain has been responsible for the government of Hong Kong for 150 years. We would be in a much stronger position in negotiating on the future of Hong Kong under China if we had not discovered democracy so strongly in the past five of those 150 years or if the present Government had made more rapid progress in the first five years after the joint declaration in 1984. As it is, we are in the slightly difficult position of saying that the lack of democracy that we have tolerated for 145 years will become intolerable two years from now when China takes over.

I welcome the fact that the Governor is currently carrying out a review of legislation to identify those provisions which limit press freedom. I understand that he has identified 41 provisions and that 28 of them have been dealt with, or are about to be dealt with in forthcoming legislation. That is good, and he will have the support of both sides of the House in that exercise. It must be a matter of regret that 41 provisions limiting press freedom have been left for reform if not at the last minute, then at the eleventh hour of British responsibility for Hong Kong. The Foreign Secretary said that we debate issues about Hong Kong in this place from time to time. Before coming to the Chamber, I checked in the Library when we last debated the subject and I discovered that this is the first debate about Hong Kong in this Parliament.

It is certainly the first such debate since the Government appointed a former member of the Government as Governor of Hong Kong. That was a bold appointment on which we have not previously had the opportunity to congratulate the Government. It was a deliberate choice, which I presume reflected a studied intention on the part of the Foreign Office to make the role of the Governor more politicised.

Last year, the Select Committee produced an excellent report about Hong Kong, in which it observed:

"There can be no denying that the British approach did change and that the new Governor's line was more robust."

I think that the Select Committee was then slightly startled to discover that the last three former ambassadors to Peking disagreed with the new Governor's line.

Some hon. Members may have read—as I am sure the Committee Chairman has—the paper by Sir Percy Cradock which appeared last year in *World Today*. Whatever view one takes about the substance of his argument, as a practising politician it is impossible not to admire the sustained invective with which he argues it. Any of us would be proud to use such rhetoric about our opponents. It demonstrates unusually strong feelings on the part of a former diplomat about a current Governor.

I shall approach the record of the present Governor of Hong Kong in a more consensual spirit. He has our full backing in trying to achieve an open and democratic process for the people of Hong Kong within the terms of the joint declaration and the Basic Law. There will always be room for legitimate debate about the details.

I confess that I am rather perplexed by the detail of the functional constituencies that have been created. Functional constituency No. 9 covers the services and it extends a franchise to everyone employed in the civil service, the public service, education and health, and those who work in private entertainment and leisure services, electrical appliance repairers, cobblers and barbers. I think that it would be challenging for any hon. Member to claim to represent consensually such a constituency.

**Mr. Hurd:** I do not think that the hon. Gentleman would get the barbers' vote.

**Mr. Cook:** The Foreign Secretary is probably correct; that is a fair observation.

There would also appear to be practical problems, as I understand that registration is not proceeding particularly easily in such difficult constituencies. Therefore, I can understand why some in the Chinese Government regard that cumbersome mechanism as merely a device for getting around the limits in the Basic Law about the number of people who may be elected directly from geographic constituencies.

Whatever argument there may be about the details, there is no division between us about the direction of reforms. There must be no doubt about the united resolve of all political parties in Britain that Hong Kong should fulfil the terms of the joint declaration, in that it should enjoy a high degree of autonomy, its legislature should be constituted by election and the rights and freedoms of the Hong Kong people should be protected by law.

The objectives of the joint declaration provide a framework for the constitution of Hong Kong not merely to 1 July 1997 but for the 50 years beyond that. There are now fewer than 800 days until the transition of sovereignty. In those remaining 800 days, the test of whether we are successful in the administration that we provide during that period and the test of Governor Patten's achievement is not how much we can do, but how much will remain in place permanently beyond that time.

The Governor will leave Hong Kong on 1 July 1997, but the population of Hong Kong will stay—the people have nowhere else to go. If this debate is to address the concerns, welfare and rights of the Hong Kong people, we must look not only at the structures that we are building but at how stable they will be after we have left. I said earlier that this is the first time that we have debated the subject in the present Parliament. As we review the last three years and Governor Patten's period in office, I think that it should concern the House that during that time, we have made the least progress towards agreement with China about the future of Hong Kong after 1997.

Earlier this month, the joint liaison group met for the 32nd time. The communiqué issued at the end of the meeting was depressing. It admitted that there had been no progress on the issue of the Court of Final Appeal, no progress in the dispute over container terminal 9, and no progress on the right of abode. As time runs out, the pace of progress in Hong Kong appears to be slowing down rather than speeding up.

The people in Hong Kong who are watching the proceedings live may be rather disappointed that, having chosen to initiate the debate, the Government have no new initiative to offer as to how we will move out of deadlock. There are three major strategic concerns in the current deadlock. The first relates to democratic reforms. Those who heard the speech of the Chinese ambassador last night heard him repeat his Government's determination to dismantle the district boards, municipal councils and the Legislative Council, which proceeded to election without the agreement of the Chinese Government. It is not recognised by China, which has stated repeatedly that it will not continue beyond 1 July 1997. On the present basis, there will be no through train, as was hoped.

Some people argue that China will suspend those bodies on 1 July 1997, replace them with an appointed provisional body and subsequently relaunch them as elected bodies, having saved face and put itself in a position where it can claim that it and not the previous Government decided to set them up. I am concerned that that may be only a comforting theory. Even if that is the Chinese Government's intention, once the bodies have been suspended and replaced by appointed bodies, there will be a strong temptation not to return to the elected bodies.

The Foreign Secretary seemed to share the anxiety about how our present conduct will bear upon what happens in Hong Kong after 1997. In addressing the House in February 1990, he said:

"Those who suggest that whatever we do now China would be obliged to accept in 1997 are out of touch with reality".—[*Official Report*, 16 February 1990; Vol. 167, c. 580 .]

I hope that, five years later, that belief does not provide a basis for policy. We would fail the purpose of the debate if we did not press upon the Government the importance that any changes must be permanently bedded. If it is to be confident about its future, Hong Kong not only needs continuity after July 1997; it needs to be able to see soon that there will be continuity after that time.

A second strategic concern is the lack of progress in the past three years on the businesslike, but essential, agenda of renewing treaties and contracts. On that point also, the communiqué from the Joint Liaison Group was depressing. The communiqués normally state that agreement has been reached on a number of multilateral agreements. However, in this case only one agreement had been reached, concerning trade with New Zealand. I believe that some 200 such agreements are still to be renewed. It is difficult to see how that can occur by

*[Mr. Cook]*

1 July 1997. Even if political agreement is provided at the last minute, it will not be possible to achieve the necessary technical work.

The third issue to which the Foreign Secretary referred was the Court of Final Appeal. The joint declaration is absolutely clear on that point: final adjudication must remain within Hong Kong and there should be no further appeal to a legal body outside that country. No one issue is more important to resolve. It is not a marginal issue; it is crucial to Hong Kong's ability to prosper as a business based on the rule of law. Nothing would do more to undermine confidence than to suggest that final adjudication would not stay in Hong Kong or, for that matter, that the judges in the Court of Final Appeal would not be independent of political interference. Anxiety about that must be reinforced by the dispute over the container terminal, where the Government of China have blocked the appointment of Jardine Matheson as the contractor for reasons that do not relate to the nature of the tender or contract.

If Hong Kong is to continue to thrive as an enterprise economy, it must be on the basis that contracts are awarded because they are won by people who can comply with the contract, not arbitrarily on the basis of political judgment about the business concerned. I hope that, in the next two years, it will be possible for the Government of China to recognise the importance of that principle, because it is in China's interest that Hong Kong should survive and thrive as a business community. Hong Kong provides a quarter of China's gross domestic product. It is the gateway between China and the global economy. It is the source and route of much of the inward investment for China. The future of the Chinese economy is, in part, based on the continuing success of Hong Kong.

The same consideration that makes Hong Kong of such economic importance to China also makes Hong Kong important to Britain. Throughout my speech, I have dealt with the interests of the people of Hong Kong, and that must be our first concern. It is a sufficient concern on its own, but we also have an incentive to ensure the smooth transition and stable future for Hong Kong on the basis of the interests of Britain and the British economy. Hong Kong provides us with immediate access to south China. As the Foreign Secretary said, growth in that area is phenomenal. It is the fastest-growing economy in the world. It has high-quality investment and high value-added products, and it has a rapidly expanding market, which has grown 400 per cent. in the 10 years since the joint declaration.

We must acknowledge the dramatic success of that economic strategy, and acknowledge that the Chinese road to capitalism has proved much more successful than the route pioneered by the International Monetary Fund and the World bank in central and eastern Europe. China is now a major economic power on the Pacific rim, where there are a growing number of similarly fast-developing economies. By the second decade of the 21st century, six of the 10 largest economies in the world will be around the Pacific, not the Atlantic. That will make our ties with Hong Kong of increasing importance to us. It is vital that we maintain our continuing relationship and use that direct access to the region of the world with the fastest-growing economy.

Those ties must not end on 1 July 1997. Their economic importance will become even greater for Britain as the economy of that region grows, and their diplomatic value will be of greatest significance to the residents of Hong Kong as their strongest link with the world outside China. Let us use the next 800 days to ensure that our economic and historical ties with Hong Kong continue beyond 1 July 1997 and that they are ties with a Hong Kong that retains a society that is both democratic and respectful of human rights, and that is operating in an economy that is both enterprising and prosperous.

5.3 pm

**Sir Edward Heath** (Old Bexley and Sidcup): As I was able to spend a fortnight over Easter in the far east—China, Vietnam and Hong Kong—I am glad of this opportunity to intervene for a few minutes on this important matter.

I thank the Foreign Secretary for the quiet and conciliatory way in which he opened the debate. Some people in the far east are worried about this debate today because of some of the things that might have been said, which were almost said by the hon. Member for Livingston (Mr. Cook). It is important that we consider matters realistically and in perspective.

What impressed me most in visiting those countries was their emphasis on being Asia. Hitherto, one has known them as individual countries, and they have usually discussed with us some form of help or aid. That was no longer the case. They said that they were all Asian and knew that a large part of the world wanted to invest in them and trade with them, and that that was what they were building up.

I found it rather disconcerting when I went to see the pandas research area out in the wild. I said to the director, "I am sorry that you don't export pandas any more. Chairman Mao gave me two, but you broke the rule and again sent some to London zoo, which have now died. Now I'd like some more. Break the rule again." They said that the rule had gone, so I said, "Well, that's excellent, then. I can have two pandas." "Yes", they said, "You can have them for a year, five years or 10 years. You just sign a document to say how long you want to keep them for."

I said that that was excellent, and they said, "Yes, it will cost you $1 million a year." I said, "What? $1 million a year?" They said, "Yes, sign the document for 10 years and you put down $10 million." I argued that Chairman Mao gave me pandas, and that he would be looking down from above in horror at that proposal. "Ah, well," they said, "things have changed since that time. We now have a market economy."

Vietnam, too, is now well on the road to a market economy. Ministers there explained how they were doing that, and said that what they most wanted to establish was an infrastructure. They told me that they get on perfectly well with Britain and such business men from Britain who went there, but were sad that we were so far behind all the others. That is true. One of the reasons is that we dragged along behind the Americans, while others went in as soon as the opportunity occurred. They have now established themselves well and, once again, we must catch up.

I now come to the main topic of discussion, which is China and Hong Kong. The position of China today has been emphasised both by the Foreign Secretary and the

hon. Member for Livingston. To my regret, I do not believe for a moment that Asia as such, or even China in its present position, is fully understood or recognised by the people of this country, even by business men.

I am glad that the Secretary of State for Trade and Industry will go to China shortly, and take 125 business men. Prime Minister Li Peng assured me that he would receive him and discuss those matters with him, which is exceptional. There will be an opportunity for business men, but it requires action on their part. They should not treat it just as a nice visit to see what the place is like, and I hope that they will follow it up.

In addition to the other figures that have been given, China today has $52 billion in reserves, which is quite exceptional. Its purchasing power as a country is third in the world. One may say that that must be divided between 1.25 billion people but, from the point of view of making purchases outside China, it is an enormous sum, and it will grow, as the Foreign Secretary emphasised.

That is the realistic position against which we must put Hong Kong. To my great regret, mistakes have been made over Hong Kong. One of the things that I agreed with Chairman Mao Tse-Tung in 1974 was that there would be a smooth handover of Hong Kong to China. He said to Chou En-Lai, "Neither you nor I will be here to see that, but Heath and Wing Lun Weng will be." He has died, so I am the sole remaining factor in that agreement.

I find that the great majority of people in Hong Kong with any responsibilities, particularly business men, now want to get on with the changeover. They do not want another row or explosion, and that is the danger as regards the appeal court. It could lead to another explosion, and we must recognise that the Chinese will be responsible for Hong Kong in 800 days. They know the power they have, and what they want to bring about. We are foolish if we ignore that, because that is the situation that now holds sway in Hong Kong, certainly among those whom I have mentioned.

I discussed the matter of the appeal court widely while I was there. The British Government and Hong Kong and the Chinese Government came to an agreement in 1991. It was, in fact, a rather remarkable agreement. It was agreed that the supreme appeal court would consist of five judges, only the chief justice would be Chinese, and the others could be any nationality. Four would be permanent, one would be brought in to deal with particular matters and they could come from outside Hong Kong—they could be from Australia, New Zealand or Britain. However, the fact that China accepted that in an agreement was in itself remarkable. That still holds. The Chinese are perfectly prepared to continue.

Both sides having agreed that, it was put to the Legislative Council, which chucked it out. Why did we find it necessary to put the matter to an advisory body or accept what happened? However, we did. Three years then passed before we reached the next stage, which was to have a draft and put it to Beijing. Beijing says that it has had it for five months, but it is we who are complaining. We kept it for three years, and, what is more, the Governor has now set a time limit. He says that the answer has to be back by July, or he will go ahead with what he wants to do.

I am afraid that the response from Beijing is that it will not be dictated to by Hong Kong. There is room for an approach. In fact, an approach must be made. We cannot have an explosion about this. As I suggested, the approach should be that Beijing says clearly to those responsible that it wants to establish the appeal court before 30 June, and has already said what is agreeable to it. Then the Governor is in a position to tell Hong Kong that he is withdrawing any question of a dictated time limit, and he will continue negotiations on what was agreed as long ago as 1991. That is the positive approach to take to all these problems.

The Foreign Secretary mentioned sewerage. Yes, there is a row, not because the Chinese do not want sewerage for their health but because they believe that the proposals will not be adequate for Hong Kong in the future. Surely there is room for discussion. If the Chinese want to do more about sewerage, they will be there in the future, so let everyone agree on what has to be done. It cannot be said that Hong Kong is penniless—far from it. It has the money. For heaven's sake, let us do what both sides agree is necessary for the health and safety of the people of Hong Kong. We cannot have an explosion about that.

What about the general constitutional situation? There has been a complete misjudgment. People thought that the Chinese would not do anything about it, but that, when the time came, they would accept it. It is obvious that they will not. They said that firmly, right from the beginning. As the Foreign Secretary hinted, there are parts of the Basic Law whose meaning is not exactly clear. That is a matter for discussion and something to be thrashed out. It should not be a case of our putting forward a single view and saying that, if the Chinese do not accept it we shall go ahead anyway.

That was particularly the case with the exchange of letters about the elections, in which the Foreign Secretary said at the end that he hoped that that would be accepted. It was a hope; one could say that he was justified in hoping, but it was not an agreement. That is what Beijing said—it was not an agreement. However, without consultation, we go ahead. The result was, of course, an explosion. That is the explanation of what happened. The Chinese will change things again when they take over in 1997. They will go on what was agreed in the Basic Law and in the correspondence that followed. It is pointless to doubt that.

I was glad that the Foreign Secretary mentioned two other important issues. The first was Chinese instability. People right at the top in China believe that we are trading on future Chinese instability. I am afraid that there were many mentions in the report of my right hon. Friend the Member for Guildford (Mr. Howell) that supported them in that view. They think that we believe that they are going the same way as Russia, so we are delaying as much as we can and getting things fixed up that we had not before, and that we think that we can hold on to Hong Kong after 1997 for that reason. The Foreign Secretary stated dogmatically that that is not the case.

Anyone can see that China is not going the way of Russia. If there ever were any danger of that happening, the Chinese, having seen what happened to the Soviet Union, would not allow it to happen to them. They are absolutely clear about that, and will take whatever measures are necessary to prevent it. I also went to Szechwan and the south, where the people do not want to go the way of Russia. They have the utmost contempt for Russia, and the further west, the greater that contempt.

The second matter is the idea that, when Deng Xiaoping dies, there will be an enormous power struggle that will tear China apart and result in collapse. I do not believe

*[Sir Edward Heath]*

for one moment that there is any truth in that. Having been there 10 days ago, I can tell the House that I have never seen the top people so relaxed, although I hope they will not mind my saying so. They are relaxed and confident, and have everything at their fingertips. They see that they are in a strong position in world trade; they have substantial financial reserves of $US52 billion and a surplus on the balance of payments which is very large—so much so that people outside are complaining about it. I see no immediate possibility of a great power struggle when Deng Xiaoping dies.

I am glad that the Foreign Secretary cleared up those issues. He has done so from the highest level of government, and I hope Beijing will accept what he says. It does not recognise that a parliamentary group does not have any power, and has very little influence.

What happens to our trade in these circumstances? There is no doubt that they have been damaging. The Foreign Secretary rightly said that our trade has increased from a small start. Japanese trade is now worth $HK32 billion a year, while ours is approaching $HK4 billion. American trade is worth something over $HK22 billion, and German trade is more than $HK8 billion. Clearly a tremendous amount needs to be done.

The hon. Member for Livingston mentioned human rights. I believe that there has to be a fairly deep re-think about the matter, and in particular, how it should be handled. One of the other messages that I received out there was that China will not be told by anyone what it has to do. That is not peculiar to Asia—I found the same in Moscow under the new regime there. They believe that people can help in various ways, but not tell them what to do. That notion applies to human rights.

If we want action on human rights, we have to be able to influence people and we can best do that by working with them, not by lecturing them all the time from outside. There are changes. I became more and more convinced that people will notice the changes. They will carry on regardless of whether we change—we have seen that in south-east Asia where people say, "Sorry, we shall deal with things as we believe to be right."

There has been economic development, but there has also been political development. It has not been according to our systems, but there is undoubtedly development. I was once told by Deng Xiaoping that China was going to have 1.25 billion people by the year 2000, and he asked what political institutions I would recommend for their lives. How could I say anything? No one had told me what to say. That is a real practical problem in the second largest country in the world.

Mention was made of Tibet. I went there myself a few years ago, and I have talked frequently to the Dalai Lama. He made an agreement with Mao Tse-Tung in 1953 about Tibet, its future and its relationships. That was accepted by both sides, and as a result, the monasteries were opened.

I spoke to the people who came out of the monasteries. There is a big monastery some 20 miles outside Lhasa. Its 11,000 monks had been put there by their families. Under old Tibetan law, the fourth child had to be put into a monastery. After the monks had been given their freedom, 229 were left. I spoke to one who was farming outside. He told me: "I can never get rid of the mark it has left on me mentally, but I decided to come out."

The Dalai Lama, who had made the agreement, escaped from the military rising in Tibet in 1959. It was not his rising, but he decided that his only option was to escape. I spoke to him on various occasions, and some 10 years ago I asked Deng Xiaoping: "Can he not come back?" and he replied, "Yes, he can come back. He can come to Beijing, and we will provide him with a house and everything he requires to live there, and he will be able to go to Tibet whenever he likes. There is only one condition, and that is that he goes to Tibet as the spiritual leader, and not the political leader of a party."

**Mr. Chris Mullin** (Sunderland, South): I have also been to Tibet. Does the right hon. Gentleman agree that the people of Tibet should decide whether the Dalai Lama should be allowed to return and what system of government should exist in their country?

**Sir Edward Heath:** It would be fashionable for them to have a referendum, but I do not know whether the hon. Gentleman would accept the result. It may well be that the great majority of people in Tibet today do not want the Dalai Lama back, but if he wants to return, he was told 10 years ago that he could go back as the spiritual leader of all his flock in Tibet. In that respect, he cannot complain, but he has never gone back. He has never gone to Beijing to discuss it further.

In respect of our overall position, we must now settle the appeal court. We must deal with the other problems, working with the appeal court and recognising that it will have the ultimate decision.

It is difficult to see any way in which we can get over the problem of elections. I am absolutely convinced that it was a terrible mistake, as are a large number of people in Hong Kong now that they see the outcome of the decision. I have spoken to them, and that is their view. They want to settle the matter, get 30 June behind them, and carry on with their trade and business.

We heard just now all about corruption. Yes, there is corruption in Hong Kong. I was given graphic descriptions of how the Mafia is now working. It is trying to establish a connection on the other side of the border, so that, when Hong Kong becomes part of the mainland, it will still be able to operate. I have the utmost admiration for the police chief and the work he is doing, and he will stay on.

The trade from Taiwan has greatly increased over the past three years, because it goes through Hong Kong and into mainland China. I asked those responsible in Beijing whether that trade will continue when Hong Kong becomes part of the mainland. They told me that they have already decided that Taiwan can continue to trade through Hong Kong after 30 June 1997. That is one reassurance for Hong Kong as well as for Taiwan, and is fully justified. I hope, therefore, that the Foreign Secretary will be able to continue that reconciliation and recognise that the ultimate decision rests with China, whether we like it or not.

We have been in Hong Kong as leaseholder, and now we are handing it back to its owner. When one does that, one has some obligations. As has already been said, we have had Hong Kong for nearly 150 years, and what did we do about all those issues? We did nothing. Only when the time came to hand it back did we say that they all should be addressed immediately and in exactly the way

we wanted. The House and the Government cannot get away with that. We must be realistic, and I hope that the Foreign Secretary will be so in the remaining 800 days.

5.24 pm

**Sir David Steel** (Tweeddale, Ettrick and Lauderdale): On this occasion, I am not in total agreement with the former Prime Minister, the right hon. Member for Old Bexley and Sidcup (Sir E. Heath), but I certainly bow to his superior experience of life in China.

I agree with the right hon. Gentleman's last point: that the Chinese Government have consistently wondered why only now, at the point of handover and in the past few years, we have expressed any great interest in democracy in Hong Kong. I hope that I am not breaking a confidence when I say that one of those who expressed such a view some years ago was the then hon. Member for Bath, Chris Patten, after a parliamentary visit to Hong Kong. In common with many of us who have been to Hong Kong, he expressed concern at the lack of any democratic development and other items of progress, over which he has belatedly been presiding as Governor.

The impact of the change in China on someone such as myself, who has not visited China anything like as often as the right hon. Gentleman, and who has been there only twice with a gap of 10 years between, may be even more dramatic than it is on a regular visitor. I have never seen anything as astonishing as the gap in Chinese economic development that has been overcome in a decade. It is absolutely staggering.

The right hon. Gentleman is quite right to remind the House of the present and future power of the Chinese economy. I found it interesting that China is developing faster economically the nearer one gets to Hong Kong from Shanghai southwards. The political climate is by no means monolithic. It is easier to have free political conversation in the parts of China that are economically developed than in the historic capital. That gives me hope that there will be change in the long run.

I agree with what the right hon. Gentleman said about false comparisons with the Soviet Union. The Chinese Government have a right to be irritated by those who think that China may go the same way as the Soviet Union. They hope not, and we must too. There can be a process of evolutionary change, starting with substantial changes in the market economy, that goes further than the pandas he mentioned, and is real and substantial in that extraordinary country. The parallel growth and success of the economy in Hong Kong and mainland China must be the basis of our optimism that, despite all its difficulties, the transition will be successful.

I have a particular affection for Hong Kong, because it happened to be the first territory that I visited as a new Member of Parliament way back in 1965. I have been there half a dozen times since—on the last occasion, about six months ago. What struck me forcibly on that last visit—again, with some surprise—was how optimistic people were, and how they were getting on with the job of making a success of their lives.

A few years ago, great anxiety was expressed that, as 1997 approached, everything would wind down and there might be an economic slump. On the contrary, investment is continuing, people are leading normal lives and there is a certain amount of optimism.

Where I disagree with the right hon. Gentleman is that I am not quite so sanguine about the views of the business men, whom I have also met. Business men are not notoriously deeply concerned about such issues as human rights and democratic development. They are naturally concerned with making money; that is their purpose.

We are politicians. We are supposed to be concerned about those wider issues, and we would be failing in our responsibilities to the people of Hong Kong if we ignored the fact that, in recent years, as democratic developments have been offered to them, they have seized them with both hands, and have elected their own choice of politicians to LegCo. That cannot be undone. Whatever decision the Chinese Government may take about how they treat LegCo after the transition in 1997, I trust that there will be no absurd short-sighted vendetta against those who have now been elected. Those members of LegCo were chosen by the citizens of Hong Kong to represent them, so they have a particular status and standing.

I thank the Minister of State for the excellent letter he sent those of us interested in the subject, which brought up to date the Government's relations with China in respect of Hong Kong. Like the former Prime Minister, I hope that settlement will be reached on the Court of Final Appeal. I support the proposal for a human rights commission by the Foreign Affairs Select Committee. I am concerned that that has not been accepted by the Government, and that there is no Bill of Rights.

I said when I intervened on the Foreign Secretary that there is as yet no sign of China ratifying the international covenant on civil and political rights. The joint declaration states:

> "The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force."

We must have known in 1984 that those covenants, as applied to Hong Kong, cannot remain in force until and unless China ratifies them. The British Government's pledge to uphold those covenants ties the joint declaration to the broader structure of international law in an important and concrete way.

It disturbs me that when Li Peng visited Hong Kong last year, he said that Bejiing was not obliged to make reports to the United Nations Commission on Human Rights after 1997. There appears to be a complete impasse, with the British Government saying that the covenants apply to Hong Kong and remain in force, but a lack of any mechanism to make them remain in force. I should be grateful if the Minister will comment when he winds up.

We have dealt badly with the ethnic minority of non-Chinese in Hong Kong who hold British passports. They number 7,000—the Minister will correct me if I am wrong. It is unfair not to have granted them full citizenship rights in Britain. Not many have expressed a wish to take up residence in this country, but we have not dealt fairly with them.

There is a curious disparity between our treatment of those 7,000 people and the 100,000 in Macao who have been granted Portuguese citizenship and who, under the European Union, will have the right to come to Britain. It seems bizarre that 100,000 people sitting in Macao can have the theoretical right of residence here, but that 7,000 persons in Hong Kong for whom we are responsible do

*[Sir David Steel]*

not have that right. I should be grateful for further clarification of the Government's intentions for that minority.

The Foreign Secretary referred to the Governor's review of some existing legislation, particularly that affecting press freedom. I hope that he will closely examine all Hong Kong's statutory provisions. There are examples of colonies where we left behind emergency legislation from the colonial era that was subsequently used against the population. It would be a terrible indictment of our legacy if we were to leave on the statute book measures that could be used by a future Government to restrict press freedom and other freedoms in Hong Kong.

The constitution of Kenya, for example, still contains provisions from the Mau Mau emergency that we imposed in the early 1950s. They should not be there, but are used wrongly on occasions by the Government. We do not want the same mistake made again in Hong Kong. I would welcome the Minister's clear assurance on that point.

The final round of democratic elections will be held in September. I hope that the Chinese Government will change their mind and live with the existing LegCo—that must be our first position. If they do not, I hope that they will recognise the status of the successful candidates in the elections. Is it the British Government's intention to treat those elections the same way as others and to send international observers to oversee the freeness and fairness of those elections? That might be a useful precedent.

The political arguments are bound to continue when the transition is reached and there is the one country, two systems, on which the British and Chinese Governments have agreed. People in Hong Kong ask for minimal interference from Beijing. It is not unreasonable for Beijing to be entitled to ask for minimal interference from Hong Kong.

There must be some sort of self-denying ordinance on the part of Hong Kong politicians to mind their own business and not to meddle in China's internal affairs. If they exercise such a self-denying ordinance, their position will be more respected, not less respected, in Bejiing. However, that does not involve the rest of us in the international community in making any similar self-denying ordinance.

It was a terrible mistake to state in the joint agreement with China—I do not know how on earth we ever assented to this—that democratic politicians in Hong Kong must not have links with international organisations. I find that particularly sad because I am currently serving as president of Liberal International, which is not allowed to invite colleagues in Hong Kong to its meetings.

In south-east Asia, there is a new, self-generated organisation—the Council of Asian Liberals and Democrats. It includes the governing party in Thailand and the opposition party in Taiwan, but it cannot invite fellow democrats from Hong Kong to participate in its meetings. That cannot be right, and I hope that that restriction will be removed in time.

I note that the President of the Board of Trade is soon to visit China. I hope that, in our trade links, we will continue to raise human rights questions. I disagree with the former Prime Minister—we cannot pretend that, because China has a different culture, events such as Tiananmen square do not matter and can be forgotten as years pass. We cannot completely ignore events inside Tibet under the Chinese authorities, much as I agree that there should be dialogue between Peking and the Dalai Lama. Also, while we have been extremely immobile in our Government policy on Taiwan, Cabinet Ministers from France and Canada have visited the country. We have not got even that far.

There is a useful and constructive engagement to be had with China. It ought to be positive, but our trading links should not be purely that. They must also sustain a dialogue on wider issues. The People's Republic of China is getting its economy right, but it has some way to go before we can fully and rationally accept it in the comity of nations.

5.37 pm

**Mr. Tim Renton** (Mid-Sussex): I am glad to have caught your eye, Madam Deputy Speaker, because I have a number of interests to declare. I am vice-chairman of the British Council, and will refer later to its work in Hong Kong and China. I am a consultant to Robert Fleming, the international investment bank, which has made many successful investments in Hong Kong and China.

I am also chairman of the all-party parliamentary group on Britain and Hong Kong. My right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath) was right to say that, like other all-party groups, it does not have any particular influence or standing. However, in the nearly three years that I have been its chairman—and at a time when, for one reason or another, we have not debated the issue in the House—that all-party group, which is always well attended by Members of both Houses, has provided a useful forum. It has provided a forum for the Governor, who has been able to make his views known to parliamentarians of all parties, and for visiting LegCo members, who were often not fully in agreement with my right hon. Friend the Foreign Secretary or the Governor and were able to give us their views. Yesterday, the Chinese ambassador, Mr. Ma, addressed the all-party group, and made plain—using extremely blunt language, extremely well delivered—China's current views on some of the problems mentioned this afternoon.

By far and away my greatest interest in Hong Kong, though, is simply that of a visitor, business man, politician, and former Foreign Office Minister, who has visited it regularly, and did so one year after the right hon. Member for Tweeddale, Ettrick and Lauderdale (Sir D. Steel), who speaks for the Liberal Democrats. I first went to Hong Kong in 1966 as a fairly young business man. I was, like so many of us, immediately struck by the extraordinary excitement, drive and dynamism of the place. I suppose that if I had invested all my meagre net worth in some tiny corner of a dilapidated warehouse on the waterfront in Kowloon, I would now be very rich indeed. Unfortunately, I did not do that.

Every time that I go back to Hong Kong, I am, like other hon. Members, always immensely struck by the fact that there are more tunnels under the harbour, built with incredible speed; more high-rise housing—the flats are treasured by those who live in them—more schools; and more and better skyscrapers. Indeed, if one looks at the recent budget in Hong Kong—my right hon. Friend the Foreign Secretary referred to some of the details—one

sees that it really is mouthwatering stuff: an increase in $HK210 million for funds for technology development; $HK2.5 billion to be spent on purchasing premises for welfare services; and another $HK1 billion to build the new Tsing Yi bridge. I remember that when I was first staying with Chris Patten—he was about to make his first address to the Legislative Council, in October 1992, to which I shall refer in a minute—he said to me, "Any British Chancellor of the Exchequer, any British spending Minister, would simply love to have the resources that are available to the Hong Kong Administration." The new Financial Secretary, Donald Tsang, who has just been appointed, is taking over from Sir Hamish Macleod in September, and is the first local to occupy that extremely important post.

**Mr. Hugh Dykes** (Harrow, East): I apologise to my right hon. Friend for intervening, as the point has long since past, so it seems illogical to intervene, but let me return to what he said earlier about his own group, which he chairs with great skill. I think that he may have been mistaken, because my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath) has just told me that he was thinking of the Foreign Affairs Select Committee, not the Hong Kong all-party group, when making his comments.

**Mr. Renton:** I am sure that my right hon. Friend the Member for Guildford (Mr. Howell) will be able to answer that more than adequately when he catches your eye, Madam Deputy Speaker.

**Mr. David Howell:** I certainly will.

**Mr. Renton:** My right hon. Friend does not need me to speak for him.

There is no doubt that the administration in Hong Kong in recent years has been fantastically successful. It is a record of which the United Kingdom will be able to be extraordinarily proud at the time of the handover of territory on 30 June 1997.

As I have just mentioned, I had the good fortune to be staying at Government House with Chris Patten when he made his speech to the Legislative Council on 7 October 1992. I must say to my right hon. and very good Friend—I hope that he does not mind me referring to him as such—the Member for Old Bexley and Sidcup, that I stayed on in Hong Kong for quite a few days afterwards. I remember the tremendous enthusiasm with which Chris Patten's speech was greeted, on all sides—from taxi drivers, to whom I spoke, to senior civil servants. The only group who differed from the views put forward by Chris Patten, in those three or four busy days, was a small group of business men whom I met on my last day in Hong Kong before going up to Shenzhen and travelling through Guangdong, at the invitation of the Chinese Government. They said that the constitutional changes, the changes in electoral reform, which the Governor was suggesting, simply would not be acceptable to China. In particular, the extension of the franchise in the functional constituencies would not be accepted. Alas, those business men were right.

To draw an analogy from tennis, I think that our good friend Chris Patten made an opening serve with the ball marked "constitutional reform" and the Chinese simply never returned the ball. That is a matter of very considerable regret. I believe that Chris Patten, in his speech to the Legislative Council, had a clear mission in his mind. That mission was firmly rooted in his own highly successful career as a liberally minded politician in this country. The mission was to leave a legacy of a very well-founded democracy in Hong Kong from 1 July 1997 onwards—a democracy that is based not on factions, oligarchies or a few cronies but on the worth and standing in the community of those who are elected from many different sections and areas by a substantial number of voters. Of course, the aim of a legacy is, by definition, that it should survive, not only for a few years but for generations, growing and becoming stronger within the unique framework of one country, two systems.

I believe that Chris Patten, both as Governor and as an individual, could not have done more to achieve that democratic legacy. All of us, from whatever party and whatever our views about the future relationship with Beijing, to which I shall refer later, must regret that the tennis ball was never returned in any shape or form and that 17 rounds of talking on constitutional issues have led to 17 stalemates. That is an issue on which the United Kingdom, Hong Kong and Beijing have simply failed to agree.

As my right hon. Friend the Foreign Secretary, and indeed, my right hon. Friend the Member for Old Bexley and Sidcup have said, quite rightly, this is a leaf in the book of continuing relationships, which simply must be put behind us. We must now look forward and consider what other things need to be done in the 796 days that remain until 30 June 1997.

I now touch briefly on two matters that have not yet been raised in the comprehensive speeches made by other hon. Members.

**Sir Edward Heath:** I agree entirely with what my right hon. Friend said about the reception that Chris Patten's speech received. One must accept that the taxi drivers and others were not really fully aware of the Basic Law or of the exchange of letters between the Foreign Secretary and the Chinese. They just saw it, quite naturally, as opportunities to vote. That atmosphere has changed very considerably, I can assure my right hon. Friend. Would it not have been more appropriate if Chris Patten had accepted the invitation to go and discuss it all with the Chinese before he made his speech? Would there not have been less chance of an explosion if he had done that? Those are the problems and they have left a legacy with which we are now trying to deal, as he is.

**Mr. Renton:** I understand what my right hon. Friend has said. Perhaps we should not go further down that path now. He will remember the speech as well as I do, and, of course, Chris Patten made the point very clearly that, having made those proposals, he was going to Beijing to discuss them just a few weeks later. There it is. That is behind us and we must now look forward. Obviously, the wish of the House and of the Hong Kong Administration is to make the next 800 days as fruitful as possible for the future success of Hong Kong after 1 July 1997.

I want to touch on the matter of the British Council, of which I am a vice-chairman. The teaching of English in Hong Kong, the training of people to teach English and the exhibitions of contemporary British art and culture that the British Council has sent to Hong Kong, have formed an important part of our activities over a number of years. We first established the council in Hong Kong in 1948 and English language teaching started in 1975. The aim has been to help to secure Britain's long-standing and mutually beneficial relationship with Hong Kong in

*[Mr. Renton]*

the run-up to 1997 and to turn that into a lasting and productive relationship with the special administrative region and the People's Republic of China.

More recently, the council has reopened its offices in China. It was represented in China from the early 1940s to 1952. Operations began again, really rather early, in January 1979 when a British Council officer was attached to the embassy. In 1991, the council moved away from the embassy to its own office block, which has open public access—the same being true of its office in Shanghai.

The council's aim is, of course, to promote a wider knowledge of the United Kingdom and the English language and to foster a positive Sino-British relationship. The policies that it is pursuing to achieve those aims are, first, to enhance among decision makers, opinion formers and future leaders a British reputation as a source of high-quality products, services and expertise; secondly, to promote the effective use of English in trade, social development and education; thirdly, to improve access to British information and resources; and fourthly, to increase awareness of British education and training and the opportunities that they offer to China's institutions and individuals.

The future development of the British Council on mainland China and its continuance in Hong Kong will be an important tool of British diplomacy over the years immediately ahead. The British Council has adopted worthy objectives. I trust, therefore—and I say this conscious of the fact that my right hon. Friend the Minister of State is sitting on the Front Bench—that future allocations of grant in aid to the British Council from the Foreign and Commonwealth Office and the Overseas Development Administration will fully allow the council to achieve its important objectives. It can play a vital part in the wider British objective of close relations with China, to the benefit of trade and understanding between our two countries.

I want to ask my right hon. Friend the Minister a few questions about the Vietnamese refugees and what is likely to be the further clarification of the process of repatriating the Vietnamese migrants who remain in Hong Kong. My understanding is that those who have been identified as refugees with a well-founded fear of persecution will not be returned to Vietnam, but will be settled in a third country. It would be helpful if my right hon. Friend could tell us a little about how the process of resettlement is proceeding and also about the simplified repatriation procedures, to which Vietnam has recently agreed. Speaking as an ex-Home Office Minister responsible for immigration, as well as an ex-Foreign Minister, I remember the very great problems of the Vietnamese refugees. I know that progress is being made and I would like to hear a little more about the final resolution of the matter.

I am sure that everyone in the House would agree that the unsolved riddle for China is whether the move towards the free market, a market economy and regional independence can, in the long run, be compatible with the continuing sovereignty of the Chinese Communist party. That issue is unresolved. As the succession in Beijing fully takes over from Deng Xiaoping—and I listened with interest to what my right hon. Friend the Member for Old Bexley and Sidcup said on that subject—the solution to the riddle will become clear. However, it is obviously a matter of concern to Hong Kong.

In the years when I had the job now held by my right hon. Friend the Minister of State, I was responsible, under Geoffrey Howe—now Lord Howe—for Hong Kong during 1985 to 1987, very soon after the joint agreement had been signed, and when convergence was all the fashion. We talked all the time about convergence, about through trains and about trains that would go over the 1997 junction without too much of a jolt. Those phrases, for reasons that have already been stated this afternoon, have become less fashionable. I regret that.

The Chinese ambassador, Mr. Ma, when speaking to us frankly yesterday afternoon, made the point that the Chinese were seeking co-operation, not confrontation. I was reminded of the old Chinese proverb, "You can't clap with a single hand." Co-operation is clearly in the interests of the three parties—the United Kingdom, Hong Kong and the People's Republic of China. We all have so much to respect, appreciate and learn from each other, but it is not a one-sided business. The treaties that ceded Hong Kong, Kowloon and the new territories to the United Kingdom have often been described as an historic humiliation for China. Surely great countries have the capacity to put historic humiliation behind them and not let the disasters of the past govern their future actions and opinions. Britain did just that in relation to the Boer war; the United States had to do it with Pearl harbour and Vietnam; and France had to do it with the events of 1940.

China is a great country and it will become yet greater. It can afford to put the humiliation that Hong Kong has possibly represented in the past well behind it and, from 1 July 1997 onwards, to treasure Hong Kong—there is no other word for it—as a golden nugget, as an economic miracle and as an example of extremely well-ordered and good government. One country, two systems must, by definition, be extraordinarily difficult to put into effect. After July 1997, the rest of the world will be watching to see how it is done.

The greater the success of Hong Kong as an autonomous region within China—as a special administrative region—the more the world will learn about China itself. It will come to respect a China that can absorb—fairly, with justice and with human rights—an ex-British colony, a system that is so different from the rest of China and a system that has been so astonishingly successful in its own right.

5.57 pm

**Dr. Jeremy Bray** (Motherwell, South): The right hon. Member for Mid-Sussex (Mr. Renton), following the speeches of the former Prime Minister, the right hon. Member for Old Bexley and Sidcup (Sir E. Heath) and the right hon. Member for Tweeddale, Ettrick and Lauderdale (Sir D. Steel), did much to reassure the Chinese that there is no question of our seeking any extension of British interest in Hong Kong after 1997; that there is no question of relying on any collapse of the Chinese Government, with the departure of Deng Xiaoping; and that both sides of the House seek co-operation, as the Chinese ambassador put it.

The perspective of the right hon. Member for Mid-Sussex of the Chinese hold on Hong Kong is not one that I really recognise. China has never regarded Hong

Kong as an embarrassment; it has regarded it as unfinished business, about which it was concerned long before we were and will be concerned long after we have departed.

Not every Financial Secretary can open his budget speech with a quotation from Xunsi, a sage of the third century BC, on how to govern one's country, as happened in Hong Kong last month. Xunsi said:

"The way to make a community prosperous is to be prudent in public spending, to improve the well-being of the people, and"—

yes—

"to maintain good reserves."

I doubt whether we had a currency, let alone an economic policy, in the third century BC. There were other ancient civilisations, but no others have survived to form within one nation a population of 1.2 billion—more than one fifth of the world's population.

China sometimes complains, and with some justice, that other countries do not understand the complexities of governing such a country. We must, of course, continue to express our concerns about human rights, but if one puts together the whole of Europe and the United States of America and asks what civil rights abuses occur there today, if one compares the time scales over which political and social traditions that are still alive have accumulated or if one asks what communication problems exist in the European Union or the Federal Government of the United States, one moves only part way towards a comparison with the problems facing the Chinese Government, who have learnt so many lessons from their past and who are still learning, as we all are.

If one considers the strength of the efforts to tackle those problems in China, it is less easy to criticise. Justifiable concern exists about the environment. Yes, China is increasing coal production by 40 million tonnes annually, which will increase carbon dioxide, but the developed nations account for only 20 per cent. of the world's population yet consume 80 per cent. of the world's resources.

Where developing countries can act for the future of the world community is on population. China's population is still increasing, but its fierce one-child family planning policy has reduced the size of its population growth by some 300 million in the past 20 years. China's population is smaller than it would otherwise have been by a number equal to the population of the United States and Britain combined.

As hon. Members on both sides of the House have said, in production and trade China is moving extremely fast. In the past five years, output has been increasing in the high-tech, development zones in different parts of China not at 9 to 11 per cent., as has GDP, but at 25 to 30 per cent. per annum. Those developments are spreading further west within China.

The concern is not whether China is growing fast enough but whether it is growing at a pace that it cannot sustain and that will inevitably lead to recession. The problem of economic management, which even medium-sized countries such as Britain find difficult enough, is compounded by the sheer size and diversity of the Chinese economy, the vigorous entrepreneurship of Chinese business people, the number of enterprising provincial and city governments and the increasingly open economy.

Like other Governments, the Chinese Government must be concerned about the dangers of inflation and the massive social problems of millions of unemployed young people moving around China without homes, jobs or prospects. In China, the problems are simply larger. The astonishing feature of the development debate in the past 30 years is that we are now so concerned with the problems of success as China moves increasingly into world trade and the world community generally.

The starting point must therefore be that bilateral and international relations with China have a broad base and are of the highest importance. In world trade, in international investment, as permanent members of the Security Council, on security issues and in education and research exchanges it is important that Britain and China work together. It is therefore encouraging to reflect that practical relations with China are improving—I do not think that Ambassador Ma would disagree. That only leads us to ask why they have not been better in the past. The answer is simply because of the differences on transitional issues in the restoration of Hong Kong to China in 1997, in what is now less than the proverbial 800 days.

The biggest issue has been the basis for the 1995 elections to the Legislative Council. The decisions have been taken—they are past. The elections are about to take place and will be vigorously fought by parties of all hues. Those parties have become successfully established in Hong Kong. It is best to put those decisions behind us as we look forward to the important tasks that remain in securing a smooth transition.

There is no need to remind people in China or Hong Kong of what the differences have been, but we need to remind ourselves of them in the House, as we face the inevitability of an election and the strong possibility of a change of Government in the United Kingdom before 30 June 1997.

The practical reality is that the Prime Minister has said that he will seek to take this Parliament to its full term. A Labour Government entering office in the last few months before the handover of Hong Kong would not be able or willing to make any drastic changes in any arrangements for which the UK still remained responsible. I say that they would not be willing, and that would be so if by some happy circumstance a general election were to be held tomorrow.

Let me explain why, and I shall speak frankly. The Labour party has no political interest in saving the face of the Governor, Chris Patten, when he returns to Britain in 1997. He may return to Westminster politics, where in the likely state of the Tory party he may feel that he has a job to do. We have no interest in facilitating that job. Our primary interest and duty is in seeking the well-being and interests of the people of Hong Kong. To be fair, that interest has been shared by Chris Patten in what he has attempted to do in Hong Kong.

Labour Members are asked, and ask themselves, why Britain has suddenly become so concerned about elections in Hong Kong on the brink of handing it over when we managed without democracy for most of the 150 years of our exercise of sovereignty. This is the point at which the right hon. Member for Mid-Sussex might feel that I take a different view of Hong Kong's past.

There were inglorious and, in modern terms, shameful circumstances in the original establishment of Hong Kong as a British colony in the opium war, in which Britain

*[Dr. Jeremy Bray]*

fought to defend the rights of British drug dealers massively to corrupt the people of China with their opium cargoes. In the years since, however, much has been done in Hong Kong to atone for those deeds. Most of it has been done by the Chinese people but, under the umbrella provided by British rule, with the help of countless teachers, doctors, nurses, magistrates, missionaries, journalists, civil servants and, yes, traders, industrialists and bankers from this country and from all over the world. A fair share of adventurers, characters and rogues exist among them, but the result, as the world has seen and as I have known it before and since the war, is nothing of which we need be ashamed.

In the Easter Adjournment debate on 11 April 1963 I secured the first debate on Hong Kong in the House of Commons since the war. Those were the days of decolonisation, and naturally the question came to mind with regard to Hong Kong. The judgment in Hong Kong at that time was that any election would become a cockpit for a bloody fight between the KMT—the nationalists, based in Taiwan—and the Chinese Communist party, just across the border.

There were good reasons for that judgment. It was acknowledged that if at any time China wished to resume the exercise of sovereignty in Hong Kong, the people's army could just walk across the border and would be in Government House in a few days. China chose not to intervene, then or since.

As everybody has said, Hong Kong is now the most prosperous part of China, with an average income higher than in the United Kingdom and a gross domestic product accounting for 25 per cent. of China's as a whole, although Hong Kong contains only 0.5 per cent. of China's population. Furthermore, and most important, Hong Kong is a free society.

In my view, there were opportunities in the 1970s and early 1980s when it would have been to the advantage of the people of Hong Kong to introduce direct elections for the legislature, and democratic government. I said so at the time both in Hong Kong and in the House.

It was said that there was no demand for such democratic government in Hong Kong, so I argued for and encouraged the development of embryonic political parties that could express that demand, believing it to be necessary to secure the foundation of a prosperous, free and just society, whatever the future sovereignty of Hong Kong might be.

By 1984, when it was getting very late, I was disappointed that the joint declaration did not go further and faster towards direct elections and democracy—and I said so, as did some of my hon. Friends. Lord Healey, who was then the shadow Foreign Secretary, simply supported Lord Howe, who was then Foreign Secretary. Nevertheless, to be fair, the joint declaration and the Basic Law are remarkable documents, and our duty now is to exercise what influence we have to ensure that they are honoured and fulfilled, to create the conditions in which our aim can be secured.

I apologise to the people in Hong Kong, who seem to be listening to a broadcast of the debate, because they need no reminding of the history, but the circumstances of Hong Kong and its history are less well known to some of my newer hon. Friends, who are busy in their constituencies winning local elections, and who are as keen as I am to secure orders from China for engineering firms in our constituencies. Those orders are coming through, and will continue to increase.

A question faced the Opposition when the Chris Patten whom we knew so well appeared as a somewhat belated knight in shining armour in Hong Kong, seeking ingeniously to squeeze the last ounce of democracy out of the arrangements that he found had already been made there, even at the risk of upsetting Chinese friends in Beijing. I was in Shanghai at the time, and I must confess that my reaction was to cheer.

I do not want to irritate Chinese friends in Beijing by speculating about what developments there may be in the government of China. I agree with all that has been said about the unlikelihood of any major disturbance or change after the departure of Deng Xiaoping. Just as China has left us to be responsible for Hong Kong until 30 June 1997, the Chinese will be responsible after that date, and there is nothing that we can or should do to interfere.

The changes in China in recent years have been quite remarkable. The Chinese Government have been skilful in managing the transition to a market economy, and there have been many developments in political and social policies too. The right hon. Member for Old Bexley and Sidcup was right to attribute much of that to the institutions and to the commitment to the idea of China throughout the population, but another important influence has been the sheer drive and ingenuity, and the skills, of the people of China, where the tradition of entrepreneurship is very different from that within the former Soviet Union.

In the fullness of time there may be things for both Britain and China to excuse in their past relationships, as they build policies for the future, but I believe that, in circumstances that are becoming better, we should persist in the path that has been set until 30 June 1997.

There are outstanding issues, but I hope and believe that the political judgment and statesmanship on both sides will reach a resolution. Those issues have been enumerated: the setting up of a Court of Final Appeal, airport financing, the adaptation of local laws, the completion of civil rights laws and institutions—including, I hope, a human rights commission—an access to information Bill and an independent legal aid department.

Those are all consistent with the Basic Law; indeed, they are necessary and appropriate for its implementation. The go-ahead for container terminal 9 will certainly greatly help to consolidate vital international confidence. I trust that civil servants will co-operate fully with the preparatory committee when it is set up, and that the Governor will see his way to relax the arrangements for working with the preliminary working committee meanwhile.

The joint declaration and the Basic Law enshrine the principle of "one country, two systems". It would increase the confidence of the people in Hong Kong and of the international community in that principle if the Chinese Communist party made it clear that it will not operate in Hong Kong as it does within the rest of China.

The arrangements announced by the Financial Secretary for informing and then involving the Chinese Government in the budgetary process should be used to the full on both sides, because that, perhaps, is the most vital arrangement for securing a smooth transition.

It is a remarkable provision of the Basic Law that article 106 says that the Hong Kong special administrative region shall use its revenues exclusively for its own purposes, and they shall not be handed over to the central People's Government. Furthermore, the central People's Government shall not levy taxes in the Hong Kong special administrative region. Article 110 says that the Government of the Hong Kong SAR shall, on their own, formulate their monetary and fiscal policies. The Chinese statement in annexe I of the joint declaration requires the Hong Kong SAR to report its budgets and final accounts to the central People's Government—but simply for the record. That is rather as if the City of London were exempt from paying any taxes to the Treasury for the next 50 years.

Great political skill and restraint will be needed on both sides if those articles are to be honoured fully. A condition is that honouring them must be seen to be in the best interests of China as a whole, because Hong Kong's contribution to China will be greater in that way than it could be under any other arrangement.

One major contribution that Hong Kong can make is to act as a window on the world, not only in trade and finance but in education, research, technology, health services, social services and other ways. I can give an example that I have discussed with many people in Hong Kong. Universities in Hong Kong will be fully stretched in providing for undergraduates, mainly from Hong Kong, but one or more of them are capable of becoming national institutions within China, complementing the roles of such great universities as Beijing, Xinghua, Fudan and others, drawing and contributing graduate students from all over China and providing China with a means of having highly trained people in business, technology, science, humanities, law and so on, who are wholly at home in a climate that can rival that of the Massachusetts Institute of Technology, Berkeley, Stanford and our own universities in Europe. It would be a wise investment for Hong Kong if it were fully to contribute to such development in China.

I should like to conclude with the piece of rhetoric with which I concluded my speech in the 1963 debate and which was not bad for a young man.

"I would ask whether we see Hong Kong like the string of crackers with which our Chinese friends so delight to welcome us, flashing and banging and then leaving the deepened stillness of a tropical night; or whether we see Hong Kong like a seed which will grow into a tree which the children and the children's children of all those millions in China and in Hong Kong will see, and seeing, give thanks for the labour, the wisdom and the piety of their ancestors."—[*Official Report*, 11 April 1963; Vol. 675, c. 1517.]

6.20 pm

**Mr. David Howell** (Guildford): This is a welcome opportunity, not only to return to the issue of Hong Kong, as is our proper duty in this House, but to look at Hong Kong matters in the broader context of our relations with China and, indeed, our relations with the whole Asia Pacific region. It is also a welcome event from the point of view of the Select Committee on Foreign Affairs because it gives the House an opportunity to comment on its report on Britain's relations with China and Hong Kong, which we published well over a year ago. Some of the detail may be out of date, but its main thrust and considerations are still very apposite.

I shall explain, because some may have forgotten as it was published some time ago, that the report did not only address the narrow issue of Hong Kong or the bilateral issue of relations with China. We were trying—indeed, it was the purpose behind the report—to look a little further ahead, especially beyond 1997 and, as it were, beyond the obvious difficulties and problems that we want to overcome in our relations with Bejiing over Hong Kong, to the enormous possibilities of establishing very much closer ties of every kind, not only commercial and financial, but of all sorts, with that giant awakening nation which has 23 per cent. of the world's population. That was our aim.

I heard my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath) take a swipe at the report. I can just about endure that, but I must say that he was being—very uncharacteristically—a little unfair in his assessment of what we were trying to say. If he reads the report, he will find in almost every page, right from the beginning, our insistence that we were looking for positive ways in which to sew together our relations with that great nation. We have reflected in almost every page the Committee's view—I think that it is a wider view—of the huge respect that we have for China and how it is coping. How that vast nation is able to cope with immensely rapid economic change remains to western minds a miracle of construction. That was entirely our view.

Perhaps what my right hon. Friend the Member for Old Bexley and Sidcup did not like was that we approached the subject—again, we see this as our duty to the House—in a fairly candid way. We do not see it as our duty to approach such matters with buckets of whitewash or to be starry-eyed or uncritical about even our closest friends. In considering all the problems—we certainly marvelled at all the aspects of modern China and at how the People's Republic of China was tackling problems—it would have been wrong to brush them aside and not be frank and open as a parliamentary Committee should properly be. I am sorry if that was misunderstood by my right hon. Friend and perhaps by other people around the world, but that was our approach and I make no apology whatever for it. It was, and remains, an attempt to be utterly constructive about how, beyond 1997, we view our relations with that vast country.

There was an even bigger thought behind that aim which today has even more validity as every month goes by: our belief—it is certainly mine—that the rise of Asian economic power will be followed and is already being followed by the rise of Asian political power. That vast shift of power to the Asia Pacific region—a shift in the centre of gravity of the whole planet—will be the most compelling theme of our politics, our policies and, indeed, almost our ways of life over the next 10 and 20 years.

In preparing our report, we saw, as anyone may see now, some amazing figures. They are not just fancy forecasts, projecting things as though everything will go smoothly in Asia, which obviously it will not, but facts now or only a little way ahead indicating the true power and potential of that region. The hon. Member for Motherwell, South (Dr. Bray), who speaks with authority, mentioned some of those facts, as have many hon. Members.

I am very struck by one of the European Commission's documents, which says that by 2000—only 54 months ahead—there will be more than 400 million people in the

*[Mr. David Howell]*

Asia Pacific region with disposable incomes higher than the average for the European Union. That means that even though there will still be much poverty, in terms of disposable income and purchasing power it will be a market bigger than the entire European Union. That is one of many figures that we need to keep in mind when thinking about the vast importance of developing a good relationship with the region in every way.

We need also to think beyond economics. It is not only a question of higher living standards. Income per head in Hong Kong is higher than in the United Kingdom. It is also higher in Singapore and about the same in Taiwan. I should think that there are many areas of other parts of Asia and the Indian subcontinent where living standards are already high. However, we must consider not only living standards, but the staggering increase in education standards.

From the schools of Hong Kong and Taiwan and perhaps even from schools in parts of China—certainly, from schools in parts of the Indian subcontinent and elsewhere in south-east Asia—a generation of children are emerging who are better educated and equipped than many of our own children to deal with the information age and the high-technology future. So we must not only consider superior living standards but superior education standards.

It may even be, although this is a more tricky statement, to which there are so many exceptions that it could be shot down, that we shall have to look at the higher moral standards being pursued, at least in terms of the Confucian commitment to the family and the family bond and the concepts of personal obligation and family duty, which seem to be strong in many Asian communities—a lot stronger than in the west, where we preach such values but have ceased to practise them quite as well as we should.

**Mr. William Powell** (Corby): My right hon. Friend made a point about education of quite awesome importance for the future. Is that not underpinned by the fact that in the Republic of China and in Taiwan the constitution requires at least 15 per cent. of all public expenditure to be spent on education? That is the major reason why in Taiwan, and elsewhere in the region as my right hon. Friend says, there is such an enormous and emerging educated class.

**Mr. Howell:** That is a very good example of the point that I was trying to make. I shall reinforce it with two more statistics. I do not want to bore the House with endless figures which, again, are facts today and not futurology predictions, but the Asia Pacific region, and within it the huge China economic region, now produces a quarter of all our income from overseas investments. It is a very large amount and it may even be higher than the latest figure that I have, which is for last year. It takes about a fifth of our exports. Again, I suspect that that figure is rising.

Even more significantly, the region is generating the capital growth of the planet. Out of the fantastic savings of those peoples, who are committed to saving and are not consumption-minded, come the capital resources that are financing the planet's growth. A striking fact is that Japan produces 56 per cent. of the entire net savings of the world. I suspect that Taiwan produces a further 4 or 5 per cent., Hong Kong produces savings of the same order, and China is already generating large savings which are being fed into the international financial markets.

He who saves the money calls the tune, and the tune of the future will increasingly be dictated by those who are mobilising those colossal savings. In this debate, the theme has been what we feel should happen on the other side of the planet, but we should note that those huge capital flows are coming to Europe and especially to the United Kingdom. Of Taiwanese investment into Europe, 80 per cent. comes to the United Kingdom. Japan's direct investment in the UK is equal to its investment in the rest of the European Union. I suspect that increasing amounts of money are also beginning to flow in from Taiwan, Malaysia and the People's Republic of China, although we do not immediately see them labelled. They are the sources of investment of the future, so as a nation we would be mad not to realise that our interests lie in good and ever stronger relations with all those nations, but especially with China.

The issue at the forefront of our relations with China, and which has understandably been the subject of most comments today because it blocks our longer-term vision, is Hong Kong and how we can do the right thing and fulfil our duty from Hong Kong's point of view. Some of our Chinese friends find it difficult to grasp the concept that we are pursuing our duty and what we believe to be right rather than our own interests.

We must also pursue our own interests, however, and not be too high-minded or starry-eyed. We must ensure that our good relations with Hong Kong and the huge investment and political effort that we have put into fulfilling our duty there can in turn benefit this nation so that we do not come out a lap behind those who could bypass Hong Kong's political problems and develop their relations directly with Beijing. It would be a great disappointment if the Anglo-Hong Kong relationship, which was to be the one to provide us with a head start against other European nations in investment in the awakening China and parts of Asia—including north-east Asia, which has hardly been mentioned—turned out to be more of a handicap than a benefit. In one's gloomier moments, when listening to the exchange of vituperative slogans, one sometimes feels that that may be so, but that is an unnecessarily gloomy view and it need not be so.

My right hon. Friend the Member for Old Bexley and Sidcup has had huge experience of talking to Chinese leaders who, although they are inclined to say that the Hong Kong problem could damage relations with Britain, are also inclined to say that in general it probably will not. I declare an interest as a director of Trafalgar House, which is undertaking huge infrastructure investments in China. In my experience, the Hong Kong problem has not made much difference. Let us hope that that is the reality and what will prevail despite some of the more chilling statements.

How do we ensure that Hong Kong is a plus for us and also for the people of Hong Kong? The report of the Select Committee on Foreign Affairs considers all the propositions and deals with whether the Patten proposals for electoral law reform contradicted the Basic Law. It came to the conclusion—not casually, but after painstaking analysis—that they did not, that they were within the spirit of the Basic Law, that it was right, and that that law and the joint declaration say that Britain has responsibility for what goes on in the territory of Hong

Kong until 1 July 1997. The Basic Law and the joint declaration require the Chinese authorities to co-operate with us—co-operation has been mentioned—to ensure that the best interests of Hong Kong are served.

I do not say that as a Committee—or, indeed, personally—we thought that every step taken by the Hong Kong Administration has been right. It is possible, especially with the wonderful aid of hindsight, to criticise and to say that things have gone wrong. The Select Committee heard some trenchant criticisms from Sir Percy Cradock and the like. Nevertheless, we are where we are and I agree with my right hon. Friend the Foreign Secretary and with the hon. Member for Livingston (Mr. Cook) that it is essential that we stand firm to our commitment to democratic electoral practices and that we do not begin to say that we think that the situation is hopeless, time is against us, the clock is ticking away and we must make all sorts of concessions on democratic rights and duties and the necessary ingredients of what we believe to be a separate system—a free economic system and a free society.

Undoubtedly, the mood in Beijing is difficult and I hope that my right hon. Friend the Member for Old Bexley and Sidcup will not criticise me for saying so. An end-of-dynasty mentality is prevailing. Some people in Beijing, whose words I follow closely, are saying things with greater hardness and harshness than they were some years ago. There is a mood that there must be no concessions and no understanding, and that the PRC will do certain things the moment it takes over and that will be that. We shall lose respect, and the people of Hong Kong will probably lose out, if we give in to or tire in the face of that attitude. We have to be absolutely firm about where we are now and I hope that we shall be. The report of my right hon. and hon. Friends in the Foreign Affairs Select Committee takes that line. I do not think that we should apologise for it and I am glad to hear that view reinforced by both Front-Bench spokesmen.

The report was certainly not uncritical of certain more detailed matters of Hong Kong policy. We return time and again to the issue of the 52 or 53 widows of ex-service men. I find it difficult to understand the attitude of my right hon. Friends and of the Government to those people. Why they should not just be given nationality I cannot fully understand.

On the non-ethnic Chinese—

**Dr. Bray:** The right hon. Gentleman should make his representations at the door of the Home Office, not the Foreign Office.

**Mr. Howell:** I stand corrected if I have got the wrong Department. I hope that my right hon. Friends, whatever their Department, will look into the matter once again. Indeed, I visited the Home Office with the late Lord Bonham-Carter and other distinguished people, including Baroness Dunn, to plead the case once—though yet again without success, I fear. That remains a niggling problem and I hope that my right hon. Friends will not keep brushing it away, but will re-examine it to find out whether they can at least show some movement.

People with far more expertise have dealt with the Court of Final Appeal. As the hon. Member for Motherwell, South said, the matter is related to the role of the Chinese Communist party. What role will it play after 1997 and what assurances can we get that it will not play the same sort of political role that it plays in the rest of mainland China? We must watch that issue closely, among many others.

The freedom of the press is another issue that we must watch closely. Every day, there is evidence of the shadows closing in on such freedom in Hong Kong. We shall have to combine the task of being a proper monitor and fulfilling our duties to Hong Kong with our wish not to attack or undermine the People's Republic of China—I must stress the latter time and again—but to recognise all its problems, support it and reinforce its efforts to open out and move towards the future.

Although it is a year since our report appeared, the need to look at the post-1997 priorities has been left in the air. It is not too soon to begin to decide on them. First, we should work extremely hard to get and maintain good relations with Beijing, despite the rancour and the difficulties over Hong Kong. We should follow through the range of ideas in our report for sewing together informal relations at a parliamentary, cultural and educational level.

Secondly, we must solve the Hong Kong problem—ideally, as my right hon. Friend the Member for Old Bexley and Sidcup said, through dialogue. That will be difficult if the other side will not talk or, as my right hon. Friend the Member for Mid-Sussex said, the tennis ball is simply not returned. None the less, we must keep working at those talks and never let up.

Thirdly, we must recognise our commercial interests in the region, particularly in relation to Taiwan. We accept, of course, the "One China" policy. Taiwan is not a political entity, but it is a mighty one commercially. It has made great investments in Britain and we should be at least as sensitive as our competitors and neighbours in western Europe in our dealings with it. There are no fewer than 9,000—not 8,000—Taiwanese students here, which is a colossal number. Taiwan has tremendous good will to our country and, given our difficulties with Beijing, we must be careful not to compensate too much the other way by being less than friendly to it. I refer in particular to the way in which we handle visa applications from Taiwan. Apparently we are the only country which requires the Taiwanese to have a separate piece of paper outside their passport as a visa. I cannot see that that is correct, but apparently it is deemed necessary. I hope that my right hon. Friend the Minister will comment on that.

Fourthly, our general foreign policy stance should be less Euro-centric. That does not meant that we should not get our relations with the European Union absolutely right, but we must remember that it represents a lesser part of world trade because more than half our overseas receipts, if one includes visibles and invisibles, come from outside Europe.

Finally, we have lessons for ourselves, our policies and politics to draw from the amazing rise of power and influence in Asia. Although we should consider its faults, as we have done in the report of the Foreign Affairs Select Committee, we should also consider its fantastic virtues. Countries in Asia deliver personal security through their family bonds, which we seem unable to provide through universal benefit provision and an elaborate system of social security. Perhaps we could learn a lesson from that. If we want to succeed and to be as rich and as socially cohesive as those countries, we should investigate other ways of delivering security.

*[Mr. Howell]*

We should consider how the parents of the poorest people in Asia devote their entire lives to the schooling of their children, which goes far beyond their states' provision for schooling. Those parents are turning out a new and brilliant generation of young Asians. We should also note how inter-generational respect is so important in parts of the Asian world—something on which I get keener and keener as time goes by. Asian countries have realised that the elderly are not a separate, dependent group, but an integral part of a balanced society. When I visited Japan recently I was fascinated to see how its aging society is not considered a problem, but a gigantic resource which will increase the country's growth, balance and dynamism. I am all for seeing things that way in the European Community as well, instead of granny being pushed into a home.

The way in which Asian countries handle the problem of employment and jobs is, in some ways, superior to our approach. Everyone has a role, dignity and status even if, in a ruthless, competitive world, such people would be declared redundant and considered an unnecessary cost on the books. A quite different approach from that is taken in many parts of Asia, including even super-efficient Hong Kong. After several hundred years of assuming that European values are always the best, we must recognise that in many cases the superior values of Asia are delivering superior prosperity, economic performance and quality of life. That is a sobering thought for those who have gone round preaching the wonders of western philosophy for 300 years.

I urge upon right hon. and hon. Members, and all those who think about the great power shift in China and Asia, some humility. We must realise that the issue now is not westernisation, which has stirred the world, including Asia, for the past 100 years, but perhaps easternisation—the influence of Asia's fantastic performance on our more stagnant societies.

6.44 pm

**Mr. Mike Gapes** (Ilford, South): It is important that we have the opportunity to comment not only on the Select Committee report, which was published in March 1994, but on the Government's response to it, published in July 1994. It is regrettable that the House has not had an opportunity to discuss that report, especially since the Select Committee made a number of recommendations—which, unfortunately, the Government have chosen not to adopt. I shall limit my remarks to the Committee's recommendations on Hong Kong, although all hon. Members should endorse what the Chairman of the Committee and other colleagues have said about Taiwan.

The Select Committee made a number of recommendations about human rights in Hong Kong. It recommended, for example, that a human rights commission should be established, and that vigorous steps should be taken to press the Chinese Government to ratify the United Nations convention on human rights, the international covenant on civil and political rights and the international covenant on economic, social and cultural rights.

The joint declaration made it clear that those agreements would remain applicable to Hong Kong, but those international covenants have not yet been ratified by China—it appears that it has no intention of doing so. If that is still the case in July 1997, where will that leave Hong Kong?

The Government have not been forthcoming either about the discussions in the Joint Liaison Group, or about the reality for Hong Kong in 1997. I understand that the head of the Hong Kong and Macau Affairs Office, Lu Ping, visited Hong Kong in May last year. He said that Beijing was not obliged to make reports to the UN Commission on Human Rights after 1997, which is a cause for concern. When the Minister replies, I hope that he will say what will happen to human rights in Hong Kong after 1997. In recent months, what assurances, undertakings or even discussions and disagreements have been forthcoming from China?

Time is running out, and we need some clarification. It is not acceptable for us simply to say, as the former Prime Minister, the right hon. Member for Old Bexley and Sidcup (Sir E. Heath) seemed to suggest, that human rights do not matter, so long as we get the money and achieve economic growth. I find that attitude deplorable. Human rights are a universal right—the UN convention on human rights is a universal declaration. One cannot argue that three quarters of the world's population should have human rights, but that that principle does not extend and does not matter to those who happen to be Chinese.

If "one country, two systems" is to mean anything now, for people in Hong Kong at least, it does not mean one country with a developing capitalist system in China and an already established capitalist economic system in Hong Kong. It does not mean two systems in that sense. It now means the preservation of the legal, judicial, press, free trade union and democratic, or increasingly democratic, political system of Hong Kong.

In those circumstances, it is essential that we have some assurances that, come 1997, "one country, two systems", and the 50 years after, will not shortly lead to the snuffing out of the independence of the judiciary or of people's rights to express their political opinions openly.

In Peking, people continue to speak about the leading role of the Communist party. They continue to speak, in a way, of a party state. It may be a state in which almost everything goes, but the very week in late 1993 when the Foreign Affairs Select Committee, of which I am a member, visited China, we were told that a decree had been introduced to ban satellite receiver dishes.

That is absurd, because part of the economic development in the south of China was based on the fact that, on television, companies were advertising products that were produced in Hong Kong or in the south of China. Nevertheless, that mentality continued to exist at that time, and I suspect that it persists in some quarters now. We need to know the answer to the question, what will that mean for the people of Hong Kong after 1997?

The Select Committee made several recommendations that I have no time to discuss, but it is important to mention a few issues. Citizenship and nationality have been mentioned, and a reply of sorts was given by the Foreign Secretary when I intervened earlier on the subject. The issue of the widows of service men must be tackled. Those few people deserve better treatment than the vague references that we currently receive from the Government.

We need to consider the ethnic minorities of Indian origin and other ethnic minorities living in Hong Kong. Their position is also unclear. It appears that the Chinese

Government's attitude is that everyone who lives in Hong Kong after 1997 will be given Chinese nationality, and they will not recognise any other nationality for people living there.

Press reports that I have read, published as recently as earlier this week, say that people who will not be classified as Chinese nationals include non-ethnic Chinese in Hong Kong, ethnic Chinese who were born or have settled in foreign countries, and stateless people. In those circumstances, it appears that there will be a problem for people who are somehow left by us without the possibility of being able to extricate themselves from that position.

Will the Minister, in his reply, specifically discuss the recommendation of the Foreign Affairs Select Committee:

"We remain of the view expressed by the then Committee in 1989, that Britain has a duty to give non-Chinese ethnic minority residents of Hong Kong full British citizenship. If the Government continues to refuse to do this, we recommend that the Government state publicly that if this group encounter discrimination in the new Special Administrative Region, whether or not they face explicit pressure to leave, they will be given every help to enter Britain and acquire British nationality"?

I know that statements were made by the Home Office last year that moved a little way in that direction, but we should go further and clarify what will happen for those several thousand people who may be left in an uncertain position in two years' time.

Obviously, the position regarding Britain and China has changed since the Select Committee produced its report. Progress has been made with democratic changes, although China says that it will not abide by them in future. The Governor appears to have receded into the background, and other people are playing a more prominent role in Hong Kong politics than they were.

We must recognise that Britain continues to have responsibility, formally, legally, for the next two years. Although our power may be much less than it appears on paper, because the transformation of Hong Kong is already taking place—Chinese influence and control grows inexorably day by day—nevertheless, in international law, and in terms of the joint declaration, Members of the House and our Government continue to have a responsibility.

Because of our history and the joint declaration, we should express our worries even after 1997. If there is any suggestion of Chinese Government pressure, or of the agreements and promises that have been made being abrogated, Members of the House have a duty to speak out loudly and clearly in defence of human rights, trade union rights and the rights of free speech and association in Hong Kong.

6.55 pm

**Mr. David Mellor** (Putney): I too shall be brief—high-mindedly, because it is about time that Members other than Privy Councillors were heard from the Conservative Benches, and, less high-mindedly, because I have a pressing broadcast engagement to go to.

The debate has been useful, because it shows a pretty united front in the House about those issues. Even though the fact that the House will have held a debate on Hong Kong that has been conducted in measured and responsible tones will not be conveyed any distance outside the House by the media in the United Kingdom, I hope very much that it will be reported widely in Hong Kong. If so, it will provide some reassurance that there is a tremendous commitment in this place to discharging the final substantial responsibility of Britain's colonial past—that of handing over Hong Kong to China.

We have done everything we can to reach an agreement that, as the hon. Member for Motherwell, South (Dr. Bray) and others have said, is fraught with difficulties. It will be a miracle if that agreement is adhered to, and we have done everything in our power to prepare the people of Hong Kong for the transition, and to negotiate with the Government of China and to internationalise the issue in a way that gives them some prospect of a happy outcome.

My association, registered in the Register of Members' Interests, with the Oriental Press Group, the largest newspaper group in Hong Kong, has given me the opportunity to visit Hong Kong several times recently.

One cannot go to Hong Kong without being enormously impressed by the extraordinary energy of the place. To me, one of the great wonders of the world is the experience of looking down from the Peak on the incredible creation that Hong Kong is. The fact that it has been able to turn itself into the eighth largest trading nation in the world is the type of formidable achievement that makes me deeply regret that that buoyant, dynamic, wonderful, free, civilised place must be handed back to a Government of the nature and character of the Government of China.

It is an irony that we can appreciate, but painful for the people of Hong Kong, that, while the balkanisation of Europe proceeds apace—seemingly, every half a dozen fields in the former Yugoslavia can obtain independence with the blessing of the international community—it has not been possible for self-determination to apply in Hong Kong.

It is deeply regrettable that, during an era that was characterised by a concerted and successful effort by the west against communism—the era of President Reagan and Mrs. Thatcher—it was felt necessary to negotiate an arrangement with China that involved handing back Hong Kong.

I do not imagine for a moment that there was an alternative. I have been re-reading Mrs. Thatcher's memoirs on that matter. It is obvious that she sought to decouple the sovereignty issue from the other issues of the future of Hong Kong that she wished to discuss. The Chinese always asserted that sovereignty was the crucial element. The Chinese Government were not willing to be swayed, and the international community did not have the resolve to take on the Chinese Government, so Hong Kong must be handed back.

It is therefore right that, in our relationship with China, we are showing patience and forbearance, and adverting as little as is consistent with our duty to the Chinese Government's lamentable record on human rights issues, which have a fundamental bearing on the arrangements that they have negotiated in Hong Kong. We are endeavouring to keep the temperature at a level that permits constructive work. It cannot be reassuring that the Chinese Government are taking issue with the relatively limited steps towards democracy that the Governor of Hong Kong has properly taken.

It is a good debating point, but no better than that, as my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath) said, to ask why we have left it so long. One suspects that one reason is that the governance

*[Mr. David Mellor]*

of Hong Kong was a matter for the civil service rather than political leadership. Having seen what Hong Kong has achieved, perhaps we should try that system here. It was inevitable that, when a politician of the front rank such as Chris Patten went to Hong Kong, he should want to make changes such as those he has advocated. The House should be proud of what the Governor has achieved.

One of the aspects that particularly strikes me when I go to Hong Kong and watch the television and read the newspapers is the extraordinary bond of affection that has grown up between the Governor and the people of Hong Kong. Whatever cavilling there may be by business men and one or two senior politicians in the House, whose enthusiasm for China has overwhelmed their judgment about the nature and character of the Chinese Government, it is clear that Chris Patten has done what every decent, humane and statesmanlike Member of the House would do if placed in that position.

I hope that the Governor will have trodden the fine line and avoided greatly provoking the Chinese Government, to whom almost anything is provocative. We cannot all live in a world where it is accepted as reasonable when the Dalai Lama is told that he can return to Tibet provided he does not do anything effective to alleviate the suffering of the people there.

That cannot be the basis for our relations with the Government of China. We must not conduct our relations with the Government of China from our knees—certainly not from our bellies. We must show the same respect for our institutions and our beliefs in freedom and democracy as they have in theirs. Chris Patten has done as good a job as possible.

What of the future? I believe, for a range of reasons, that it will be a miracle if the one country, two systems is able to proceed. First, it is not the nature of the Chinese Government to accept dissent. As I know only too well, as I work with one of the leading newspaper companies in Hong Kong, it is part of the nature of Hong Kong to dissent. Anyone who has been the victim of a press conference in Hong Kong knows only too well that, if the press are robust in this country, they are doubly so in Hong Kong.

The Government of China as at present constituted will find it enormously difficult to tolerate that. It will require a level of patience that they were not prepared to share with their own students in Tiananmen square. It will be a miracle if the Government survive in their present form; we must all hope that they do not. They will be required to behave in a way in which they have never been able to behave before.

I wonder whether those of us who are enthusiastic about investing in China and who take a joy in the growth of the Chinese economy—there are 1.25 billion people, and growth is soaring—realise what the sleeping giant is capable of once we finally wake it from its slumbers.

We applaud the developments of an economy where wage rates are 1 per cent. of those prevailing in the European Community, while at the same time trying to harden yet further the arteries of the European economic system with devices such as the social chapter. One wonders what sort of world we will find in 50 years' time, if, as Deng Xiaoping suggested, 50 years after the agreement with Hong Kong, China should be a full and equal member among the ranks of developed nations.

How do we ensure that the Chinese Government behave responsibly? I suspect that the threat will come not so much from direct Chinese Government intervention to break the arrangements, as from the fact that the Chinese Government do not control much outside some of the central areas of China. A great deal depends on individual regional governments, individual powerful elements in the state and powerful individuals.

The danger for Hong Kong is corruption. The Chinese Administration are corrupt and unwieldy. The great thing about the Government of Hong Kong is that, for the most part, they run an efficient, effective society and banish those arrangements to the sidelines as a result of the vigilance of the law and order services.

I suspect that there are no easy solutions. We can internationalise the matter and try to ensure that China, as a permanent member of the United Nations Security Council, is unable to get away without signing a key United Nations convention. It is hard to think of a more fundamental United Nations convention than that pertaining to human rights. The eyes of the world community, not just those of Britain, focus on Hong Kong and the solemn obligations that the Chinese Government entered into when they signed the arrangements.

I did not intend to say much about press freedom in Hong Kong, but the subject has arisen a number of times. There is something in the point made by the right hon. Member for Tweeddale, Ettrick and Lauderdale (Sir D. Steel)—I hope that I got his constituency right—

**Sir David Steel** *indicated assent.*

**Mr. Mellor:** Good—that is a start.

The right hon. Gentleman said that we should not leave rules that could be used oppressively by the Chinese. During my most recent visit to Hong Kong, it came as an unpleasant surprise to me to find that a shadowy tribunal exists, comprising people whose names are not published. It sits in judgment on newspapers and is able to fine them, without a hearing, for producing indecent material.

People will, I hope, be as dismayed as I was to find that one of the publications of the Oriental Press Group, the English language newspaper the *Eastern Express*, published a front-page picture of a young Chinese child who had been maimed in a street accident. The picture was an affecting one, of the badly scarred child clutching its mother. The aim was to launch an appeal to raise money, so that the child could have some operations to improve its face by plastic surgery and to remedy some of the other injuries. The tribunal fined the *Eastern Express* $HK5,000 for publishing an indecent photograph.

It is hardly an ornament to the Hong Kong Administration, of whom I otherwise warmly approve and applaud, that such mechanisms should exist. I do not think that it is an ornament to any society to think that a picture of a seriously handicapped child is indecent. Such an attitude takes us back to the Victorian age, when we used to lock away such people in asylums in the depths of the countryside so that no one was forced to gaze on them. We shall need to look carefully at one or two such aspects.

Overall, I suspect that the resilience and vigour of the people of Hong Kong will sustain them. As a child, the only things I knew of Hong Kong were the ghastly little

plastic nick-nacks which came out of Christmas crackers, and the nastier T-shirts at the nastier end of Woolworth counters, both of which always had written on them, "Made in Hong Kong". Within that time, while our economy has, in relative terms, stood still, Hong Kong's has surged away.

Not only does Hong Kong now have one of the most dynamic economies in the world, but it is one of the most pleasant and attractive places to visit, with high-quality hotels, wonderful service in shops and marvellous public transport. Without the slightly repressive edge of the Lee Kuan Yew regime, the Hong Kong regime has managed to persuade people not to drop litter, and to behave in a civilised way—something from which all of us in this country can learn.

People who have been able to attain those achievements in such a short time can surely survive what is to come when shorn of democratic institutions. That is not to deny that it is a cruel fate for Hong Kong when nations infinitely less capable of managing in the world are accepted as free and independent members of the world's community, while the extraordinary group of people in Hong Kong must be handed back to the state of China. No one should assume—I am sure that no one in the House does—that the passage ahead will be easy or clear. It will not.

7.9 pm

**Mr. Denis MacShane** (Rotherham): The debate so far has been wide-ranging and absolutely fascinating. From 1980 until I entered the House last year, I visited Hong Kong more times than I care to remember. Like everyone else, I found it a most exhilarating and exciting place to visit. I am sad that today's debate has attracted the presence and participation—although it has been of a very high quality—of so few Members of Parliament. If we were grains of rice, we would hardly make a teaspoonful to feed to a baby. I think that it is the equivalent of a debate on a wet Wednesday in Dudley.

The Governor of Hong Kong has not deemed the debate important enough to warrant his presence. I know that members of the Legislative Council are extremely concerned that, owing to the short notice of the debate, many have not been able to make arrangements to attend or to brief fully all Members of Parliament about the very important issues at stake.

As I said, I have visited Hong Kong many times and I have been thrilled by the dynamism and growth of the Hong Kong economy. However, we must have some sense of historic perspective. I remember reading in the history books about people returning from the Soviet Union 50 or 60 years ago and assuring people that there were yearly growth rates of 10 or 15 per cent., that jobs were being created, welfare systems were being set up and new housing was being provided. They told us that they had seen the future and that it worked.

The Foreign Secretary made the good point that our trade with Taiwan is only a little less than our total trade with the whole of China. In fact, the per capita gross domestic product of the Association of South-East Asian Nations is approximately $1,400 per year compared with more than $20,000 for the European Union. Although there are some very dynamic examples of economic growth in Asia, we should not assume that our future lies to the east and turn our backs, as some hon. Members appear to have done, on our continuing commitment to Europe.

I agreed with the remarks of the right hon. and learned Member for Putney (Mr. Mellor). He has left the Chamber to make his broadcast; I will stay in order to listen to any further contributions that he may make to the debate later. It is very sad that we are handing over the people of Hong Kong without better preparation for the future. I expect that when 20th century diplomatic historians come to write about this period, they will deplore the hurried way in which the Prime Minister of the day, Mrs. Thatcher, blundered through the diplomacy of handing back 6 million Hong Kong people to the Chinese gulag without sufficiently safeguarding their interests. I think that history will record that as one of her greatest mistakes.

Lady Thatcher was, for some, a wonderful warrior. When it came to the Falkland Islands crisis, the Gulf war or dealing with the IRA, or—to use her own words—"the enemy within", she knew what she was doing. However, when it came to diplomacy regarding Europe, South Africa or Hong Kong, she was a disaster. One could consider her to be an expert in what might be called "chopstick" diplomacy, but she held a chopstick in each hand. Anyone who has tried to eat using that method will know that it may be wondrous to behold, but it leaves an awful mess. It is that mess that the Foreign Office has been trying to clear up ever since.

The joint declaration to which many hon. Members have referred has been replaced—as the Select Committee report makes clear—by the Basic Law, which has been agreed unanimously by the People's Congress in Beijing. In opening the debate, the Foreign Secretary spoke of parliamentary exchanges. I am all for that; I would like to meet with my opposite numbers in Beijing to talk about the 10 million Chinese people who are in forced labour camps. I would like to talk about the 100 million peasants who have been uprooted from their homes and who are exploited quite ruthlessly by Chinese and foreign companies. I would like to talk about women in China who face compulsory abortions and sterilisation or about the eugenics law, as it was originally titled. I would like to talk about the prisoners who are executed in order to provide organs for transplant to sell to rich people in the west or elsewhere in Asia. They are some of the parliamentary exchanges that I would like to have if I were confident that my opposite numbers in Beijing were elected democratically in the way that we and the members of LegCo are.

All those events are well recorded; nothing that I have mentioned is a secret. If it is embarrassing for Conservative Members to hear those truths, I put it to them that no one can afford to ignore the continuing repression of human rights when it is reduced to individual life and death and exploitation in China. We should not talk about human rights in general terms; we should look at the plight of the individual. I speak with some passion on the subject because my children are one-quarter Asian. If I have understand correctly some of the comments by hon. Members on both sides of the House, three quarters of my children's identity allows them to enjoy western human rights, but one quarter does not. I believe that every human being—no matter where he or she is born—should enjoy indivisible human rights, which must be cherished.

*[Mr. Denis MacShane]*

When some of the practices that I have described were applied in the Soviet Union, North Korea, Cuba or in Nazi Germany, Conservative Members were among the first to condemn them with immense vigour and passion. They linked whole areas of Government policy, such as trade and international politics, to attempts to stop those human rights abuses. However, because there is so much money to be made in China—Conservative Members have been open and honest in declaring their interests—at best we skate over those issues and we do not raise the individual concerns of so many Chinese people.

In the end, we do not ask the Chinese to obey our laws or to accept a western system of values; we simply ask them to respect their own laws and culture. Classic disappearances are occurring regularly in China. Chinese citizens are being seized by plain-clothes military officers and held incommunicado. That practice breaks the Chinese law, which says that families should know where family members who have been taken prisoner are being held.

We do not know the whereabouts of Wei Jing-Shen, a great human rights campaigner who founded the democracy war 15 years ago. He was imprisoned by Deng Xiaoping—who is apparently the friend of at least one hon. Member who has spoken in the debate—and released only two or three years ago. He is the Andrei Sakharov of China. He has now been rearrested and we do not know where he is being held. We know that his assistant Tong-yi was arrested and badly beaten in prison.

We should also mention Han Dong-fang, who is the leader of the Workers Autonomous Federations in Tiananmen square. We have already discussed the citizenship and passport problems of the people of Hong Kong. Han Dong-fang is a Chinese citizen and he holds a Chinese passport, but when he left the country for medical treatment and then sought to return, he was refused admission at the railway border between the new territories and China. It is to his credit that the Hong Kong Governor, Chris Patten, protested about that.

What will be Han Dong-fang's fate after 1997? I tabled written questions to that effect last year, but as yet I have received no satisfactory reply. Han Dong-fang has been my guest on the Terrace at the House of Commons. What will hon. Members say if he is arrested after 1997? If there is a change of Government—I sincerely hope that there will be—what will my hon. Friend the Member for Livingston (Mr. Cook) have to say if he is Foreign Secretary?

We have an opportunity to raise some of those issues by focusing on what we can do in Hong Kong. We have 800 days, which should be long enough. It is equivalent to two parliamentary Sessions and, my goodness, we can get through some Acts of Parliament in this place in 800 days. What, then, should we do during that period? We should encourage the civil society in Hong Kong to sink deeper and deeper roots between now and July 1997.

I reinforce the importance of what hon. Members on both sides of the House have referred to: freedom of information. Hong Kong is currently our only eyeglass into China. The *Far East Economic Review*, the *Asian Wall Street Journal* and other media now operating in Hong Kong provide far more information about what is happening in China than can correspondents and journalists operating in Beijing or the Chinese media operating out of China, such are the restrictions on press freedom in China.

We should also have regard to freedom of assembly. We have discussed the marvellous economic growth rate in China. Although it has been achieved by business men and entrepreneurs, it has also been achieved by workers, whose rights need to be considered in Hong Kong. They should have trade union rights to assemble, negotiate and organise. In Tiananmen square, one of the most powerful movements that linked up with the students was that of the Workers Autonomous Federations. The number of recorded strikes and of arrests of democratic trade union organisers since Tiananmen square show that the example that the Chinese communist authorities in Beijing are terrified of is equivalent to Solidarnosc in Poland and workers movements around the world.

Last December, LegCo had before it interesting and important legislation on social and workers' rights, but Mr. Lau Chin-shek, a member of LegCo, put forward amendments taking those slightly further forward. He obviously had the support of a majority on LegCo, but the Government withdrew their own legislation. I shall return to that matter in a moment.

Given Governor Patten's regular forays to Europe, the United States and all over the world to make theme speeches, albeit of great interest and learning, it is strange that he is not here tonight. *[Interruption.]* I hear laughter from Conservative Benches. The Select Committee report was produced more than a year ago, but we have had few debates in the House on this matter. My hon. Friend the Member for Motherwell, South (Dr. Bray), who is present in the Chamber, goes back some 30 years and knows that, when the House is debating Hong Kong—this may be the last full debate before July 1997—it is extraordinary that the man who is effectively the Minister responsible for that area is not present.

Governor Patten had a wonderful history teacher at his school. I know that because that history teacher happened also to be mine. Although I am several years younger than Chris Patten, I attended the same school. In our history classes, we learned about the importance of democratic development as the hope of history. The yearning for freedom is the marching song of all humanity, whether European, American, black, Asian or whatever. The Conservative party would probably place most emphasis on freedom in the economic sphere, but there should also be freedom under the rule of law.

If one country in the world has no visible rule of law, it is China. People should have freedom to travel, speak, write and read. Those freedoms were supported in the House in the 19th century and effectively in the 20th century. In my maiden speech, I paid tribute to the passionate commitment to those freedoms expressed by the right hon. Member for Old Bexley and Sidcup (Sir E. Heath) when he stood against his party's appeasement of Nazi Germany, a record of which he can be proud.

Those freedoms remain just as important in the 21st century, but China is now the country where they are most flouted anywhere in the world. If the continuing flouting of human rights and democracy in so many spheres continues unchecked, it will cause endless problems. Governor Patten's attempts to democratise in part the election process show that he understands that. He has admitted that all that he is doing with those functional democracies, about which my hon. Friend the shadow

Foreign Secretary made such fun, is to advance the electoral college in China to where it was in England in the middle of the 19th century. Despite his efforts to introduce some democracy in the legislative sphere, he remains a prisoner of Conservative philosophy. Although I support the general line of not seeking a huge party difference on this issue, it must be noted that Governor Patten, as a child of Thatcher and an appointee of the Prime Minister, cannot support in Hong Kong what is not supported in this country—legislation to pluralise the press and guarantee human rights in the workplace.

That does not relieve the House of the responsibility to argue those rights tonight. What can we do? First, I agree with those who say that we must maintain an open policy of trade, investment and contact, not just with China but with the whole of that region. Secondly, we must embrace all the Chinas in the new networks of international bodies. China should be admitted to the World Trade Organisation. The United Kingdom should increase discussion, involving Hong Kong citizens in other international bodies such as the International Labour Organisation, the World Health Organisation and other relevant United Nations agencies in which Chinese issues will be discussed. I hope that, at the forthcoming UN conference on women, to be held in Beijing later this year, we shall make a forthright denunciation of China's barbaric practices with regard to its female citizens.

Thirdly, we should support the admission of Taiwan to the United Nations on a par with that other Chinese state, Singapore, so that Taiwan can play its part in the debate and decisions on the future of all Chinese people, not just those in China and Hong Kong but those who live in many other parts of Asia and the rest of the world.

There has been much reference to one country, two systems. That was the old slogan which Deng Xiaoping developed to explain China's relationship with Hong Kong and Taiwan. It is now out of date. There is one system—authoritarian market capitalism—and at least three identifiable Chinese states: the People's Republic of China; Taiwan; and Singapore. If there is one iron certainty about China, it is that in the past 100 years, one has never seen, from one consecutive 10 or a dozen years to the next, the same outlook, approach and system being applied in China. Great changes happen as a result of either decisions from the top or pressure from below.

An aspect that nobody has mentioned—the debate is on China and Hong Kong as a whole—is China's military role. China is now developing into a major military power. It is building a deep-water fleet. It has missiles. China is selling arms all over the middle east. Its armed forces intervene in naval engagements over islands that are many hundreds of miles from the Chinese coast. I find it worrying that that giant state that is being created with a great deal of internal turbulence is now turning into a huge military power.

Finally, I put it to the House that we have 800 days that are an opportunity to strengthen the civil society of Hong Kong—800 days to put right the denial of democracy over the past 150 years.

Tongue-in-cheek, just after the joint declaration was announced 11 years ago, I suggested that we should leave all the white gwailos in China, but give passports to all the Hong Kong Chinese so that they could come to England and then we could watch Britain grow again. That was tongue-in-cheek, but the question of those people who have contributed massively to British wealth and British companies and who do not at present have the right of abode in this country is serious. Reference has been made to war widows, and I very much hope that in his reply the Minister of State can make a concession on that issue.

It is not too late to act in areas of legislation that would sink deeper the roots of civil society in Hong Kong. The Government and the Governor can act and they should act now.

7.32 pm

**Sir Rhodes Boyson** (Brent, North): I approach this subject in a way rather different from other hon. Members in that I was in the East Indies fleet when we reoccupied Hong Kong—I almost said in 1845; perhaps that is why most of my hair has gone—in 1945.

I was too young to vote in the 1945 election, although I had already spent a number of years in the East Indies fleet. At that time, I was much more left wing than I am now and I was for decolonisation and for getting myself back to the United Kingdom very quickly. Neither the first nor the second took place.

Even then, there was a feeling about the decolonisation of the British empire. It is almost unbelievable that, 50 years later, we still have a Crown colony in Hong Kong. Two years after we reoccupied Hong Kong, India got its freedom, by which time I was in India, and freedom movements were stirring around the world. It is quite amazing to me that the one—possibly the last—colony that we will have, apart from tiny islands, is Hong Kong.

I welcome the agreement on handing over. It was inevitable that, at some stage, we would have to hand Hong Kong over. The balance of power in the far east has changed, whatever one's principles might be. It is changing fast now. Indeed, from the beginning, the Chinese could have cut off the water. They could have taken action and Hong Kong would have been untenable as a colony. It was only a matter of time before an agreement had to be made to hand it over, and it has been made.

It is my view—it is certainly not the view of every hon. Member who has spoken today—that this is an agreement between two separate sovereign countries, just as the treaty of Nanking was in 1843. The locus is two sovereign countries: Britain and China. It is an agreement not with Hong Kong but between two sovereign countries. From my conversations in the far east, and I have returned there regularly—indeed, I was there last autumn—it is clear that it is a question not of an agreement with Hong Kong but of an agreement between two countries.

Hong Kong is not a party to the treaty, any more than Brent, North, which is an island of Conservatism in what is almost a sea of red in London at present, could on its own be a party to a treaty that we signed with Europe. From my conversations with people over there, I think that China is very well aware that the agreement is between two sovereign countries.

I think that it was a mistake to introduce an extended voting system without the agreement of the Chinese authorities. That has soured the relationship between us and somehow we have to get back to conversation and agreement. I think that that was a moral, if not a political, breach of the agreement.

*[Sir Rhodes Boyson]*

Obviously, the balance of power is moving around the world. The 19th century was the century of Britain. The 20th century has been that of America and Europe and the 21st century will be that of China and the eastern states. What the majority Chinese people have done in Taiwan has been a miracle. What has happened in Hong Kong has been an economic miracle and a similar economic miracle is now taking place in mainland China. As the hon. Member for Rotherham (Mr. MacShane) said, those changes are moving now from the economic to the military and other spheres.

We must somehow get around the table again with China, because time is running out, as if in an egg timer, to get concessions where we can. I hope that the through train can come back, because if it does not, there will be serious consequences for Britain and our relationship with China in the long run.

I intend to speak only very briefly. It is amazing that, 50 years from the time that I was first in Hong Kong, it is still a colony, while change has been going on all around the world. If it could be handed over well, we would be able to say that the British empire, having been one of the greatest empires that the world has known, has come to an end honourably and well. I very much hope that we can achieve that through the work of our Foreign Office—I served as the No. 2 to the Foreign Secretary for 15 months up to the Anglo-Irish Agreement of 1985—and skilful diplomacy and concessions where required.

I was very impressed this afternoon by the speech of my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath). I was not a Member when he was Chief Whip and became Prime Minister, but I realise now why he was chosen—because of his excellent China policy, which suggested his other abilities. It is the first time that I have congratulated my right hon. Friend in the House, but I do so with great pleasure this afternoon. I was inspired by his speech and if the Foreign Office wants someone to sort the matter out, it need only ring my right hon. Friend.

7.38 pm

**Mr. Robert G. Hughes** (Harrow, West): I had not realised until this debate began that it is the first that we have had on Hong Kong in this Parliament, which I think must mean that I took part in the last such debate, some time ago. I did not expect that that would be the case.

I was intrigued by the speech of the hon. Member for Rotherham (Mr. MacShane), and I nodded along with it, thinking that it was brave and that he was saying things that needed to be said. There are indeed human rights abuses in the People's Republic of China. We should acknowledge that and not be afraid to say it and spell them out and ask what the answers to those questions are. The hon. Gentleman was right to make those points. However, there came a point when I stopped nodding, and that was when he ruined his speech.

What the hon. Gentleman said about the People's Republic of China is, of course, right. The People's Republic should be mature enough to discuss human rights with us but, by overstating the human rights deficiencies in Hong Kong, which he did, he weakened his arguments. He further weakened them by making comments that were wrong and unworthy.

The hon. Gentleman joined the hon. Member for Motherwell, South (Dr. Bray) in a rather narrow-minded and opportunist attack on the Governor of Hong Kong, Chris Patten. The hon. Member for Motherwell, South said explicitly—it will be clear in *Hansard* for those who did not hear it—that he could not back Chris Patten and that, if there were problems, he would not come to his aid, merely because Chris Patten was a Tory politician who might want to return to politics in this country. I found that an extraordinary admission. I do not think that any Conservative Member or, indeed, many Opposition Members, would take that view of a politician from another party who is trying to do a difficult and, let us face it, almost impossible job for his country.

**Mr. MacShane:** My criticism of Chris Patten is that he has not gone far enough. I would welcome his return to politics in this country as a civilising influence on the Conservative party.

**Mr. Hughes:** I go along with the hon. Gentleman as far as to say that Chris Patten is much missed in politics in this country and in my party.

However, the worst part of the hon. Gentleman's speech—the same flavour ran through a number of speeches by Labour Members—was his theory that everything could have been done better, that our noble Friend Baroness Thatcher failed and did not understand or try and that, if only cleverer people or people who cared a bit more had been involved, we could have sorted out some of the human rights problems before we agreed to hand back Hong Kong.

As my right hon. Friend the Member for Brent, North (Sir R. Boyson) said, it was crystal clear that Hong Kong was going to be handed back. We had 99 years' notice of that. If the Chinese would not play ball, and if they did not want to deal with human rights issues, or anything else for that matter, there was no way for us to make them do so because the deal was going to go through. I agree with my right hon. Friend that it was remarkable that such a good deal was done.

One issue that has been brought to my attention relates to the construction in the Clearwater bay area of Kowloon of a 400 kV overhead power transmission system by the power utility, the China Light and Power Company Ltd. As many hon. Members will have read in the press, it is causing considerable alarm among local residents. It raises the wider question of the extent to which the Hong Kong Government will act to protect the health of their citizens and the right of local people to be consulted.

The power line is being constructed through what was one of the few remaining scenic parts of Kowloon and the route passes very close to people's homes. An alternative alignment was available, which would have taken the line away from residences, but it was rejected by the Government simply because it involved the possibility of felling trees in a small section of a country park area. Perhaps that was the right decision, although the local people whose homes were affected do not think so. The fact is, however, that the decision was made without their knowledge and they continue to object to a decision about which they learned only when the construction was announced. I do not expect my right hon. Friend the Minister of State to take time in his summing up to respond to that point, but I would be grateful if he would write to me about it.

Human rights and democracy are issues that have run through this debate and it is difficult to deal with one without the other. Of course the people of Hong Kong have every reason to be suspicious of the intentions of the People's Republic of China, especially in the aftermath of Tiananmen square, which still echoes down the years. However, the people of Hong Kong have chosen to accept the various changes to their legislation. They could have rejected what Chris Patten was trying to do and stuck with the view that had been the British Government's view for at least 90 years of British rule of Hong Kong. I do not think that that was the right view and said as much in previous debates.

I believed then, as I believe now, that we should and could have moved more quickly on human rights and democracy, but the people of Hong Kong know what the dangers are. They know what they are facing—they know what could happen in 1997 and beyond—but they have made their choice. I do not think that, from many thousands of miles away, we should seek to second-guess what that choice is or tell them that they should be going further or faster or that they should not have done what they have. They know the circumstances and the dangers but they have made a decision.

The criticism of Chris Patten in his role as Governor is misguided. I do not believe that the Governments could have reached a different agreement, nor do I think that a different Governor with a different approach could have achieved more. Nothing that I have read has persuaded me otherwise.

In his evidence to the Foreign Affairs Select Committee, Sir Percy Cradock said that pushing ahead with legislation despite Chinese opposition

"will do much more harm to Hong Kong than the alternative policy of co-operation with China on the best terms we can get."

As far as I can see, he failed to back up his argument.

What would have been achieved had these issues not been raised by Chris Patten? What would the Chinese Government have agreed to that they have not agreed to under pressure? The answer is nothing. I accept that, having lived there, Sir Percy Cradock understands a great deal about China, but I believe that the attitude that he adopted was craven. I am afraid that, in the past, it was characteristic of British diplomacy in that area to say that we should agree with the Chinese because theirs is a big, emerging nation and we should not quarrel with them. I accept that that is not the British attitude now and I am delighted about that, but I find no evidence to suggest that something has been lost by the harder attitude that has been adopted.

People often talk as if only Britain and the people of Hong Kong have anything to lose. That is not correct because the problem for the People's Republic is that it needs to be seen to make a success of the transition. It needs Hong Kong to work as much as the people of Hong Kong need it to work. That is why I agree with the optimism expressed in some speeches today.

Of course, China has a great deal to learn. If it wants Hong Kong to work, to earn money for the People's Republic and to be a window on the world for the People's Republic, it has to stop doing things such as rescinding McDonald's 20-year lease on the world's largest fast food restaurant, as happened in November 1994. What confidence does that give other multinational companies to move into China? If there is any flavour of that in Hong Kong, the People's Republic will suffer. *[Interruption.]* If my neighbour and hon. Friend the Member for Harrow, East (Mr. Dykes), does not like McDonald's, I suspect that, uncharacteristically, he is out of step with his constituents. I eat at McDonald's in his constituency regularly; I never ask his permission, but I hope that I have it.

The world is not entirely without leverage, however. It may be that the United States Administration would not take much notice and would continue to relate to the most favoured nation status that they accord the People's Republic, but I am sure the Senate and Congress would notice and that a future American Administration would take China to task if the transfer of power in Hong Kong went wrong.

It is certain that the Government of Taiwan—the big prize for the People's Republic—would notice. If they felt that the same would happen to them, there would be no prospect of talks on any future relationship between Taiwan and the People's Republic.

Although the premier of Singapore characteristically defended the People's Republic of China, even he warned that

"Hong Kong will be worse off if she does not retain the instruments of Government which the British brought."

I end my speech with a quotation from the *Financial Times* which summed up the problem faced by the People's Republic of China. It made the following comments on what the Governor Chris Patten was doing, the dangers of what was happening and the refusal of the People's Republic to discuss matters:

"At least this way he is giving Hong Kong people the chance to experience two years of relative democracy if they so choose and to leave China's rulers with the responsibility of dismantling it in the view of the world, if they so choose."

The transition is taking place in the view of the entire world and if China does not make a success of it, it is not only the people of Hong Kong who will suffer, but the People's Republic of China and it would not want that.

7.51 pm

**Mr. Hugh Dykes** (Harrow, East): Thank you, Mr. Deputy Speaker, for calling me now. In a geographical sense, you have shown remarkable imagination by bringing together the scintillating cluster of my right hon. Friend the Member for Brent, North (Sir R. Boyson), my hon. Friend the Member for Harrow, West (Mr. Hughes) and myself, representing the precious little area of north-west London that we cherish so much.

**Sir Rhodes Boyson:** And the Edgware general hospital.

**Mr. Dykes:** We could mention the Edgware general hospital, but that would be strictly out of order.

The debate so far has been both thoughtful and subtle. I commend the speech of my right hon. Friend the Foreign Secretary and the equally measured, cautious and restrained presentation of the shadow spokesman for foreign affairs, the hon. Member for Livingston (Mr. Cook), who made a characteristically skilful speech.

My hon. Friend the Member for Harrow, West made some valid points with which I greatly agree. I reassure him that I was not criticising McDonald's, which is one of the most striking and awesome symbols of western culture. Its growth and expansion in Britain is a great saga of commercial success—I also enjoy its offerings. I am

*[Mr. Dykes]*

delighted that my hon. Friend visits its restaurants in my constituency; I visit the ones in his constituency, so we have reciprocal gastronomic support.

I have visited the People's Republic of China many times and I declare a parliamentary interest as chairman of the Chinese-British parliamentary group. Even I, with my enthusiasm for that particularly occidental culture, felt dismayed when I looked out of the window of my room at the Beijing hotel just by Tiananmen square and saw a Burger King outside. That was in November 1992, and I am told that it may have moved since, so perhaps that will be the subject of verification on a forthcoming visit.

I have visited Hong Kong many times, but I have visited China many more times. As chairman of a parliamentary friendship group, my words tend to reflect both a great respect for the People's Republic of China and its remarkable achievements—although its political culture is not the same as ours—and an attempt, as an ignorant westerner, to understand China more than some of our colleagues. A clash of cultures occurs when Hong Kong bumps up against the People's Republic of China.

I also have to declare a commercial interest in Hong Kong as I am adviser to an international law firm that is establishing an international office in Hong Kong as a testimonial to its confidence in the future of the territory. It is interesting that the more sensible people in business circles of any provenance and country who work in Hong Kong already or are considering going there are much more open-minded in conversations about the People's Republic of China and what should be done, politically or otherwise, in future by that country.

One of the great diseases of western politicians is the dreadful condescension that we use when we refer to the People's Republic of China. I pay tribute to our colleagues in the Foreign Office for not doing so; one of their principal jobs is to get on well with foreigners. That is often criticised by hon. Members who say that we are giving away some vital national interest. Nothing could be further from the truth.

What has been achieved in the agreement with the People's Republic of China is unique. It is an extraordinary coming together of interests and I remain optimistic about it despite the huge difficulties involved. It is a great tribute to the past and present work of the Foreign Office.

By the same token, the agreement represents a remarkable achievement for the People's Republic in reclaiming its own territory, bearing in mind the dreadful history of the foreign presence in China and its surrounding territories and what we and other foreign nations did to the Chinese, although it was a long time ago and the world is now much more modern and open.

I cannot think of another example of a country reacquiring a territory that was plundered and stolen from it on unequal terms more than 100 years ago and being prepared to make political concessions on the future structures there for the sake of reassuring the local population and many other reasons, including self-interest.

Although spokesmen for the People's Republic of China are often polite enough to say that the transition is definitely on equal terms, we have to face reality. We are a small, fading ex-colonial power and not on equal terms with a unique and enormous country that is groping and grappling with great difficulty and with the enormous complexities of entering the modern world politically and economically.

The story so far has been stunning in economic terms and the remarkable history of recent expansion is understandably causing anxieties among the leadership in Beijing. It is facing problems that are difficult for foreigners to understand because of the linguistic problem and the sharply different culture, history and traditions of that amazingly interesting country.

China is the most fascinating country in the world for visitors. I have been there many times and I always feel great excitement about visiting it. In contrast, the excitement that we feel when visiting Hong Kong is caused by its capitalist razzmatazz, and Conservatives in particular feel that Hong Kong is uniquely impressive and special.

What has been done so far in the People's Republic of China is a totally different scene. If one considers the extraordinary misery, squalor, degradation and brutality of the political past of China before the revolution and the new regime, one can begin to understand the background to the anxieties of senior members of the political classes when they begin to grope towards whatever form of representative government may emerge in the People's Republic of China in future. It is crazy for us to say, "We have our cosy Westminster and occidental patterns of conventional bourgeois democracy to bestow upon you with immense kindness and here you are, you Chinese chappies. Please accept it from us, bow down and say thank you."

The old attitudes of foreigners in China was a disease as far as the Chinese were concerned and the older ones remember some of its worst manifestations. The previous Kuomintang regime was the internal representation of that external foreign brutality and corruption. It takes time to make a psychological adjustment. I make no excuses for the examples of the lack of human rights in China, but the Tibet saga is grossly exaggerated. I visited Tibet once, but perhaps that was not enough. I am a reasonably experienced observer of different foreign scenes, and the idea that the entire population of Tibet is oppressed is nonsense. It has made remarkable social and economic progress, albeit under a regime that practises collective public ownership of all means of production and exchange—apparently the sort of thing that Labour is giving up.

Neither Tibet nor the People's Republic is, in our terms, an example of free-floating capitalism and effort but manifestations of capitalist growth, fast economic expansion and the acquisition of new production and factories are stunning. I urge hon. Members who have not visited the People's Republic to seize an early opportunity to do so.

The public ownership of assets remains the norm in the People's Republic but the Chinese authorities and their commercial entities have acquired significant mobile and immobile assets in Hong Kong. By July 1997, the People's Republic will already own substantial chunks of Hong Kong's economic activity. That will be a force for stability and continuity.

It is not for us—other than in the framework of the unique treaty-plus agreement deposited at the United Nations, under which the Chinese have obligations that they must respect over a 50-year period and which

embraces two systems in one country—to tell the Chinese, as the future owners of territory originally stolen from them, what to do and how to do it. We may express our opinions but it would be out of order to lecture them and to insist that they must do as we say. That approach causes enormous resentment in Beijing. I criticise not any particular person or persons but the general attitude.

I first visited Hong Kong many years ago—long before Beijing had begun to indicate that it was too late to think of sweeping changes to internal democratic structures. Incidentally, turnouts at the quasi-elections have been modest, with some exceptions. We should not get too carried away with how splendid the new democratic structure in Hong Kong is. Before Beijing indicated that time was running out, and when I asked naively as a first or second-time visitor to Hong Kong, "Why don't they have democracy?" I was told repeatedly by grand, elegant and well-paid business men that the British Hongs as well as the newly emerging Chinese Hongs—who represented outside capitalist interests rather than Chinese traditions—said that democracy was not wanted. There was no question of ever having it because Hong Kong was a British colony and would remain so. Subsequently, reversion to China loomed and common sense prevailed.

Limited democratic structures are already in place. I hope that there will not be excessive conflict and tension between now and 1 July 1997. If resentment in Beijing is so great by then that it is put in a bad mood, that will not help anyone. I am not saying that one should indulge in appeasement or be pusillanimous but we must be realistic. The tragedy is that Britain lost the opportunity to introduce universal suffrage in Hong Kong many decades ago. It was thought that it was easier to run the capitalist system. I will not go into the sordid details of what occurred in those days, but Hong Kong has improved remarkably since. There are probably no significant sweatshops left. There may be small back-street examples, but I am sure that the authorities are vigilant in rooting them out.

We must avoid something of which the Americans are sometimes guilty when they are selective about their definitional basis for human rights. They say, "That's our pattern, folks, so you must accept it. We will be the determinants of human rights classifications in other territories." In the Falklands, the interests of the inhabitants were paramount, but when the Americans wanted a military base in Diego Garcia, its entire population—who had dark skins, by the way—were swept away into east Africa, despite their protests. When the Turks kill Kurds in eastern Turkey, against whatever political background, the Americans do not protest, but if Saddam Hussein or any Iraqi laid so much as a finger on a Kurd, America would go berserk. Such selectivity in Asia and elsewhere—I do not refer to genuine idealists who want human rights implanted everywhere—generates wrong arguments. No attention is paid to different cultures.

I hope that plural political systems will develop in the People's Republic, but it is for its leaders and the Chinese people to determine how that will happen. I understand why those leaders, having seen the chaos and degradation that existed before the revolution, worry over how to handle that change in an enormous country. Political control in the remote provinces is different from that in large cities. How will that be accommodated while allowing much more democracy and freedom? The emphasis has been on the unique dictatorship of the proletariat, on the traditional Marxist pattern. I hope, with my political views, that that will fade, in concert with remarkable economic growth of the kind already seen in the People's Republic. Again, it is for the Chinese to decide such matters without outside interference or lecturing. The culture in that unique, special and unusual country is often difficult for us to grasp, partly for linguistic reasons.

The suggestion is that the future Government in Beijing will be similar to those of the old days, when the revolution exercised iron discipline—excessive in our terms—over people not prepared to be part of it. We saw that over a much longer period in the Soviet Union, but that has been demolished. I am not sure what will happen in future China. I imagine that the collectivist system and the dominance of the Communist party will continue longer but will allow the development of civic and political freedoms that we cherish—but in the Chinese way, and more strongly in cities than in rural areas for evident reasons. We will applaud whatever freedoms emerge in the People's Republic. Meanwhile, we must make sure of a good future for Hong Kong and that, as the outgoing colonial power, we leave it in a good state.

I conclude by quoting the words of my right hon. Friend the Minister of State—before he does so himself—from his article in London's excellent newspaper, the *Evening Standard*:

> "But the choice for Hong Kong is not, and never has been, for Britain alone to make. As the hand-over approaches, the spotlight will inevitably shift to the future sovereign power. More and more it will be to China that the people of Hong Kong and its overseas friends and investors look for reassurances about the future. The British and Hong Kong governments will do all they can to help maintain the confidence on which Hong Kong depends.
>
> I am neither over-optimistic nor a pessimist about the future. I know only that if China and Britain work together, in their own interests and that of Hong Kong, the right choices will be made."

I also rest on that proposition, which is a reasonable one for the House, this debate and the population of Hong Kong.

8.9 pm

**Mr. William Powell** (Corby): It is not surprising that there has been, this afternoon and this evening, a celebration in the House of how successful Hong Kong is as a British colony and dependent territory, but I hope that, as British people, we will not be too self-satisfied or complacent about that, because the reality is that the success of Hong Kong is above all else the success of the Chinese people who live there and the Chinese people from outside Hong Kong who have traded with it and contributed to building up its remarkable economy.

My right hon. Friend the Member for Mid-Sussex (Mr. Renton) called it a golden nugget. My right hon. Friend the Foreign Secretary said that it was the most exciting city that he knew of this age. Those are two judgments with which I concur. But the reality is that it is the Hong Kong Chinese themselves who have made by far and away the greatest contribution to the success of Hong Kong. It is not merely a commercial success, but a success in the public service. Some of the finest public servants I have ever met anywhere in the world are Chinese Hong Kong people. I have found that they have served Great Britain and Hong Kong with a distinction unrivalled in any other country I have ever seen.

*[Mr. William Powell]*

I shall try to illuminate aspects of the Chinese relationship by referring to the People's Republic of China and to China within a wider Chinese context. The success of Hong Kong is mirrored in Singapore and in the Republic of China, on Taiwan. I declare an interest as chairman of the British-Taiwan parliamentary group, which, I am glad to say, is now one of the largest single friendship inter-parliamentary groups in our Parliament and it goes from strength to strength. The 3 million Chinese people of Singapore, the 6 million Chinese people of Hong Kong and the 21 million Chinese people of Taiwan have created economic tigers with a massive and awesome potential. They are, of course, precisely the same people as those who live in the People's Republic of China. Most of those who live on Taiwan are brothers, sisters and cousins of people who live just over the straits of Taiwan, in the province of Fukien/Fujian.

All of us should be aware that as economic liberation—perhaps political liberation, but let us concentrate on the former—grows in the People's Republic of China, so we must expect to find more and more of its residents becoming as successful, as enterprising and as important to the world as their brothers, sisters and cousins in Singapore, Hong Kong and Taiwan.

Only one matter disappointed me in the speech of the hon. Member for Livingston (Mr. Cook): he did not mention Taiwan at all.

My right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath) and my right hon. and learned Friend the Member for Putney (Mr. Mellor) referred to the fact that the media will not be interested in what we say in the House. It will not be reported. They are not really interested in what is happening in east Asia itself. The ignorance, as my right hon. and learned Friend said, about what is going on in east Asia is quite terrifying. The media—television, radio and newspapers—are failing to convey to the people of our country what is happening in east Asia.

Let me give one insight, which to me is of the greatest significance for the future. The time of the United States' peak influence in the world's economy was 1950, when the United States was responsible for 40 per cent. of the world's economic activity. But it was predictable that that would be the peak, because it was predictable that Germany and Japan would recover from world war two, and that although the United States would continue to grow, its relative influence in the world economy would in fact decline from that peak. The estimates now being made are that in 2000—54 months away, as my right hon. Friend the Member for Guildford (Mr. Howell) said—the whole of the Asian Pacific rim, from South Korea to Singapore and Malaysia, will account for 40 per cent. of the world's economic activity. But anybody who imagines that that will be a peak year for east Asia's influence in the world economy is simply living in cloud cuckoo land. It will grow and grow. Of course, the biggest growth will be in the People's Republic of China.

Let me consider for a moment our relationship with Taiwan and how it fits into the whole pattern, because our relations today, I believe, are as close and as warm as they have been at any time. I pay tribute to Mr. Philip Morrice, our trade representative in Taipei, for all the excellent work that he has done in building up that relationship. I also pay tribute to Taiwan's representatives in this country, who have also worked extremely hard. They are Dr. Eugene Chien and his staff, Mr. David Liu in the cultural office, and their predecessors, not least Mr. Ray Tai, who is now the equivalent of the presidential spokesman for President Li, in Taipei. A lot of people have worked hard to build up the relationship. But the trading relationship, important though it is to both countries, is still on a low plane. Total trade involving the Republic of China on Taiwan and Great Britain is in the region of $US3 billion a year. It is still at a relatively low level. There is potential for a massive expansion, if we want it to take place.

In considering what our relations, as regards the People's Republic of China and Hong Kong, will be post-1997, we must also consider what our relations with Taiwan will be at that time. That must be reviewed. My main plea to my right hon. Friend the Minister this evening is to urge that there now be a fundamental review, conducted in the Foreign Office, the Department of Trade and Industry, in all aspects of the British Government, as to our total relationship with the People's Republic of China. I find, wherever I look, ignorance about the true events on Taiwan. That is not helpful to the interests of this country and to our understanding what is really happening in China itself.

My right hon. Friend the Foreign Secretary made an interesting and correct point, when he referred to the fact that Hong Kong is now the world's largest container port. The second largest container port is Singapore and the third largest is Kao Shiung on Taiwan. Rotterdam is only number four. If one goes to Hong Kong—as so many hon. Members have done—one will see that the containers have come from Singapore and Kao Shiung. Of the six largest container lines in the world, two are based in Taiwan. The world's largest shipping line is Evergreen. We see its containers on our motorways every single day. We see their distinctive green and white colours. The sixth largest shipping line in the world is YM—Yang Ming, from Taiwan.

Taiwan is the size of the Netherlands, with a population of 21 million. It is the world's 12th largest trading power, with the world's second largest foreign currency reserves—an important matter, as my right hon. Friend the Member for Guildford underlined. It has two of the largest shipping lines in the world. Its potential for the economy of Asia is of the most profound importance. The British empire was based on shipping and our ability to ship goods across oceans. Today, the Chinese—whether they are in Taiwan or Singapore, because one of those six container lines is Genstar from Singapore—are enjoying economic activity on a huge scale. The container vessels in Hong Kong have come from Kao Shiung and Singapore—and, of course, from the rest of the world, but those are the two largest ports.

I ask the hon. Member for Livingston to prepare for the office he seeks by going to see, with his own eyes, not merely what is happening in Hong Kong—that is easy for British people—but what is happening in Taiwan. The hon. Member for Torfaen (Mr. Murphy) should go too. They should go to Kao Shiung, with its modern industrial economy and awesome power—the steel works; immediately next door the shipyard; and immediately next door to that the port, with 17 km of berths. Every day of the week, every week of the year those berths are being used. They are constantly being expanded. We have no

port like it—17 km with ocean-going container vessels in full activity and being turned around in under 24 hours, again and again and again.

China Shipping in Taiwan is not even the most efficient shipbuilding company in the world, although it can make a 149,000 deadweight-tonne, ocean-going container ship in just nine months. We could not begin to do that, but it can be done even faster in South Korea. We must see, think about and understand what is happening in the Taiwan economy and realise that it is dominated by Chinese people.

We should go not just to Kao Shiung; we should go to the other end of the island to Shinschu university, near the Chiang Kai Shek international airport. It is a modern science university and next door to it is the Shinschu science park. Of course, it is associated with the university. It has 140 acres—only a small site—but it is the original one-stop shop. It is fascinating that the one-stop shop was invented in Taiwan. The science park now has an annual turnover in excess of $US 6 billion and soon it will be $US 10 billion. Companies such as Acer, one of the world's largest computer companies, dominate the park. It has 140 companies, but when I visited it I found that only four came from Europe and none from Great Britain.

If we want to know what is happening in the world economy of the future, we must visit places such as Taiwan. Of course, we have no diplomatic relations with that country. Almost no British public officials have been there. I am glad to say that a number of Ministers have been there in a semi-private, semi-public capacity, including my hon. Friends the Members for Bexhill and Battle (Mr. Wardle) and for Eastwood (Mr. Stewart) and my right hon. Friend the Member for Wokingham (Mr. Redwood), the Secretary of State for Wales. I hope that he has told the Cabinet about what he saw there on his short visit.

When I was last in Taiwan, as I was leaving I saw something that almost made me cry. I had taken with me a number of my colleagues from the British-Taiwan parliamentary group to see for themselves what was happening there. As we were leaving the airport, Francois Fillon—a young man of great importance to the future of France, its Minister for higher education—was arriving on a visit to Taipei. He had brought with him 40 members of the national assembly. It would be a good thing if 40 Members of this House were to go to Taiwan to see what was happening—at once and with a Cabinet Minister.

The relationship with Taiwan matters enormously and I want to underline a few of the really important factors. First, we should celebrate and give all credit for the transformation from a society under martial law to an exuberant and increasingly democratic society in Taiwan. We could not say about many places in this world that a country is undergoing a genuine transformation from a totalitarian to a democratic regime, where the people do not vote just once, but repeatedly. We might feel rather superior about many of the exuberant and exciting practices in the Taiwan democracy, which may have their origins more in American society than in ours. However, the fact that Taiwan is making such a transformation is something that we should recognise publicly and at the highest level.

Secondly, we should recognise the contribution that Taiwan makes to Britain. It is not just the fact that 90 per cent. of its inward investment into Europe comes to Britain—and there is enormous potential for more Taiwanese companies to invest in this country. We need to go out and get it. There is also the investment Taiwan makes in our education system with 8,000 Taiwanese students. Ten years ago, the number of Taiwanese students who came to this country for their education was comfortably under 100. It is massive business and a massive vote of confidence in our colleges and universities. It is not just students; it is endowments, such as those at the London School of Economics, at Oxford university and at other universities. I hope that more universities will sign agreements with Taiwan's universities—21 of them. Some 15 per cent. of Taiwan's gross national product is, under a requirement of the constitution, invested annually in education.

What is happening in Taiwan is happening in Hong Kong and in Singapore. It is a feature of the Chinese people themselves. We have absolutely nothing about which to feel superior or complacent when we look at their achievements in the last generation. Liberate those in the PRC and we will find that the entire centre of the world will shift to Asia, exactly as my right hon. Friend the Member for Guildford underlined in his powerful, overarching analysis of the total position.

The time has come for British Cabinet Ministers to go to Taiwan. The time has come for us to enhance the political and diplomatic recognition between our countries. The time has come for us to say that whatever may have been the potential difficulties in a relationship with Taiwan because of Hong Kong, in 1997 that will have passed. We have only 26 months to start planning for the post-1997 British-Taiwan relationship.

There is another important matter, which was raised by my hon. Friend the Member for Harrow, East (Mr. Dykes). We are concerned whether the agreement between Beijing and Hong Kong will stick. However, I do not believe that in Beijing, Hong Kong is the most important horizon. Far from it, in the inter-Chinese relationships it is the Beijing-Taipei relationship that is of more importance to Beijing than the Beijing-Hong Kong relationship. There is a desperate desire for the Chinas to be reunited. Nothing would cause a collapse of potential confidence between Beijing and Taipei more than for Beijing to misbehave and renege on its agreement with Hong Kong. Indeed, Hong Kong will play a central part in building the confidence that is essential for the future relationship between Beijing and Taipei. But Taipei is more important to Beijing than Hong Kong. Reunification is an essential goal for Chinese people. Although they may growl at each other in public, the reality is that unofficial relations between those countries are considerable.

In improving, upgrading and reviewing our relations with Taipei, we need to consider the protection of intellectual property—a vitally important matter for this country. If we leave Taipei and Taiwan out in the cold even though she is a first division country—we must now call her a premier division country—in the world economic leagues, and unless she is tied in with the international relationships governing trade, intellectual property and so on, a barrier will always exist.

We should be taking the lead in the International Atomic Energy Agency, another important matter. It is not just a matter of what Taipei contributes to this country. Trade is taking place in the other direction. Two

*[Mr. William Powell]*

years ago, ICI opened in Taiwan its largest single overseas investment. Other major British companies such as Glaxo already have huge investments there.

In the commercial world, we find that business men look at the whole Chinese situation, not merely one small part of it. The time has come for our Foreign Office and the Government to reconsider the matter and to realise that changes must be made in the way in which we handle Taiwan.

8.31 pm

**Mr. Michael Colvin** (Romsey and Waterside): It is a pleasure to follow my hon. Friend the Member for Corby (Mr. Powell), who is chairman of the British-Taiwan group. Perhaps we should say, the Republic of China on Taiwan, because that is what it really is. He is so right to draw attention to the importance of the Pacific rim, and to the way in which Taiwan is leading growth in that region. It is significant that growth in that region still increased during the world recession that we have just been through. As a measure of economic activity, civil aviation is a good guide, and civil airlines of the far east and Pacific rim were still showing enormous growth in traffic when the rest of the world was in recession.

I was interested to hear the comments of my hon. Friend the Member for Harrow, East (Mr. Dykes), who is chairman of the British-China group. He follows the late Robert Adley, a distinguished chairman, who was an expert on China. I dare say that his interest in China may have originated from an interest in its trains. It is still one of the countries laying down considerable lengths of track. That is fairly unique and shows the way in which the economy of the People's Republic of China is growing.

Part of the object of all-party groups is to build up a better understanding of the countries with which we are twinned. It would be worth while putting on record our debt of gratitude to Jung Chang, the author of that memorable and unique book "Wild Swans". If ever one wants to get a picture of China's chaotic political past over three generations, that is the book to read. I am sorry that it has not been mentioned this evening.

I was interested in what my right hon. Friend the Member for Brent, North (Sir R. Boyson) said. He has been the only person to mention the through-train concept, which was worth following. I am sorry that it has been dropped. It is important to safeguard the system that we want to see established in Hong Kong to the year 2047 and beyond, and the through-train concept was likely to ensure that that was done.

When I was preparing my notes for this debate, I realised that I was sitting just below a print of the East India Company ships that helped to build Hong Kong into one of the world's greatest trading centres. The picture was published in 1843, the year in which the first Governor of Hong Kong took office—the right hon. Sir Henry Pottinger. I want to recall some appropriate words of the present and, I hope, last Governor of Hong Kong, Chris Patten. I pay tribute to the work that he has done as Governor of Hong Kong. I applaud his energy, dedication and what he has delivered.

The hon. Member for Rotherham (Mr. MacShane) made an interesting speech. He struck a sour note, but he did the debate a service because he reminded us of China's problems, of the need to understand that country better, and of its human rights record, which we should never forget. He said that Mr. Patten was a prisoner of Conservative philosophy. I dug out a slim volume written by Chris Patten in 1982-83, called "The Tory Case". It may be slim, but it contains some weighty words. On the subject of principles of the Conservative party, he said that three strands of thought

> "have run through the history of the Party. First, there was opposition to systems, to political blue-prints and to utopianism . . . Secondly, there was the defence of property and order and an organic view of society. Thirdly, there was an unashamed patriotism, a defence of Crown and of country".

Chris Patten has applied those principles to his job as Governor, and he has done well.

The first of those principles is especially important in relation to Hong Kong. It is the opposition to systems. We have heard repeatedly this afternoon that Hong Kong's future is based on the slogan, "one country, two systems", but the free enterprise culture that has so characterised Hong Kong is much more than a system; it is a total way of life unencumbered by rigid constitutional rules or dogma. It is unlike the People's Republic of China, where communism still rules—never let us forget that.

I hope that the marriage of two systems will be no less dramatic than that between old imperial Britain and the Hong Kong Chinese more than 150 years ago. That new marriage has the potential to create the same hybrid vigour that will ensure that Hong Kong continues to prosper in the years to come. That will happen because no doubt exists that the People's Republic of China is changing fast.

The world circumstances in which responsibility for Hong Kong will pass to the People's Republic of China on 1 July 1997 will be different from those that prevailed when the Sino-British joint declaration on Hong Kong's future was signed in 1984 or, for that matter, when Chris Patten wrote his book in 1982-83. The world has undergone a fundamental political change with the collapse of communism in eastern Europe. The People's Republic of China was a key player in bringing that about and deserves credit for it.

I ask the House to think back to April 1985, when Mikhail Gorbachev first launched his ideas on perestroika. That was never going to work unless it was coupled with glasnost—perestroika meaning "reform", glasnost meaning "the open door". Immense pressures were being brought to bear on the Soviet Union at the time—pressures involving not only military matters such as the arms race, but satellite dish and international communications. People in the Soviet Union were beginning to be able to see what life was like the other side of the iron curtain. He found those pressures impossible to resist and the economy was beginning to crumble anyway. He needed perestroika and, therefore, an open door so that he could begin to communicate with the west.

No one opens his front door without ensuring that his back door is safe, and the Soviet Union's back door stretched all the way from Afghanistan to Vladivostok—3,500 miles, with Chinese all the way. It is greatly to the credit of the People's Republic of China and its leadership that it held a summit meeting, the first for 20 years, at which agreement was reached with Gorbachev to ensure that his back door was safe should he decide to open his

front door. We should not forget the role that the Chinese played in promoting glasnost and reform and therefore helping to trigger the collapse of communism all over the world, although not in their own People's Republic.

Once the process of reform in the former Soviet Union had begun, the dominoes began to fall everywhere else. The mistake that the Soviet Union and so many of the other countries in eastern Europe made was to rush for political reform, setting up new political democratic structures without first establishing the free market economies essential if those new administrations were to succeed and be sustained in the longer term.

The People's Republic of China recognised the impending chaos, and was far more cautious. The Chinese were determined to see the free market economic structure well in being before they would ever start thinking about changing political structures. The Chinese think long term, and they knew that once the free market was up and running, the political changes that they wanted would almost certainly follow, as night follows day. There is no doubt that that is good for Hong Kong.

Bilateral relations between the United Kingdom and the People's Republic are ever improving. Our relationship with China is now broadly based—commercial, cultural, and covering political issues, too. Business between our two countries is booming, and we are the largest European investor in China, with new investment last year 50 per cent. higher than it was in 1993. And my right hon. Friend the President of the Board of Trade is to take 100 British business men to China on a trade mission soon.

Our links are not only in business, but are cultural. We have many Chinese students in this country—about 5,000 in all—and that number is growing all the time. That form of cultural diplomacy is probably the best that one can have.

China also shares with the United Kingdom important international responsibilities as a global power, such as our joint membership of the United Nations Security Council. We also look forward to welcoming China as a member of the World Trade Organisation. Those are all good reasons why it is in China's national interests to honour her agreement to the one nation, two systems arrangement in Hong Kong. The fragile business and political confidence there will then be preserved, so that Hong Kong can continue to expand its contribution to China's economy—it produced about 26 per cent. of China's gross domestic product in 1993—to the advantage of all the Chinese people.

There are two territories sitting on the sidelines watching all this with great interest, and with as much anxiety as the people of Hong Kong. The first, Tibet, is concerned about its political autonomy, which we rightly recognise. We hope that China will not only improve its human rights record in that country but give Tibetans a greater say in running their own affairs.

The other territory is Taiwan, the last remaining province of the old Republic of China, which we have just heard about from my hon. Friend the Member for Corby. It has been deprived of its seat at the United Nations and is not now recognised as an independent state, although effectively it operates as one. Taiwan is an important trading partner of the United Kingdom, and 90 per cent. of its investment in Europe comes to Britain. It also sends about 8,000 students here, all young ambassadors for their country. No doubt they are just as ambassadorial in representing us back home.

Taiwan's economic relationship with China is not unlike Hong Kong's. Just as China can regard 1997 as a step towards national reunification with Hong Kong, the circumstances that might lead to reunification with Taiwan are also beginning to emerge. First, China is changing. Even following a change in China's leadership, I do not think that the People's Liberation Army would let the present impetus towards economic and political reform be lost.

Secondly, Taiwan has established democratic structures that seem to be working. Thirdly, its economy is becoming more and more closely linked with that of the People's Republic of China. It is significant that manufacturing has now almost moved out of Taiwan. In Hong Kong, there is now a substantial fall in manufacturing employment and a big increase in service industries, marketing, banking and finance. In Taiwan, which has one of the highest per capita incomes in the world, unit labour costs are 20 times higher than those on the Chinese mainland, and it is hardly surprising that much of its investment in manufacturing now takes place on the mainland.

The stepping stone that Taiwan has hitherto used for its investment in manufacturing in the People's Republic of China—Hong Kong—is being reunited with China, so effectively Taiwan will be dealing directly with China after 1997. If the PRC really wants reunification with Taiwan, it must demonstrate that the one country, two systems arrangement can be made to work in Hong Kong.

If a constructive dialogue between the PRC and Taiwan about reunification begins, would the Government consider granting diplomatic status to the Taipei representative in London? For 40 years, the Republic of China on Taiwan has held out as representing the whole of China, but in 1991 that changed and it established a mainland affairs council to work out policies for reunification, to add a political dimension to what was already beginning to happen, economically.

There have been 14 rounds of talks already on a wide range of issues, political, cultural and economic. The democratic process that has now been established in Taiwan confirms that the Chinese people who live there like what is being done on their behalf by their leaders, which will help to maintain their economic leadership.

I was sorry to hear that the Taipei representative in London, Dr. Eugene Chien, was burgled the other night. Although it does not accord him diplomatic status, it might be worth the Foreign Office considering offering him some of the niceties usually afforded to the representatives of other countries here. The police are normally on guard at diplomatic residences, and we ought to consider such facilities for Dr. Chien, who is an important person in the economics and politics of his country and also a vital link between this country and Taiwan.

I have little time for the alarmist rhetoric of some members of LegCo, such as Martin Lee, the chairman of the Democratic party, but I share his concern that after 1997 the rule of law in Hong Kong must be safeguarded, so as to maintain the open and free system that instils and maintains confidence and attracts inward investors. I also agree with him that an independent statutory human rights commission with teeth should be established to enforce the Bill of Rights already in existence. I agree that the Court of Final Appeal must be set up well before 1997,

*[Mr. Michael Colvin]*

according to the requirements set out clearly in the joint declaration and the Basic Law, and not watered down in any way by China.

Concerns are also expressed by Christine Loh, another LegCo councillor, about the functions and status of the Chinese Communist party in Hong Kong. If the CCP is just another political party, I know how many seats it is likely to win in future municipal and national elections in Hong Kong. But it is not an ordinary party; it holds supreme power in a totalitarian state. It is important that the CCP realises that its system in China cannot be extended to Hong Kong without the wholehearted consent of the Hong Kong people, which is not likely to be given.

I believe that Hong Kong post-1997 will continue to be a shining example of what free enterprise and the individual freedoms thus engendered are all about. Confidence will be maintained. It is in everybody's interest, not least China's, that it is maintained. I also believe that the unique special administrative region, as it will be known, will be an economic locomotive for the whole of China and, by its example, could well also become a political locomotive.

8.49 pm

**Mr. Nigel Waterson** (Eastbourne): Several hon. Members have referred to the fact that there are only some 796 days left before Hong Kong is returned to the People's Republic of China. It seems a great shame that at this crossroads in the history of Hong Kong and, indeed of China, despite some bright spots such as progress—finally—over the airport and over the disposal of the defence estate, we are still seeing far too much megaphone diplomacy between Peking and the Governor of Hong Kong.

I take this opportunity, as other hon. Members have, to pay tribute to the former Member for Bath, Chris Patten, who has been conspicuous in exercising grace under pressure since he became Governor of Hong Kong. Some people are far too glib, especially Hong Kong's business community, which attributes the sort of difficulties that we have seen to his arrival. In fact, historically, they stem not from that moment in history but from the tragic events of Tiananmen square, which, as we have heard, had two distinct effects: one on the leadership in the People's Republic of China and one on the population of Hong Kong, many of whom had never given much thought until then to democratic systems and the like.

There are, let it be said, growing worries in Hong Kong about press freedom, about the status and independence of the judiciary and of civil servants, about the statutes and regulations that need to be dealt with, about the rule of law itself and about the impasse over such matters as container terminal 9. I shall touch on two difficulties over the rule of law: the Court of Final Appeal and the problem of local statute law and regulation.

I have, sadly, come to the conclusion that to protect Hong Kong after the handover in 1997, democracy is simply not enough of a bulwark. Whatever the troubled history of trying to introduce democracy over the years in Hong Kong—there was an attempt, for example, shortly after the second world war—much of what we have done has been too little, too late, despite excellent intentions.

The Patten proposals are very laudable indeed, albeit fairly small beer by United Kingdom standards, which makes it all the more worrying that they have caused such annoyance in Peking. The business community in Hong Kong, or large sections of it, has little interest in political matters and is antipathetic to what Governor Patten is trying to do. Indeed, even now, although there is growing enthusiasm, voter registration and participation in elections is still somewhat disappointing.

So the so-called through train now seems certain to be derailed in 1997, or at least the passengers will be required to disembark and will be subjected to some form of vetting by their new political masters before some of them are permitted to continue their journey. There are fears, of course, that part of that vetting process will involve some kind of loyalty test to the People's Republic.

All that is happening despite the fact, whatever arguments there may be about the small print, that the joint declaration clearly envisaged the evolution of Hong Kong's political system, not only up to 1997 but beyond and well into the future. It is all the more surprising perhaps that in recent urban council and regional council elections, there has been a respectable showing for the pro-China Democratic Alliance for the Betterment of Hong Kong. Certainly, it took part with considerable enthusiasm in those elections. I assume that it will do the same in September in the LegCo elections, which will be the last elections under British administration. I suspect, however, that the real preference of the PRC is for the more traditional type of so-called functional constituencies, which, apart from anything else, are somewhat easier to lean on in difficult times.

The only realistic bulwark in favour of Hong Kong, to protect it after 1997, is the rule of law. That is the lasting legacy of this country in Hong Kong. First, it underpins entirely the phenomenal commercial success of Hong Kong, of which we have heard so much this evening. Secondly, it does so much to control corruption. It has always been there, bubbling away under the surface in Hong Kong and at times there have been problems.

The two main aspects of the rule of law, as I said, fall into two distinct categories. First, there is the problem of statutes; the technical side of tidying up thousands of pages of statutes and regulations such as those affecting references to the Crown, to the British Government, matters of property and matters of company law. That may sound very dry and uninteresting to some hon. Members, but those statutes are, in fact, pretty crucial, when one thinks about it, to ensuring the continued success of the free enterprise capitalist system that is Hong Kong. There are also rather more sinister laws and regulations such as those referring to sedition, some of which are throw-backs to colonial days, as other hon. Members have said. It arouses considerable concern—I hope unjustifiably—in some quarters in Hong Kong that the PRC was so very annoyed when some of those old regulations were removed, unilaterally, as it turns out, by the Governor.

The Court of Final Appeal is vital. Other hon. Members have referred to it, and rightly, because it is such a crucial issue. It is difficult to exaggerate its importance in sustaining confidence in Hong Kong up to and beyond 1997. We know that it featured in the original discussions with the Peking Government and that a separate agreement was reached in 1991, which dealt with the constitution of the court. Admittedly, progress was

delayed when LegCo rejected part of the agreement, limiting the number of non-permanent judges, including overseas judges, who would sit on the court. But support for the agreement in Hong Kong and, indeed, in LegCo has been growing recently, which allowed the Government in Hong Kong in May 1994 to give the Chinese Government the text of a draft Bill designed to put the 1991 agreement into effect.

The Peking Government have reiterated their commitment to the 1991 agreement, but despite various technical discussions—we heard from my right hon. Friend the Foreign Secretary that there are to be more shortly—the Chinese have yet to support the introduction of the Bill into LegCo. It is important that that court is established soon, in good time for the handover to Peking, to give it an opportunity of building up a body of jurisprudence and, indeed, of respect within the Hong Kong community. That would give an enormous boost to confidence in Hong Kong.

One of the dangers that threatens the success of Hong Kong after 1997 is the growth of corruption, eating away from the bottom the success story that has been Hong Kong. I am not talking about the more mundane signs of corruption, but of privilege and influence—perhaps the growing pressure, when organising joint ventures with the mainland, to include one of the so-called princelings in the arrangements, which is the sort of influence that one sees in certain parts of business in the PRC. That concern, among others, underlines the need for a through train, if not on the democratic reforms, at least for the rule of law.

I would say to the PRC tonight, "What are you worried about? Why be so churlish and seem so intent on hurling abuse at the retreating back of a former colonial power that is leaving voluntarily, peacefully and by agreement in less than 800 days? That power is bequeathing you reserves that are several times the size of those originally promised, not to mention a thriving economy, including a major new airport structure and other infrastructure projects, as well as a sophisticated financial centre." The problems of the Vietnamese refugees have largely been dealt with and we are leaving a stable and well-run Administration.

The concept of one country, two systems, was bold, courageous and novel when it was first announced by Deng Xiaoping. It has far-reaching implications for the PRC's status in international affairs and such matters as the World Trade Organisation and, not least, for its future relationship with Taiwan, as was pointed out by the ever-perceptive, late Mr. Richard Nixon and many hon. Members. It also has the far-reaching implication that the Chinese Government are seen to do the right thing within the one country, two systems principle.

I call on the PRC to put past misunderstandings and mistrusts behind it. It has everything to gain, and a great deal to lose by further obstructionism. It should get on with the task in hand, to which Her Majesty's Government are fully committed—to produce a smooth and efficient handover of that dynamic and successful asset—because, to use the words of Governor Patten,

"Standing still is not an option".

9.1 pm

**Lady Olga Maitland** (Sutton and Cheam): May I warmly welcome the fact that this debate has taken place today? It is significant that it is the first such debate in this Parliament and the fact that so much time has been devoted to it should demonstrate the importance that we attach to it.

My knowledge of Hong Kong is relatively new. I flew there last year and it was a memorable experience. The landscape was dramatic. The mountains, surrounded by a soaring forest of dazzlingly designed skyscrapers and high-rise buildings, all descending to the sea, gave a first taste of what I found when I landed. On the ground, I discovered a dynamic and exhilarating community, whose energy is rightly the envy of the world.

I arrived last September, as the guest of the Hong Kong Government and accompanied by my husband, to discover for myself at first hand exactly what is going on there. I found it a stimulating, worthwhile and highly illuminating exercise. I had an intensive programme, covering all the principal aspects of the world of business, bankers, shipowners, entrepreneurs, lawyers, academics, politicians, civil servants, and the people themselves. I found a jewel of a territory, with a thriving economy which, in just 796 days, will be in the full possession of China.

Logic would suggest that the Chinese Government would be delighted at getting such an asset, which will arrive with reserves at an unprecedented level of $HK151 billion. That is way ahead of the original estimate of $HK25 billion, and $HK31 billion more than was forecast just a year ago. Add to that the exchange fund of $HK30 billion and the new airport, which will bring handsome dividends—I welcome the news that the financial arrangements have finally been agreed—and the new container terminals, all of which could be considered handsome dowries to secure even greater prosperity.

Hong Kong's thriving economy will be a boon to the People's Republic as it will represent 23 per cent. of China's GDP. The colony's real average GDP growth is 7 per cent., twice that of the world's economy as a whole. Some 1,000 British companies operate in Hong Kong, including some enterprising businesses from my own constituency of Sutton. Record profits, low taxation and high reserves make any country envious of Hong Kong.

Why, then, is there such a sour taste in the mouth of the Chinese Government? In truth, it is caused by a cultural gap, which is unlikely to be bridged properly in the short term. We are hindered by the history of old imperialism. The Chinese just do not believe that any colonial power could be so altruistic as to hand over a generous endowment without any strings attached. They believe that they will be landed with a heavy bill at the end, despite all the evidence to the contrary. They do not believe that they are really getting a gift horse. They do not believe that Britain's sole policy is to do what is best for Hong Kong. We have no selfish interest; we see our role there as a duty.

That is why, regrettably, the Governor of Hong Kong, Chris Patten, will most likely be criticised by the Chinese Government until the very moment of his departure. The truth is that whatever plan of action he took would be criticised. If he did nothing to secure the best possible deal in the interests of the people of Hong Kong, he would be labelled a lame duck. By his taking typically direct action, in his own way—admittedly a somewhat House of Commons style—political mistrust, which has existed for a long time, has now been able to focus on the Governor,

*[Lady Olga Maitland]*

and he has been made a scapegoat. China has used that as an excuse for dragging its feet and delaying progress on the handover arrangements.

The Chinese see democracy, as proposed by Mr. Patten, as a means of thwarting the full exercise of Chinese sovereignty, even though they have agreed to it in principle under the joint declaration. As a result, they have resorted to xenophobia, personal insults and appeals to Han nationalism to encourage rejection of the proposals. They are on weak ground, because they have persistently refused to put forward any alternative proposals, and instead have retreated behind a wall of angry rhetoric.

In fairness to the Governor, it takes two to tango and without one partner, the Chinese, it is difficult to make much progress at all. I agree that we should be positive, approachable and maintain contact at all levels no matter what the provocation. One does, however, need a response. To that end, I am proud that the Governor has not wilted under the pressure from Beijing. He needs broad shoulders to cope with the constant flow of carping criticism and negative positions. He has, however, added to his personal dignity by being scrupulous in not engaging in direct attacks on Chinese tactics.

I resent the utterly unworthy remarks about Chris Patten made by the hon. Members for Motherwell, South (Dr. Bray) and for Rotherham (Mr. MacShane).

**Dr. Bray:** The hon. Lady would do well to read my speech, because I was explaining the political position in the House of Commons, as we understand it very well, to a highly intelligent public in Hong Kong. I believe that she has got the matter upside down.

**Lady Olga Maitland:** If I have somewhat misrepresented the hon. Gentleman's comments, I shall withdraw my remark, but I got the impression that his references to the Governor were not worthy. I stand by my assertion that the speech of the hon. Member for Rotherham did not reflect the dignity of the speech of the hon. Member for Livingston (Mr. Cook).

In the end, history will be kinder to the Governor. It is a tribute to Chris Patten that he has sparked an open debate and galvanised opinion in the manner of a democratic society. It may, of course, be true that the quieter, continuing efforts to develop an independent administration for LegCo may be more effective in the long run.

However, long after the Governor has left and the proud Union Jack no longer flutters above Government House, the Chinese will realise that he left a territory that is an opportunity for China to build on, not a threat. After all, Hong Kong has been largely created by people who fled from the old China, who desperately want the new China to do well.

Hong Kong is not asking for the moon. It is simply saying, "Hang on; we want to have a say in the running of our own affairs." The people of Hong Kong have a vested interest in ensuring that their society continues free of corruption, with a fair and just legal system—hence the importance, as we have heard today, of the Court of Final Appeal. They want a society free from the fear of the knock on the door by the secret police in the middle of the night, a society with a free press and freedom of speech and political thought. Those are the best guarantors of a prosperous, thriving society.

Admittedly, different interest groups have different perspectives on the future. I ran into a heavy wall of flak from the business community. Those people bent my ear very hard, individually and in groups. The Hong Kong chamber of commerce had a clear message; its members feared that attempts by the Governor to press forward with a limited democratic programme would cause a backlash from Peking, which would affect their business prospects, although they admitted that there was no evidence that that was happening.

Reading through the notes that I took at the time, I read that members of the chamber of commerce claimed that the Governor was

"insufficiently flexible—he should co-operate more with Beijing—he should focus more on relations with China because that ultimately is where the future lies."

Perhaps there are touches of truth behind some of the comments about the Governor's style, but there was also an unattractive tinge of self-interest—a case of, "I'm all right, Jack," because the big businesses are doing extremely well in China. In many cases, they have moved all their factories out of Hong Kong into China, and they do not want to rock the boat.

If those business men paused for a moment to consider, they would realise that the tremendous boom and prosperity that has occurred in Hong Kong did not happen by accident, but by ensuring an ordered, corruption-free society, with an effective judicial system which guaranteed the security of their commercial dealings. What of the people left behind? What about the man in the coolie hat with his street stall? How will he fare? Who will report openly and fairly what the ordinary man's fortunes are likely to be?

As a former journalist, I paid a call on the Foreign Correspondents club—a salutary lesson, for the foreign press corps is already beginning to pack its bags in preparation for 1997. Those correspondents have repeatedly learned of Chinese colleagues who have been arrested and disappeared for being too frank with the news. The Peking Government have made it very clear to them that the freedom of speech that they are used to in Hong Kong will not be allowed to continue. They were warned by the New China News Agency that reporting must be "accurate—and objective". In shorthand, it meant, "no criticism".

I therefore welcome the Hong Kong Government's plan for 41 regulations to help maintain that important democratic freedom. In my opinion, that is an urgent priority.

Human rights are important. I am not altogether comfortable with putting all our faith in the Bill of Rights, worthy as it is, introduced after the Tiananmen square massacre. I am not convinced that the Bill of Rights alone would guarantee human rights. It would be bolstered if supported by a human rights commission with teeth. It would give human rights a higher profile with a greater infrastructure around it.

I congratulate many of the brave politicians in Hong Kong on their efforts in that direction. We would be failing ourselves utterly if we were not persistent in our vigilance in that regard. I believe that a firm approach to human rights will not affect our ultimate relations with China, in much the same way as it did not affect our relations with the former Soviet Union when we drew attention to human rights there.

I shall now discuss the importance of democracy as it has developed. The district election campaigns were going on when I was in Hong Kong. I went out to watch two of the parties, the United Democrats and the Democratic Alliance, canvass for supporters in Kowloon.

The Governor was right. The ordinary Hong Kong citizen was interested in political representation. I attended a public meeting at which all the local candidates were present. About 40 sat on wooden benches in a school. It was not so different from meetings in this country. Local issues were discussed such as transport, noise pollution, pensions and so on—the latter being a major topic, for state pensions were unknown before they were introduced by Chris Patten. I accompanied candidates on the doorstep and found that there was polite interest. Not one door was slammed in the face of a candidate.

A local opinion poll showed a high percentage of genuine interest. Some 90 per cent. of the people were aware of the elections in which they could vote. Ultimately, both the district board elections in September 1994 and the elections for the municipal councils in March ended in convincing wins for pro-democracy parties. I expect that this September's elections will produce a similar result and, as befits major elections, will have a higher turnout. A taste for democracy has come and will remain.

The issue of the boat people is outstanding and must be addressed. At present, 21,000 migrants remain in camps waiting to be repatriated—some will go voluntarily, some will not. I made a point of visiting the camps after reports of human rights abuse. The allegations were not borne out, save for the fact that when injuries occurred, it was because fighting had broken out between the inmates.

Some refugees had been in the camps for five years. Children had been born there and knew no other life. I had total freedom to mix and talk to the Vietnamese. I concluded that they were largely economic refugees, not political refugees. The programme of flying them home has now been streamlined. Only yesterday, Wednesday, another 44 departed. Another 17,000, who have been able to prove that they had been victims of political violence, have been granted asylum and are now in the process of being resettled in other countries.

I can hardly blame the boat people for initially trying to reach Hong Kong. When people are desperate, they try anything. But it must be said that Vietnam has changed dramatically, not just by the year, but by the month. Economic progress has been enormous, as I discovered when I flew to Vietnam after my visit to Hong Kong. Returning home may be difficult for the migrants, but it will not be nearly as arduous and tough as it was under the former, rigid rule of communism. I therefore support the Hong Kong Government's efforts on repatriation. It would be cruel indeed to leave the refugees to the uncertainties of Chinese control.

Another matter that I came across was that of the 52 or 53 war widows who have been refused full British passports. Their husbands served and died in the British Army. It is hurtful that the Government cannot grant them full British citizenship. They deserve sympathy—a special stamp in their current papers entitling them to come to the United Kingdom is not the real thing and makes them feel like second-class citizens. I understand that their situation needs primary legislation, but is it beyond the realms of possibility to look more positively at their cases? As we approach VE day and the spirit of reconciliation, surely that is one case that we should not pigeonhole as being too difficult to tackle. I pay tribute to Jack Edwards, an old prisoner of war, who has fought so hard on their behalf.

I conclude with the view that, come 1997, we should feel proud that we have more than honoured our obligations. We shall have strived to the end; I trust that the handover arrangements will be complete—I know that it is a race against time. We shall regretfully have to accept that we have not been able to secure the through train on democracy that we would have hoped, but we shall leave Hong Kong with pride and honour. We also know that by playing fair by Hong Kong we helped to give Hong Kong a chance to contribute its uniqueness to China.

9.18 pm

**Mr. Paul Murphy** (Torfaen): I am sure that all of us would agree with the hon. Member for Harrow, East (Mr. Dykes) that the standard of debate for the past five or so hours has been high. If the debate is being watched on television in Hong Kong, it will certainly prove that the House of Commons has not lost its reputation as a deliberating Chamber.

The significance of the debate for China was highlighted by the right hon. Members for Mid-Sussex (Mr. Renton), for Old Bexley and Sidcup (Sir E. Heath) and for Guildford (Mr. Howell), and by my hon. Friends the Members for Rotherham (Mr. MacShane) and for Motherwell, South (Dr. Bray). It was fascinating to hear my hon. Friend the Member for Motherwell, South talk about his first speech 32 years ago, when he talked on the subject of Hong Kong.

I accept the point made by the hon. Member for Corby (Mr. Powell) about the position and importance of Taiwan not just in the context of this debate—clearly, what happens in Hong Kong will be watched very closely by those in Taiwan and in China itself—but because my predecessor in this place, Leo Abse, was one of the first Members of the House of Commons to visit Taiwan and to take an active interest in that country. I am sure that all hon. Members would agree with the hon. Gentleman's comments.

I come to the debate today as my party's spokesman on Northern Ireland and that significant and very important peace process which will dominate the proceedings in the House for the next couple of years. However, the importance of Hong Kong in international as well as British affairs in the next two years cannot be underestimated. In the debate on the Queen's Speech in November last year, the Foreign Secretary referred to Britain's links with Hong Kong—the 3.5 million British passport holders, the 1,000 British companies and the £90 billion in British investment.

But they are not the only links that Britain has with Hong Kong. I suspect that there is hardly a family in Britain which does not have a family or a friendship link with someone who has lived or worked in Hong Kong. Hong Kong is very much a part of our lives. Michael Yahuda, a distinguished academic with a wealth of knowledge in such matters, recently wrote:

> "The Hong Kong negotiations constitute, without a doubt, the most important set of bilateral negotiations in which Britain has been engaged since the Falklands War".

*[Mr. Paul Murphy]*

The consequences of any failure in the negotiations in the next two years would be dramatic, not least for the industrious, educated and highly productive Hong Kong people who, in this of all years, we remember withstood four years of Japanese occupation. Another writer, Gerald Segal, wrote last year:

"The real Hong Kong crisis will begin in 1995-96, some 12 to 18 months before the date of the official handover, and it might even coincide with the next British election".

Of course, it will coincide with that election.

The hon. Member for Harrow, East made the very telling point that perhaps some of the problems in understanding the matter arise out of the differing attitudes, styles and languages of the Chinese and British negotiators. China viewed Governor Patten's proposal as a U-turn. However, we are given to understand that the two countries' diplomatic styles are very different indeed. China adopts struggle diplomacy and deals in agreements which, to us, seem broad and somewhat vaguely worded. Our tradition favours much greater detail. That is why in my view—I am certain that it is my party's view also—there is no evidence to suggest that Mr. Patten went to Hong Kong seeking a confrontation with the Chinese. I believe that part of the problem derives from the clash of styles and political cultures of the two sides.

The right hon. Member for Guildford chaired the Foreign Affairs Committee and it is important to record our thanks to the Committee for producing a highly instructive and extremely valuable report. It said:

"It is difficult to avoid the conclusion that Britain and China have, throughout all the negotiations since the Joint Declaration was signed in 1984, been looking at its provisions through differently coloured spectacles."

I suspect that there is a great deal of truth in that statement.

A number of right hon. and hon. Members referred to the incident at Tiananmen square and the effects of that tragedy. We all viewed it, correctly, as a great blow to democracy. As my hon. Friend the Member for Livingston (Mr. Cook) said, in China the effect was also significant because it deepened suspicions about democracy, which is now seen as a source of instability and a threat to the Chinese regime. It also led to an increased demand for some sort of proper democracy in Hong Kong. I believe that China had agreed initially to some sort of democracy in the territory. That is enshrined in the joint declaration and in the Basic Law. The two Governments committed themselves to effect what they called a

"smooth transfer of Government in 1997".

The Foreign Affairs Committee report described Governor Patten's actions as perfectly legal in international law and said that there was nothing improper or untoward about them.

As my hon. Friend the Member for Motherwell, South and the hon. Members for Harrow, East and for Eastbourne (Mr. Waterson) said, democracy has increased considerably over the past couple of years. In the early days, the people of Hong Kong declined to agitate for greater democracy because, I suspect, they feared the reaction of China and were busy making money, but Tiananmen square changed all that. As the hon. Member for Eastbourne said, they have developed a taste for democracy. Although the recent local government elections were not exactly successful in terms of turnout, they were a start. Although the new breed of democratic politicians in Hong Kong have had only about 13 years of experience in democracy and government, they will doubtless wish to continue that experience.

It is a great tragedy that the "through train", which has nothing to do with the train to which the hon. Member for Romsey and Waterside (Mr. Colvin) referred, the great Robert Adley or an interest in Chinese trains, will be derailed and democratic institutions may be disbanded after 1997. The "through train" was one of the most important aspects of the original agreement and, if we are to take his view seriously, it is tragic that the Chinese ambassador, in this building yesterday, talked about dismantling all those democratic institutions after 1997.

The right hon. Member for Guildford and my hon. Friend the Member for Ilford, South (Mr. Gapes) rightly referred to the role of the Chinese Communist party in Hong Kong after 1997. It is not the same as having just another party in that territory. Are we to see a replication of what has occurred in China, where that country's constitution hardly recognises it even though it is all-powerful in China? We know that the head of the New China News Agency is effectively the head of the Communist party of China in Hong Kong. The Government must deal with that over the next 800 days.

What will happen to the Hong Kong civil service? Will civil servants have to pass some sort of loyalty test in order to be employed after 1 July 1997? The right hon. Member for Tweeddale, Ettrick and Lauderdale (Sir D. Steel) and my hon. Friends the Members for Ilford, South and for Rotherham were right to refer to the problem of human rights in China. No one who represents a constituency in this House of Commons, with all our traditions, could turn a blind eye to the problems of human rights and democracy in China. That matter intensely worries people in Hong Kong as much as it disturbs us. The rule of law must be retained at all costs. It is the fundamental principle that underlies all institutions in Hong Kong.

I hope that when the Minister of State winds up, he will refer to the points made by the Foreign Affairs Select Committee about international human rights conventions and say where the Government stand on those. The Committee rightly argued for an independent human rights watchdog and said that the Hong Kong Government should be supported in strengthening human rights before 1997. The problem is that China has not ratified those international conventions. Is some bilateral agreement between the UK Government and China sufficient to ensure that the rights enshrined in the international covenants are applied in Hong Kong after 1 July 1997?

It is important to ensure that, after 1997, the Court of Final Appeal is seen internationally as an independent and proper judiciary which the people of Hong Kong can feel confident will safeguard their freedoms and rights.

The right hon. Member for Guildford and my hon. Friends the Members for Livingston and for Ilford, South mentioned the plight of the widows of ex-service men, a matter that has still not been addressed. I believe that there are only 52 such people. Although the matter concerns the Home Office, I hope that when he winds up the Minister of State will say what he believes is the case and whether the Home Office will take another look at it.

Reference was made to the ethnic minorities in Hong Kong. In total, I believe that about 7,000 people could be stranded and stateless after 1 July 1997. In response to an intervention, the Foreign Secretary said that the matter had been decided but Earl Ferrers, who was a Home Office Minister, said on 15 July 1993 that

"if, against all expectation, members of that group"—

the ethnic minority—

"were to come under pressure to leave Hong Kong and had nowhere else to go, the government of the day"—

I assume that he was referring to his own party although it might well be mine—

"would be expected to consider, with considerable and particular sympathy, their case for admission to the United Kingdom."—[*Official Report, House of Lords*, 15 July 1993; Vol. 548, c. 415.]

That matter needs to be cleared up in the next two years because thousands of people in Hong Kong come into that category.

There is, of course, uncertainty about the future leadership of China. The right hon. Member for Old Bexley and Sidcup and others referred to what is termed the "impending succession" question. The Chinese ambassador said yesterday at a meeting in the House that there was no problem and that the matter had been settled but, clearly, when someone as significant as Deng dies, it is bound to have an enormous influence on China and Hong Kong but not, I suspect, on the future of these particular negotiations.

Similarly, the role played by the United States of America has been exaggerated. It clearly wants to trade in the huge Chinese market. It is rather interesting to note that a headline in this week's *International Herald Tribune* stated:

"Trade threat removed, human rights situation worsens".

There is a telling contradiction in the two phrases. The European Union is hardly better. Germany, for instance, is anxious to trade with China and Chancellor Kohl visited China in 1993.

Some believe, then, that the prospects over the next two years and beyond could be bleak, that an elected assembly, which would by then have been working for two years, will come to an end, that we shall be at constant loggerheads with the People's Republic of China, that difficulties will occur with human rights and citizenship, and that trade between this country and China will worsen. I do not think that that scenario is likely. There are grounds for optimism.

The hon. Member for Sutton and Cheam (Lady Olga Maitland) referred to the airport which is well under way. It is one of the most significant economic developments in not only China or Hong Kong but the world. The right hon. Member for Mid-Sussex referred to the thriving Hong Kong economy. It is still the eighth largest trading economy on earth, still the world's busiest container port, Asia's main destination for tourism and one of the world's largest financial centres.

In March this year an opinion poll conducted by the Hong Kong Government found that 62 per cent. of respondents believed that the colony would remain stable. One can add to that the fact that some moderate voices are emerging in China itself. In a speech on Hong Kong and its relationship with China, a member of the Chinese politburo, Li Ruihan, said:

"When you do not understand something you may damage it by trying to improve it."

Things are changing in China itself.

The right hon. Member for Old Bexley and Sidcup talked of the need to be positive in the next 800 days. Last night the Chines ambassador talked of co-operation and consultation replacing confrontation. We must all ensure that our efforts are aimed at bringing about stability and harmony after 1997. That must be the most important single objective of all hon. Members and of those who govern Hong Kong.

9.34 pm

**The Minister of State, Foreign and Commonwealth Office (Mr. Alastair Goodlad):** I begin by welcoming the hon. Member for Torfaen (Mr. Murphy) to the Front Bench. I congratulate him on his appointment and on his speech—the first of many that, I hope, we shall hear him make from the Opposition Front Bench.

The debate has been a true reflection of the range and diversity of Britain's connections with China and Hong Kong. Having participated from the Back Benches in most of the debates on Hong Kong in years gone by, I welcome the deep knowledge and understanding shown by right hon. and hon. Members, especially members of the Select Committee so ably chaired by my right hon. Friend the Member for Guildford (Mr. Howell).

I have been greatly encouraged by the support from both sides of the House for the thrust of the Government's policies on China and Hong Kong, which was reflected in some extremely knowledgeable and, in some cases, distinguished speeches. That broad measure of bipartisan support is an important source of legitimate strength for Ministers and the Governor in their dealings with the Chinese Government and all shades of opinion in Hong Kong.

My right hon. Friend the Member for Guildford spoke eloquently of the dramatic changes in east Asia and their consequences for the United Kingdom. China, of course, is at the heart of those changes.

In opening the debate, my right hon. Friend the Foreign Secretary described the strategic importance for Britain of our relationship with China. China has opened its doors to international trade and investment; it has allowed in the free market. It is now reaping the benefits of a booming economy. Of course there are problems and there will be more changes, perhaps to the system of government in China, but I do not share the fashionable pessimism that China may disintegrate, nor do I believe that anyone can turn back the clock on the reforms initiated by Deng Xiaoping.

We must continue to develop the profound and realistic relationship with China for the 21st century for which my right hon. Friend the Foreign Secretary called last November. Nothing less would do justice to the interests and responsibilities that Britain and China share as leading players on the world's political and economic stages. I am grateful for the endorsement that the House has given our efforts to maintain the momentum of that relationship.

When I visited Peking last July, I took part in the ministerial dialogue with China, which is an important part of our policy. I was able to see for myself, as have other hon. Members, the benefits that the open-door policy has created for the Chinese people and the

*[Mr. Alastair Goodlad]*

opportunities that it has opened up for British traders and investors. I can assure hon. Members who have not been to China recently that if the statistics of China's recent economic expansion are impressive, the reality is even more startling.

I believe that there is no sensible alternative for Britain to a policy of engagement with China across the range of our common interests, to which right hon. Friend the Foreign Secretary referred in his opening speech.

Several right hon. and hon. Members, including the hon. Member for Livingston (Mr. Cook), in his very thoughtful speech, echoed the concern about human rights expressed by my right hon. Friend the Foreign Secretary. I agree with my right hon. Friend the Member for Old Bexley and Sidcup (Sir E. Heath) that we do not seek to lecture or impose extraneous values on the Chinese people, but we are deeply concerned about the abuse of basic human rights which have been accepted as universal. The protection and advancement of those rights must be a cornerstone of our policy.

The hon. Member for Rotherham (Mr. MacShane) seemed to think that the Opposition care more about freedom and human rights in China than others. I assure him that nothing could be further from the truth. We regularly raise those matters with the Chinese authorities. My noble Friend Lord Howe and his delegation visited China and made practical proposals for improvement that we urged the Chinese authorities to implement. We joined our European Union partners in raising those matters with the United Nations Commission on Human Rights.

**Mr. MacShane:** Can the Minister name the last Chinese citizen about whom human rights matters were raised?

**Mr. Goodlad:** My right hon. Friend the Foreign Secretary gave four names to Mr. Qian Qichen last week, and I did the same last year. That is a continuing process.

We aim not at confrontation but at establishing a calm and serious dialogue with the Chinese authorities. Only through dialogue can we hope to influence their practices and to encourage reforms.

Several hon. Members referred to Tibet, where everything is extremely unsatisfactory. We are deeply concerned about human rights abuses in Tibet and threats to Tibetan identity. My right hon. Friends the Prime Minister and the Foreign Secretary have met the Dalai Lama, who is a most distinguished spiritual figure. We have urged the Chinese authorities to commence a dialogue with the Tibetans, without preconditions. I urge them again to do so—I am sure with the support of the House.

I do not want to give the House the impression that all our contacts with China are confrontational. I am grateful to my right hon. Friend the Member for Mid-Sussex (Mr. Renton) for drawing attention to the valuable co-operative work of the British Council in China and Hong Kong, which is making an important contribution to our trade and cultural objectives. I assure my right hon. Friend that that work will continue to have our full support.

I assure the hon. Member for Workington (Mr. Campbell-Savours) that we are conscious of the importance of promoting knowledge of China among young people. Many British universities already run Chinese courses, often including time spent in Chinese institutions such as Peking and Shanghai universities and Taiwan. As China's economic and political importance grows, more students will be attracted to acquire a deeper knowledge of China.

My hon. Friends the Members for Corby (Mr. Powell) and for Romsey and Waterside (Mr. Colvin) made powerful pleas to consider our links with Taiwan. Like my right hon. Friend the Member for Guildford, my hon. Friend the Member for Corby drew attention to Taiwan's impressive economic success, high education standards and high savings rates. Equally welcome is Taiwan's steady development of democratic structures. I agree that those achievements deserve to be better known in this country.

Although we have no diplomatic relations with Taiwan, we actively promote economic, cultural and educational links. Eight British Ministers have paid private visits to Taiwan to pursue those objectives. British organisations in Taiwan have expanded and reorganised in the British trade and cultural office, which was until recently directed by Mr. Philip Morrice—to whom my hon. Friend the Member for Corby paid generous tribute. That office now has seven front-line commercial staff dedicated to helping British business men.

The Government already review links with Taiwan. We are determined to take all practical steps to expand our cultural and commercial interests there, and the record speaks for itself. Expanding exports, 9,000 students, and nine out of 10 manufacturing investments in Europe from Taiwan come to the UK: all that is impressive and welcome progress.

My right hon. Friend the Member for Guildford referred to the issuing of visas. One consequence of our policy of not recognising Taiwan as a state is that we cannot recognise the travel documents issued there as passports. Our practice, which is by no means unique, is to place our visas on a separate certificate of identity. I do not think that that can be seen as a serious impediment to the growth of our commercial links with Taiwan, which are flourishing, as are Taiwan's links with Japan, which has the same practice on visas. That practice in no way retards the issue of visas through the British trade and cultural office in Taipei, which is normally done within 72 hours. In view of the interest in the House tonight, I can assure my right hon. Friend that our minds are not closed. We keep the matter under review, particularly in the light of practice elsewhere.

Hong Kong is, of course, at the heart of our relations with China. I have known Hong Kong well for most of my adult life and have a deep and abiding affection for the territory and its people, as have—as we have seen tonight—many other hon. Members. We are very alive to our continuing responsibilities towards the 3.5 million Hong Kong people who will continue to be entitled to a British passport. For reasons of self-interest and of decency and honour, the Government's first priority will continue to be to do their best by Hong Kong.

Hong Kong's continued prosperity and stability are also very much in the interests of the People's Republic of China. We do not always see eye to eye on all aspects of the future of Hong Kong. Sometimes we have disagreed quite sharply, but we both share a strong interest in Hong Kong's success beyond 1997, on the basis of the joint declaration, to which we are both committed.

Many right hon. and hon. Members referred to the development of representative government in Hong Kong. Nearly all, including, notably, the hon. Member for Livingston, approved of what we had done. The hon. Gentleman suggested, as have others, that the development may have been a little too late. I was not a member of the Government between 1974 and 1979, or, indeed, between 1970 and 1974, but I am sure that those who were responsible in those days had good reasons for their decisions.

My right hon. Friend the Member for Old Bexley and Sidcup was sceptical about the development of representative government, but I cannot help noting that he has not always been so. When the House debated the joint declaration in December 1984, on the development of representative government within Hong Kong, he said:

"I agree with the right hon. Member for Leeds, East that we must do our utmost to achieve proper, working representative government there by the time the handover takes place, but I cannot agree with the right hon. Gentleman's comments about not rushing things. With only 12 years to develop representative government, the question of rushing or not rushing does not arise. What I believe will do more harm than anything is the suggestion, as the tone of the White Paper implies, that we are doing this rather grudgingly."

My right hon. Friend went on to say:

"Far greater than any danger of haste is the danger of not having fully representative working government with experience by the time the handover takes place."—[*Official Report*, 5 December 1984; Vol. 69, c. 405.]

In fact, since we started negotiating with the Chinese early in the 1980s we have always proceeded in developing representative government in Hong Kong, in line with Hong Kong opinion. As the hon. Member for Livingston said, that opinion has been shaped by two major events: the negotiation of the joint declaration and what happened in China in 1989. The joint declaration provides that the Legislative Council shall be constituted by elections. The Basic Law is clear about the pace of increase in directly elected Members—20 in the first legislature, 24 in the second and 30 in the third—but, as my right hon. Friend the Member for Guildford made clear, we are now where we are.

There is no good reason for China to dismantle the electoral arrangements, which so clearly command the confidence of the Hong Kong community—as the turnout in elections hitherto has shown—the confidence of this House and the confidence of the Foreign Affairs Select Committee, which went into the matter thoroughly.

My right hon. Friend the Member for Old Bexley and Sidcup referred to the 1990 exchanges on constitutional development. The exchanges between Britain and China in early 1990 did not add up to an understanding about political developments in Hong Kong. We released the texts of the relevant exchanges in 1992. They showed that there was no such agreement, that we were dissatisfied with China's proposals for the number of directly elected seats on LegCo and that there was no consensus between us on the composition of the election committee.

The exchanges were inconclusive and, therefore, left us free to make our own proposals, consistent with the Basic Law, the joint declaration and the agreements and understandings between us—and that we did, for discussion. It is a matter for regret that after 17 rounds of talks it was impossible to reach agreement.

There is no hard evidence of China discriminating against British business interests. British exports to China increased by 72 per cent. in 1993 and by a further 14 per cent. in 1994. This country is the largest European Union investor in the PRC. Vice-Premier Qian Qichen only last week underlined to us the value of our bilateral trade links and the complementarity of the two economies. Chinese leaders have continually emphasised in public that there would be no discrimination against British business. To do so would be outside the terms of the China-European Union co-operation agreements and the spirit of China's World Trade Organisation application. I hope that no one in the House will accuse those Chinese leaders of bad faith when they continually repeat that there will be no discrimination against British business.

The hon. Member for Rotherham suggested that the Governor should be here for this debate, as the Minister for Hong Kong. My right hon. Friend the Foreign Secretary and, I suppose, the Government would be surprised to hear the Governor described as a Minister; indeed, he might have difficulty gaining access to the House. However, I want to take this opportunity to join in the tributes paid to the Governor from both sides of the House. He is an enormously distinguished Governor of Hong Kong—the best whom we could possibly have.

The Government fully support the Governor in carrying out his important task. I know that the House joins me in extending support to him. He has been performing his duties in Hong Kong with the skill and the energy that we would all expect of him. Indeed, earlier today he was doing his democratic duty by answering questions in LegCo.

My right hon. Friends the Members for Old Bexley and Sidcup, for Mid-Sussex and for Guildford and the hon. Member for Livingston all mentioned the Court of Final Appeal. We have always said that we want to establish it on the basis of agreement with China. Expert talks on the Bill are under way in Hong Kong, both today and tomorrow. We continue to urge China to give its early support to the Bill, which would implement the 1991 agreement. We are going the extra mile in an attempt to reach agreement, but we and Hong Kong cannot wait for ever for it to be enacted.

The hon. Member for Livingston expressed concern about wastage in the public services. My hon. Friend the Member for Birmingham, Edgbaston (Dame J. Knight) expressed concern about corruption in Hong Kong, as did my hon. Friend the Member for Eastbourne (Mr. Waterson) and others. I know that the whole House will join me in paying tribute to the integrity and efficiency of the public services in Hong Kong, especially the civil service and police. I reassure the House that wastage rates are low, but a number of officers may leave the civil service before 1997 owing to localisation, and others in Hong Kong will be entitled to retire before 30 June 1997. The Hong Kong Government have made plans to ensure that any vacancies that arise are filled by capable and experienced officers.

The right hon. Member for Tweeddale, Ettrick and Lauderdale (Sir D. Steel) rightly urged us not to leave behind in Hong Kong emergency powers that a future regime could abuse. He will be pleased to know that the Hong Kong Government are reviewing their emergency powers as part of the on-going review of laws that might affect press freedom. Those laws involve complex issues and need careful study, but the Hong Kong Government are committed to completing the exercise before 30 June 1997.

*[Mr. Goodlad]*

Several right hon. and hon. Members, including the right hon. Member for Tweeddale, Ettrick and Lauderdale, and the hon. Members for Rotherham and for Ilford, South (Mr. Gapes), raised the application to Hong Kong of the international covenants on civil and political rights, and on economic, social and cultural rights. We are clear that China has an obligation under the joint declaration to ensure that provisions of the international covenants, as they apply to Hong Kong, remain in force after 1997. The obligation includes the requirement to report to the United Nations.

We have made our views clear to China. In November, we explained our position to the committee on economic, social and cultural rights. One way to implement the reporting obligations would be for China to accede to the covenants in respect of the whole of its territory. We would welcome Chinese accession and we have said so to China. Alternatively, it would be feasible for China to assume the reporting obligations under the covenants in respect of Hong Kong only. We shall continue to work for a satisfactory resolution of that issue.

As my right hon. Friend the Foreign Secretary said, the Hong Kong Government are committed to an on-going programme to amend laws that affect press freedom. We support that commitment, as do my hon. Friend the Member for Sutton and Cheam (Lady Olga Maitland) and others. Nine provisions of three Ordinances on broadcasting have been amended. One provision of the summary offences Ordinance has also been amended. A Bill has been introduced in LegCo to amend seven more provisions in two Ordinances. Out of 41 legislative provisions that needed amendment, the Hong Kong Government have already acted on 17, and amendments to a further 11 provisions in seven Ordinances will be introduced in May.

The right hon. Member for Tweeddale, Ettrick and Lauderdale and the hon. Member for Ilford, South mentioned ethnic minorities in Hong Kong. I assure the House that the position of ethnic minority British dependent territory citizens who have the right of abode only in Hong Kong is secure. The joint declaration on the Basic Law provides for their right of abode in Hong Kong after 1997. The Government have given the commitment that if, against all expectations, members of the non-Chinese ethnic communities ever come under pressure to leave Hong Kong and have nowhere else to go, the Government of the day would consider with considerable and particular sympathy any request for admission to the UK.

Other hon. Members raised the issue of the wives and widows of ex-service men in Hong Kong. The Government recognise the special contribution made by ex-service men; hence the special arrangements made to allow their spouses, to whom the Home Secretary has written individually, unrestricted access to the UK. No scope exists under nationality legislation to grant them citizenship while they remain in Hong Kong.

The next few years will be momentous ones for China and Hong Kong. For both, they will be years of transition. In China, there will be political and economic changes that will determine that country's course and character in the early decades of the next century. The world will be watching to see how the high promise of "one country, two systems" is turned into reality.

I have no doubt that Hong Kong's continuing prosperity and stability are there to be secured, but it will be for the present and future sovereign powers, separately and jointly working more closely together, to achieve that. Her Majesty's Government intend to co-operate fully with China in bringing about a smooth transition. We intend to stick by Hong Kong through the next 800 days and beyond. We shall remain committed to Hong Kong, as my right hon. Friend the Member for Guildford has said, up to and beyond the transfer of sovereignty.

*It being Ten o'clock, the motion for the Adjournment of the House lapsed, without Question put.*

## Education (Staffordshire)

*Motion made, and Question proposed,* That this House do now adjourn.—*[Mr. Lightbown.]*

10 pm

**Mr. William Cash** (Stafford): The issue of education is of critical importance to the future prospects of our children and to the quality of our national life for generations to come, both economically and culturally. It should not be used as a political football.

I have asked for the debate because we need to set the framework of a balanced analysis of the state of education in my constituency. Because it is a function of Staffordshire county council, the circumstances of my constituents are determined by the education policy decided by the Labour county council in the broader national education context.

There are many excellent teachers and schools in my constituency, and we must do all in our power to offer pupils the best education that can be provided, with the help of parents, teachers, head teachers and governors.

I do not disguise my concern, which I have made clear in the past, about the way in which standard spending assessments and area cost adjustments work to the disadvantage of some counties such as Staffordshire. The 1994 new earnings survey suggests that average overall earnings in the south-east are 24 per cent. higher than they are in the west midlands. Within the south-east, earnings are higher still in Greater London, but, even excluding London, earnings in the rest of the south-east are 12 per cent. higher than in the west midlands.

One of the factors used in calculating the standard spending assessment is the area cost adjustment, which assumes that authorities have to match the rates of pay in competing occupations if they are to recruit and retain the staff whom they require. For example, the standard spending assessment for Surrey, whose population is about the same as that of Staffordshire, is increased by £60.7 million.

It seems reasonable to point out that there is a common pay spine for teachers throughout the country, and there is little competition between their employers and those in the general labour market. Similarly, people pay about the same in interest rates and mortgages, although houses generally are less expensive in the west midlands than in the south-east. I cannot suppose that food and other such items cost less in supermarkets and shops in the west midlands than in the country as a whole.

According to an independent analysis that I have received, details of unit cost expenditure in schools for 1992-93 suggest that teaching staff costs in Staffordshire are no lower than in the counties outside London that benefit from the area cost adjustment. It seems that the balance between counties such as Surrey and counties such as Staffordshire needs to be corrected.

There is also the question of the broad link between the public sector borrowing requirement and the SSAs. While we were suffering the worst effects of the exchange rate mechanism, to which I was so opposed, our PSBR rose to £50 billion. As the Government wish to reduce the PSBR, they also seek to limit public expenditure. Hence, control of public expenditure is mirrored in a tight settlement for local authorities. However, I was heartened to note that the Secretary of State for Education recently gave a strong hint that there will be extra money for schools in the November Budget, so things seem to be looking brighter.

Staffordshire county council recently gave us a final comparison for SSA per secondary pupil in 1994-95. That gave a figure of £2,679 for Surrey, including an additional area cost adjustment of 11.6 per cent., whereas the figure for Staffordshire was £2,398 per secondary pupil. Staffordshire has no area cost adjustment, and has a capping limit of only 0.11 per cent. above its SSA. It concluded that spending more than its SSA on education could be achieved only by spending less on other services—or, crucially, the council admits that it could spend more on education by using reserves and balances.

We are given to understand that in Staffordshire there are reserves of about £60 million. Those are uncapped, and it seems that they could be used for education. Why are the reserves so high, and why are they not used to prevent the prospective loss of teachers from the schools in my constituency?

The director of education recently wrote a letter saying that £7.5 million from the reserves would be used. Why is more not being used? He sent me a table showing the schools in my constituency which he says are likely to lose staff. Those include the loss of 1.9 teachers at St. Lawrence, Gnosall, 1.6 at Tillington Manor county school, 1.3 at Blessed William Howard and as many as 5.3 in Sir Graham Balfour. Those and other losses seem avoidable.

Staffordshire's education standard spending assessment for 1995-96 has been set at £348.79 million, which is 1.2 per cent. higher than the equivalent figure in 1994-95, in line with the national average increase. Under local management of schools, Staffordshire is obliged to delegate control of much of the money that it allocates for schools to the governing bodies of those schools. That is done under the general schools budget. In 1994-95, Staffordshire's GSB was the worst of any county. This is unacceptable.

We also find that we have the third lowest amount of money delegated to school level of any county, with an aggregated schools budget per pupil of £1,570, compared to £1,700 in Surrey. It seems that the county council is allocating too much for non-teaching matters. Is it possible that the county is putting money into reserves for transfer to Stoke-on-Trent when local government reorganisation takes place? Does it not still have a wholly disproportionate amount of money allocated to nursery school education in Stoke-on-Trent compared to the rest of the county put together?

Some years ago, I raised that matter with the district auditor, and I discovered that the differential is as much as 5:1, which he strongly criticised as unfair to parts of the county such as my constituency. I hope that taking Stoke out of the county, for which I have long campaigned and which is due to happen thanks to Government policy, will help to redress the unfairness that was revealed.

Even allowing for the problems posed by the SSA and the area cost adjustment, there can be no excuse for the deplorable results and pupil-teacher ratios in Staffordshire. In 1994, only 38.1 per cent. of 15-year-olds in Staffordshire obtained five or more GCSE grades A to C, compared with the national average of 43.3 per cent.

*[Mr. William Cash]*

The performance at A-level was also below the national average. We have the second worst pupil-teacher ratio of any county, which in January 1994 was 19.75.

In the latest survey of counties showing those who have left school with no results at all, Staffordshire ranked the fifth worst. For class sizes, Staffordshire is below average. Its primary schools have an average class size of 27.7 children, whereas in England as a whole it is 26.9. In secondary schools, the average is 22.1 children, whereas for the whole of England it is 21.4. Is it the case that the county pursues a policy of hardly ever, if at all, sacking bad teachers?

The Labour county council has much to answer for. It simply is not possible for it to explain all that away by reference to the SSA and area cost adjustment. The local government elections on 4 May may be elections for boroughs and districts, but it should be remembered that the county, the Labour county council, is responsible for 90 per cent. of the council tax bill which is demanded of our ratepayers and our voters.

The voters should not overlook that, especially as the excellent Conservative Stafford borough council is reducing its share of the amount that it calls on for the council tax, whereas the county, the Labour county council, is increasing its amount of precept by £17, and the education costs of the county are approximately 70 per cent. of its overall budget.

I am seeking meetings with the county education officers, parents, teachers and heads to address the crucial issues affecting my constituents and to try to work out a balanced and objective solution based on facts and analysis. I well remember that, in the run-up to the 1992 general election—my colleagues and other Conservative Members of Parliament in Staffordshire remember it extremely well too, because some of them received as many as 2,000 letters—Opposition parties created great fear throughout my constituency and elsewhere about school budgets and loss of teachers.

Yet, at the end of the financial year in question, the county had £10 million left over in its education budget. It cannot be allowed to do that again. It must use the money it has in reserves and otherwise to better effect. I await its response with interest, and that of the Minister.

What none of us wants, and what must not be allowed to occur, is a spate of unnecessary and damaging strikes. I appeal to all those in my constituency to look at the facts, weigh up the arguments and press the Labour county council to release more money from its reserves.

I shall continue to press the Government to revise the standard spending assessment, and I appeal to the teachers to repudiate strike action or similar activities that would damage education in my constituency.

10.10 pm

**The Parliamentary Under-Secretary of State for Schools (Mr. Robin Squire):** My hon. Friend the Member for Stafford (Mr. Cash) has done a service to his constituents and to everyone living in Staffordshire in drawing the attention of the House to his concerns about education in the county. He was supported, albeit in the silent role befitting his senior Government Whip position, by our hon. Friend the Member for Staffordshire, South-East (Mr. Lightbown), although I could sense that my hon. Friend the Member for Stafford was drawing great strength from that strong, brooding, silent presence.

In particular, my hon. Friend the Member for Stafford did well towards the end of his speech to remind the House of the track record of Staffordshire some few years ago. In the words of one or more of my Home Office equivalent Ministers, it has "previous" in this respect, and it was wise of my hon. Friend to have put that on record.

My hon. Friend expressed concern about the level of resources made available by Government for education, so I make it clear from the start that, as far as education expenditure is concerned, Staffordshire county council, like every other local authority, is responsible for setting its own budget and deciding its priorities between, and within, services. The council has the final say on how much is spent on education and how much is spent elsewhere.

My hon. Friend said that Staffordshire has been forced to cut millions of pounds from its education budget in the current financial year. There is no reason why that should happen. The Government have provided for Staffordshire's education standard spending assessment to increase by 1.2 per cent. this year and, under the capping rules, it can spend 0.5 per cent. more in 1995-96 than in 1994-95. In total, Staffordshire is able to spend more than £582 million on all its services.

What does talk about cuts mean? The county council is not cutting what it is spending: it is drawing up a shopping list of additional spending and then cutting back on what it would ideally like to spend, if it could buy all the items on that list. Everyone in the public sector and in business faces the same problem, and the solution is to become more efficient. To say that there must be cover for all salary, price and volume changes is as inappropriate as to say that there is no scope for efficiency gains.

It is not unreasonable for Ministers to expect authorities to help fund education by becoming more efficient. Authorities continue to spend vast amounts of money on running their education departments. The recent Audit Commission report found scope for saving more than £500 million on the pay bill of local authorities' administrative and clerical staff. In addition, in a previous report, it found scope for saving more than £30 million by rationalising special schools. It is also not unreasonable for the Government to expect schools to use their balances or reserves, as my hon. Friend said, where appropriate, to help to offset the cost of providing education.

No information on individual school balances at the end of 1994-95 is yet available, but at the end of 1993-94, primary schools in Staffordshire had balances that amounted, in total, to 5.03 per cent. of their budget shares, while secondary schools had balances of 3.07 per cent. Although I accept that those are lower than the national averages in each case, in total they are still substantial amounts. Schools need to consider what they should sensibly hold as a result of planning, not simply by chance. They cannot easily complain that they were underfunded during that time.

If reserves are not available for particular schools, they need to pay special attention to their management of resources. They may, however, also wish to suggest to the authority that its local management of schools scheme might be amended for future years in order to change the distribution of funds.

Authorities have scope for efficiency savings by seeking a better balance between supply and demand in school places. The level of surplus capacity across the country is still too high, and there is therefore still scope for authorities to remove surplus places. In Staffordshire's case, the authority reported more than 20,000 empty places in primary schools in January 1994. That is nearly one fifth of the total number of primary places in the authority. I accept that in Staffordshire, as in other authorities, not all of those places are removable. Some are needed for rising pupil numbers; to allow for parental preference; and to ensure that schools are accessible, particularly in rural areas.

Even allowing for those factors, however, the level of surplus in Staffordshire is projected to remain high. On that basis, we are discussing with the authority what scope there might be to reduce surplus capacity, and to do so in ways that could release funds to be spent on pupils and not on unnecessary buildings. I know that my hon. Friends who represent Staffordshire understand and accept that approach.

I know that Staffordshire schools, like schools in other areas, will be concerned about meeting the cost of the teachers' pay award. The Government accepted the teachers' award of 2.7 per cent. on the recommendation of the independent School Teachers' Review Body. The review body acknowledged the fact that financial provision had been set on the basis that pay increases should be offset, or more than offset, by efficiency gains and increased productivity. For instance, authorities that make savings on some services can spend more on others without infringing the capping criteria.

The Government have acknowledged that the current settlement is a tough one, but many authorities have been able to achieve an increase in their budgets—including all Conservative ones—which matches or outstrips the teachers' pay award. They have said that they are meeting the pay award in full.

It is worth making the point that, although a number of local authorities claim that they cannot afford the teachers' pay award, they reached a voluntary pay settlement of more than 2 per cent. for clerical and manual staff. Of course I acknowledge that the award will place local authority budgets under pressure. The House will recognise, however, that local authorities are large and financially complex organisations, and they have a variety of means to realise the efficiency gains that are needed.

The Government consider that teachers thoroughly deserve this increase, in recognition of the excellent work they carry out in raising standards in our schools. Governors, teachers and parents, as well as the Government, are entitled to look to local authorities to give priority to front-line services, such as schools. I hope that Staffordshire county council and all others will do so.

During the consultations on teachers' pay for this year, many people expressed anxiety about the level of funding for schools next year—1996-97. As my right hon. Friend the Secretary of State for Education has said, that is an issue that Ministers collectively will be considering in the next public expenditure round, leading up to decisions to be announced in November.

It is, of course, not possible to predict the outcome, and inevitably there will be many competing claims. I can only repeat what my right hon. Friend said recently: she has listened carefully, and will take account of all the arguments and representations made to her about the funding of schools against the background of the Prime Minister's public assurance that education will continue to be at the top of our priorities as the economy delivers further growth.

My hon. Friend properly highlighted Staffordshire's SSA, and I would be failing in my duty if I did not refer to it. I am certainly aware that Staffordshire's SSA per pupil is lower than the national average. As my hon. Friend will be aware, the SSA system sets out to provide funding for a standard level of service nationwide. Simple comparisons with other LEAs—even the LEA of my birth, Surrey—are not appropriate, because the costs of providing a standard level of education throughout the country vary.

Some of the factors that need to be taken into account are the costs of educating children in sparsely populated districts, the costs of educating children in districts that are socially or economically disadvantaged, and the large labour costs in London and the south-east. It is inevitable, therefore, that not all authorities will have such large costs, or indeed special circumstances, as other LEAs. Therefore, the poundage per pupil varies from LEA to LEA.

My hon. Friend referred specifically to the area cost adjustment. Coincidentally, as I told the House last week in a debate of some similarity, that is perhaps the most controversial aspect of the SSA system, although it allocates only about 4 per cent. of the national total of education SSAs.

None of the local authority associations questions the need for an area cost adjustment; only the way that it works is at issue. It is intended not to favour, so to speak, specific authorities, but to compensate them for the necessary additional labour and other costs that they must meet in delivering a common standard of service. That means not only teachers' salary costs, but all staffing costs. In addition, the costs of rates are greater in the south-east and in London, and LEAs in those regions have even argued that there should also be an uplift for greater rental costs.

If it is any consolation to my hon. Friend and his constituents, as he will have gathered from that last comment, the area cost adjustment is as unpopular in London and the south-east on the ground that it delivers less than it should, as it is obviously unpopular in regions such as my hon. Friend's for the reverse reason.

My hon. Friend is also rightly worried that standards of education should be maintained and improved. There is no evidence that a small SSA per pupil affects the standard of education or the ability of an LEA to deliver that education. For example, in Stockport, which receives less per pupil in its SSA than Staffordshire, 48.6 per cent. of 15-year-olds gained five or more GCSEs at grades A to C—that is the 11th highest result nationally. Staffordshire, by comparison, as my hon. Friend said, is ranked 58th, with 38.1 per cent. of 15-year-olds gaining five or more A to C grades.

There is a similar pattern with post-16 results. In Stockport, the average point score for pupils taking two or more A or AS-levels is 18.8, which is the third

*[Mr. Robin Squire]*

greatest nationally. By comparison, Staffordshire is ranked 32nd, with an average point score of 15.7, which is below the national average of 16.7.

I would not wish to imply, and I know that my hon. Friend would not assume it from my comments, that in some way uniquely Staffordshire should be linked with Stockport. My purpose in linking the two LEAs was to draw specific and complete attention to the erroneous belief, fostered especially on the Opposition Benches, that there is a direct correlation between money spent and education results achieved.

My hon. Friend made passing reference to Stoke, which I recognise will shortly be in transit from the warm embrace of Staffordshire. He might concede, although I do not seek that he should do so tonight, that Stoke-on-Trent is a region of significant social and economic deprivation. For many years, Governments have sought to encourage authorities to give priority to deprived regions in determining their priorities for expansion of nursery provision. I can confirm that the level of nursery provision in Staffordshire does not affect its SSA—the SSAs are calculated on the basis of pupil numbers, not nursery provision.

I shall now discuss the local management of schools in Staffordshire. As hon. Members will know, local education authorities have a great deal of discretion in the way in which they arrange their LMS schemes. It is important to realise what LMS is about. It is not about the total spending on schools. It is about the distribution of that expenditure—the balance between centrally retained items and funds delegated to schools, and the distribution of those delegated funds between individual schools.

I suspect that there is not an hon. Member in the House who has not received letters from this or that school whose complaint, when analysed, is against the nature of the local LMS scheme administered by the education authority, rather than exclusively, as the writer thought when he wrote the letter, against the nature of this or that Government decision. I have received many such letters.

How much Staffordshire spends on its schools is a decision for the LEA, to be taken in the light of its other commitments, both in education and in other services. This year, Staffordshire's general schools budget amounted to £342 million, equal to £2,124 per pupil. National comparisons are not yet available for 1995-96, but it is true that in 1994-95 the general schools budget per pupil for Staffordshire, which then stood at £2,120, was the lowest of any shire LEA, and one of the lowest in the country.

However, hon. Members should be wary of those comparisons. The size of the general school budget per pupil is affected by many factors, such as the proportion of sixth formers in LEA schools and the capital spending needs of local authorities.

Another matter of acute interest to schools is the proportion of funding delegated to them. In 1995-96, Staffordshire will be delegating to schools 92.8 per cent. of its potential schools budget, which, on the information currently available to me, is a little above the national average and ahead of the required minimum of 85 per cent.

What does that delegation represent in terms of budget share per pupil? Obviously, that varies from school to school; all LMS schemes direct funding between schools according to various factors which measure perceived need, which can result in marked differences in funding per pupil. On average, the budget share per pupil this year is £1,286 for primary pupils, £1,768 for secondary pupils and £6,267 for special schools. All those show a modest increase compared with 1994-95.

I mentioned at the outset that I thought that my hon. Friend had done a first-class job. It is particularly relevant that his debate takes place in what, in many parts of the country, is the run-up to local elections. I am sure that in Staffordshire, as across the country, he and his supporters are finding that Conservative councils use their resources efficiently.

Too often, when one analyses their spending, Labour or Labour-Liberal Democrat or Liberal Democrat councils use their money inefficiently. Sometimes, they have strange sets of priorities. As Education Minister, I shall, of course, continue to reiterate the importance of education. In saying that, I am backed by my right hon. Friend the Prime Minister, who has stated many times the importance that he attaches to education. We expect to see that priority represented and reflected across the country in the decisions of local authorities.

This has been a wide-ranging and interesting debate, and I am grateful to my hon. Friend for raising so many important issues. I very much hope and trust that, with the information that I have given him tonight, he will be able to return to his constituents and explain even more clearly than the brilliant way in which he has already, the reasons why Staffordshire may be under-performing in education terms. He can explain to them that it is up to the LEA and the governing bodies to address those problems rather than to assume that it is simply a matter for greater funding from the centre at the expense of the taxpayer, year in and year out.

*Question put and agreed to.*

*Adjourned accordingly at twenty-nine minutes past Ten o'clock.*

# House of Commons

*Friday 28 April 1995*

*The House met at half-past Nine o'clock*

PRAYERS

[MADAM SPEAKER *in the Chair*]

## Civil Rights (Disabled Persons) Bill

9.35 am

**Mr. Harry Barnes** (Derbyshire, North-East): I have a petition in support of the Civil Rights (Disabled Persons) Bill.

As you will be aware, Madam Speaker, it was the hope of the supporters of the Bill that it would have been placed before the House today for its Report Stage and Third Reading, but, as a result of action that has been taken elsewhere throughout the House, and because of its procedures, it has been blocked.

I therefore have a petition, signed by several organisations, which organised itself in 24 hours, when it was finally discovered that the Bill had been stopped in Committee, or kept in Committee rather than being brought before the House.

The officers and officials of the organisations concerned represent the Muscular Dystrophy Group of Great Britain, MENCAP in Northern Ireland, Suffolk and Cambridgeshire and its northern division, Lambeth Accord, Artsline, Scope, the GRAEA Theatre Company, the Greater London Association of Disabled People, React, the Disability Alliance, the United Kingdom Coalition of People Living with HIV and AIDS, the NAZ Project, the Denholm Elliott Project, DART and the All Aboard Campaign, the Centre for the Study of Integrated Education, the Trades Union Congress, the Carers National Association, People First, the Royal Association for Disability and Rehabilitation, the Royal National Institute for the Deaf and the National Federation of the Blind of the United Kingdom.

The petition reads:

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled

The Humble Petition of the officers and officials of organisations of, and for, disabled people

Sheweth that the principles and provisions contained in the Civil Rights (Disabled Persons) Bill, particularly its proposed strategic enforcement authority, the Disability Rights Commission, to provide practical assistance to those seeking redress and the establishment of legal precedents for others, represents a better means of moving towards equal rights for the United Kingdom's 6.5 million disabled people than the Government's alternative Disability Discrimination Bill

Wherefore your petitioners pray that your Honourable House will urge the Prime Minister, his Government and its supporters not to impede the passage of the Civil Rights (Disabled Persons) Bill

And your petitioners, as in duty, will ever pray etc.

It is signed by Sahra Ahmed and the representatives of the organisations I have mentioned.

*To lie upon the Table.*

# Orders of the Day

## Building Societies (Joint Account Holders) Bill

### Clause 1

JOINT ACCOUNT HOLDERS

*Lords amendment:* No. 1, leave out clause 1 and insert the following new clause—

RIGHTS OF SECOND-NAMED JOINT SHAREHOLDERS

(".—(1) After section 102 of the Building Societies Act 1986 there shall be inserted the following section—

*"Rights of second-named joint shareholders.*

102A.—(1) This section applies where the terms of a transfer of business by a building society to the company which is to be its successor include such provision as is mentioned in section 100(1).

(2) If—

(a) a person ('A') held shares in the society throughout the requisite period;

(b) any shares in the society held by A were jointly held for any period ('the joint ownership period') constituting the whole or part of the requisite period;

(c) A was the second-named holder of the jointly held shares for the whole or part of the joint ownership period; and

(d) no person who has priority over A for the purposes of this section held shares in the society throughout the requisite period,

the jointly held shares shall be treated for the purposes of subsections (8) and (9) of section 100 as having been held by A alone.

(3) The following persons shall have priority over A for the purposes of this section, namely—

(a) where A was not the first-named holder of the jointly held shares for any part of the joint ownership period—

(i) any person who was the first-named holder of those shares for the whole or part of that period; and

(ii) where A was the second-named holder of those shares for part only of that period, any person who was the second-named holder of those shares for a later part of that period; and

(b) where A was the first-named holder of the jointly held shares for part of the joint ownership period, any person who was the first-named holder of those shares for a later part of that period.

(4) If a person dies during the requisite period at a time when he is named in the records of the society as a joint holder of any shares jointly held, this section shall have effect in relation to any later time as if he had never been so named.

(5) In this section—

'the first-named holder', in relation to any shares jointly held, means that one of the joint holders who is named first in the records of the society, that is to say, the person by whom alone, apart from this section, those shares would, by virtue of paragraph 7(5) of Schedule 2, be treated as held for the purposes of section 100;

'qualifying day' has the same meaning as in subsections (8) and (9) of section 100;

'the requisite period' means the period beginning two years before the end of the qualifying day and ending immediately before the vesting date;

'the second-named holder', in relation to any shares jointly held, means that one of the joint holders who is named second in the records of the society;

'the vesting date' has the same meaning as in section 100."

(2) In paragraph 7 (joint shareholders) of Schedule 2 to that Act (establishment, incorporation and constitution of building societies), after sub-paragraph (5) there shall be inserted the following sub-paragraph—

"(5A) In its application to section 100, sub-paragraph (5) above shall have effect subject to the provisions of section 102A." ")

9.37 am

**Mr. Douglas French** (Gloucester): I beg to move, That this House doth agree with the Lords in the said amendment.

The first amendment gives the impression of being draconian. It introduces a new clause that replaces the whole of the original clause 1 of my Bill, which I introduced into the House on 17 January 1995. I emphasise that that is not a classic takeover operation. It reflects, rather, different schools of thought on drafting.

The Building Societies Act 1986 is an extremely complex piece of legislation. Tampering with one part causes repercussions elsewhere. Although the aim of my Bill was simple, the task of giving effect to it on paper was the reverse.

Therefore, although the principal clause, the new version of which we are debating first this morning, is drafted differently from the one that I placed before the House on 17 January, I emphasise that its legal effect is almost the same as that which I originally tried to achieve. There are a few tiny modifications, which I shall mention later.

That is important, because the House did me the honour of permitting my Bill to pass through all its stages on 10 February without debate. I therefore believe that the House might have had legitimate difficulty in accepting from the other place a Bill with amendments that substantially altered its effect. I am pleased to confirm that no such dilemma exists.

The central aim of my Bill and amendment No. 1 is to facilitate the payment of bonuses to second-named account holders when building societies are taken over or merge. Naturally, there is a current interest in the case of the Cheltenham and Gloucester building society. The Bill is also relevant to the proposed merger of the Halifax and Leeds building societies, and any other building society mergers or takeovers by banks that may happen in due course.

Under the Building Societies Act 1986, bonuses to savers with investment accounts can be made only to a sole account holder or to the first-named person of a joint account, and then only to those who have invested continuously for two years. I support, and do not seek to change, the two-year requirement, which rewards loyalty for long-term saving. Their Lordships took the same view.

What I seek to change, and amendment No. 1 changes, is the restriction of bonus entitlement to first-named account holders only, which discriminates unfairly against several sorts of saver.

First, it is grossly unfair to widows who have had a joint account with their husbands. If the husband dies during the two-year qualifying period, the bonus dies with him, even though the same account may continue in the widow's name alone, with the husband's name deleted. It makes no difference how many years the wife has previously contributed to the account: she gets no credit for it. The two-year qualifying period has to begin all over again.

An example could be given in the case of the Cheltenham and Gloucester building society, where the qualifying two-year period is from December 1992 to December 1994. If a husband on the account—the first-named account holder—died during that period, the widow would be denied the bonus entitlement that she would otherwise have received had her husband lived.

Secondly, the 1986 Act is unfair to newly marrieds. A single woman with an investment account savings history that qualifies her for a bonus in her own right, will fail to qualify if, on marriage, she redesignates her account jointly in the name of her new husband and herself. Her new husband, as the new first-named account holder, must begin a two-year qualifying period in his name. His wife's savings history no longer counts.

Thirdly, the 1986 Act can be unfair to those who get divorced or separated.

Fourthly, there are cases in which it has proved unfair to couples where the husband's name was deliberately taken off a joint account for sensible tax-planning reasons, consequent upon the introduction of separate taxation. I could give the House instances of where that has been done on the specific advice and recommendation of a building society branch. That well-intentioned step, made during the two-year qualifying period for quite different reasons, can result in the account holder losing his or her bonus entitlement.

The new clause in amendment No. 1 can put right those injustices. I am bound to admit that it does so with greater certainty and precision than did my original clause.

In the original drafting, I had the benefit of advice from three extremely distinguished firms of solicitors. I should like to record my thanks and pay tribute to them. I shall, however, refrain from mentioning them by name. I do not believe that they would thank me for doing so as, in the event, their efforts turned out to be capable of improvement. I suspect that taking advice from three firms of solicitors simultaneously—heavyweight firms, at that—may be a temptation best resisted.

9.45 am

**Mr. Bernard Jenkin** (Colchester, North): Does not my hon. Friend's experience suggest that, where two lawyers disagree, one might assume that one of them might be correct, but where three lawyers are in agreement, they are all bound to be wrong?

**Mr. French:** I think my hon. Friend makes an extremely good point, reminiscent of what is frequently said about economists—

**Mr. Dennis Skinner** (Bolsover): Especially when the three solicitors are in the Cabinet.

**Mr. French:** I do not agree with the hon. Gentleman's sedentary comment.

When the Bill was originally drafted, we turned first to the second schedule of the 1986 Act, which is where the provisions relating to joint account holders are to be found. We set about amending the schedule. In doing so, we produced, I freely confess, some unintended and unexpected results, including some risk that certain account holders might qualify for double entitlement. That was never our intention.

I shall illustrate how that happened by reference to the original sub-paragraph (5C). In the case of divorce, where the wife was the second-named account holder, if the two

of them opened separate accounts with the same building society, the wife would not qualify for a bonus, whereas, if the husband moved his account to a different building society, she would. Similarly, if the husband's name was taken off the joint account for some other reason, the wife would be entitled to a bonus if the husband had no other account with the society, but she would not if he did.

Clearly, that was not what was intended. That example is one of a number of reasons why we are now discussing a redrafted clause, and it shows why that redrafting was essential.

Parliamentary counsel wisely advised that, instead of amending the schedule, it was better to tackle the qualifications for cash and share distributions, as set out in section 100. There is little drafting that cannot be polished up by parliamentary counsel if they put their minds to it; and they did so in order to produce the new clause in amendment No. 1.

The amendment, which becomes new clause 1, consists of a new section, section 102A, to the 1986 Act, and replaces clause 1 as originally drafted. Subsection (2) sets out four conditions that a mythical person—whom we shall call A—has to meet before he or she can qualify for cash distribution. First, he or she must have met the two-year qualifying period. Secondly, he or she must have held a joint share account. Thirdly, he or she must have been the second named person on that account. Fourthly, and rather importantly, there must not be anyone with a prior claim over his or hers. That is why subsection (3) is needed.

If the first named account holder qualifies, it is important that the second named account holder should not qualify. It is not our intention that both should qualify. The first named takes priority over the second named, but, in the case of a widow, there is no first named, and the second named therefore qualifies.

Subsection (3) sets out cases where another account holder has priority—where there is a prior claim over the bonus. Subsection 3(a) covers the situation where the mythical person A has never been the first named holder of jointly held shares. In the first example, she marries, she closes her account and opens a joint one on which her husband is the first named account holder. He then has priority over her. If he meets the qualifying period, he receives the bonus, but if he does not, she receives it. That avoids them qualifying twice, but ensures that one of them qualifies on behalf of their joint ownership of the account, which is what has always been intended.

**Mr. Alan Duncan** (Rutland and Melton): My hon. Friend's logic is absolutely impeccable, and I have been following it step by step. Are there circumstances in which there may be more than two account holders, and what would happen in that event?

**Mr. French:** The Bill does not provide for circumstances where there are more than two account holders. I originally decided to address the subject of second named account holders, and the Bill's limitations are set by its long title. Ideally, I should also like to address the position of third, fourth, fifth and subsequent named account holders. However, that would require a more broadly drawn long title.

In so doing, many complex issues that a small Bill of this type could not reasonably tackle would have come into consideration. The almost certain result would have been that, because the Bill had been cast too widely, the House would not have felt able to give it the fairly speedy passage that it has enjoyed so far.

**Mr. Quentin Davies** (Stamford and Spalding): I am grateful to my hon. Friend for giving way, and I thank him for his interesting explanation of the point raised by my hon. Friend the Member for Rutland and Melton (Mr. Duncan).

My hon. Friend the Member for Gloucester (Mr. French) has obviously become an expert in the field, and he will have thought through the different aspects of the Bill very carefully during its long and successful passage through both Houses. Can he therefore inform the House to what extent he thinks that practical injustices and problems will be created by the Bill's failure to cover the theoretical existence of third, fourth and subsequent account holders?

What kind of family or other circumstances does he envisage may arise whereby third, fourth and subsequent account holders may have an equity interest in the account which ought to be recognised in the event of the acquisition of a building society but, as a result of the restrictive scope of the Bill which my hon. Friend has explained, would not be enfranchised as a result of the legislation's passage into law?

**Mr. French:** My hon. Friend makes a very important point, which I shall approach from a different direction. A significant number of people will benefit if the House approves the Bill's passage, including a substantial percentage of those who are currently excluded under its provisions.

The number who will not benefit because of the example given of third and subsequent account holders is very small. I fully accept that there is an element of unfairness in such cases, many of which have come to my attention. However, I argue that the Bill deals with the overwhelming number of injustices. I should have liked to see the very small number of remaining cases dealt with as well, but in the circumstances that does not seem to be a practical proposition.

My hon. Friend the Member for Rutland and Melton (Mr. Duncan) has asked for examples of cases in which third, fourth and fifth named account holders could suffer. For example, if an account had six named account holders and, for whatever reason, the first three names were removed, the account would not qualify for a bonus.

There are many variations of that example, and I could provide my hon. Friend with letters explaining them. However, in reality, the number of people involved is very small. When my hon. Friend the Minister of State introduces a more broad-ranging review of building societies—he has announced that that is his intention in due course—we will have the opportunity to address the remaining anomalies, of which the case of the third, fourth and fifth account holders is one, at that stage.

**Mr. Anthony Coombs** (Wyre Forest): Many hon. Members are relying on the Library's excellent brief which explains the effect of the Bill. On page 16, it says that, on Report in another place, Lord Inglewood addressed the case of multiple accounts, particularly where an account is held by a mother, father and a child, and where both parents die. Lord Henley also referred to that case when he introduced the amendments to which

*[Mr. Anthony Coombs]*

we are now referring. For purposes of clarification, will my hon. Friend explain how the Bill as it is presently drafted will deal with that situation?

**Mr. French:** I propose to address that question a little later. That is the closest that the Bill gets to dealing with the position of someone who might be interpreted as a third named account holder. A clause was introduced in the House of Lords to deal with the subject of orphans. For example, if a mother and father die in an accident, the position of a child who may be named on the same account will then be brought forward to take the place of the first two account holders whose names have been removed. I shall address that one exception a little later in my speech.

**Mr. Quentin Davies:** I am grateful to my hon. Friend for giving way again, and I am very glad that his Bill addresses the case of orphans. That is obviously a rather dramatic example of an injustice that may have been created if the Bill had not addressed that sad eventuality.

I put to my hon. Friend another case, which I think that he will agree is not entirely theoretical, where an injustice might be created. If six people decided to open a joint account for some common purpose, perhaps in connection with a society or association—

**Mr. Deputy Speaker (Mr. Geoffrey Lofthouse):** Order. The Chair finds it very difficult to hear the hon. Member for Stamford and Spalding (Mr. Davies) when he faces away from the Chair. His remarks are not catching the microphone and it is very difficult to hear what he is saying. I ask the hon. Gentleman to face the Chair.

**Mr. Davies:** I apologise, Mr. Deputy Speaker.

I was putting a case to my hon. Friend which I think he will agree should be examined, because it could arise in practice. A group of people—half a dozen, 10 or perhaps more—may decide to open a joint account with a building society for some common purpose, perhaps in connection with an association, club or some other venture in which they are involved.

As I understand my hon. Friend's legislation, if the building society where that account was opened is the subject of a bid, only the first named account holder would benefit from the bonus for the recognition of equity interest that that account represents. It may be a coincidence as to which of the individuals involved in that joint account—

**Mr. Deputy Speaker:** Order. I did not call the hon. Member for Stamford and Spalding to make a speech; I called him to make an intervention.

**Mr. French:** I shall respond to my hon. Friend's query in so far as I understand it. In that case, the account would qualify for the bonus entitlement via the second named account holder.

**Mr. Davies:** But not the third or subsequent account holders?

**Mr. French:** The account itself would qualify, and, if it is a joint account, it is right that all the account holders should receive one bonus which is shared among them.

**Mr. Davies:** Will my hon. Friend give way?

**Mr. French:** I think that I should make some progress.

I turn to subsection (3)(b), which covers the case where a wife may have been the first named account holder for part of the period of the joint account. For example, a wife and a husband may change the order in which the names appear on the account—Mr. and Mrs. could become Mrs. and Mr.; but it is more likely that John and Joan would become Joan and John. Therefore, both will have been the second named account holder at some stage.

In that case, the subsection provides that the one who is the first named holder for the later part of the period will have priority. However, if the later first named holder has not held shares for the two-year qualifying period and the second named holder has, the latter would benefit.

Subsection 4 is a provision that was added to the original Bill on Report in the House of Lords in response to suggestions made by Lord Eatwell. It is the provision relating to orphans that my hon. Friend mentioned a moment ago, and I welcome it. For the sake of clarity I shall briefly explain the background again.

10 am

The measure deals with cases of multiple accounts held by a mother, a father and a child. When both parents die—it is deliberately limited to circumstances of death alone—the child account holder moves up to fill the space, and is allotted a position as if he or she had been the second named account holder. Effectively, it regards the two parents as one account holder and the child as the second named account holder, although the child's name may appear third. For that reason, in those circumstances, the account qualifies for distribution.

Hon. Members will realise from that that there are many variations and permutations, and I do not want to trouble the House with any more of them. Those who enjoy the minutiae will find much to savour in the speech of Lord Henley, in column 915 of the Lords *Hansard* of 15 March. Indeed, there was a suggestion that his Lordship's speech should become a schedule to the Bill. I have drawn on it fairly heavily, although I suspect that it is not necessary for it to become a schedule. However, it is there to be read, and I am grateful to those who drafted it for bringing clarity to what the House can see is a complex matter.

**Mr. Nigel Evans** (Ribble Valley): If three people held the same account—mum, dad and a son—and the mother and father separated and then the mother, for whatever reason, died, would the son automatically become the first named account holder?

**Mr. French:** I think that in that case, if I understand the facts correctly—I would be happy for others to put their thinking caps on, because we are dealing with highly technical issues—the son would qualify in those circumstances if the father did not. I believe that that is right, but it is worth spending some time on such matters. Perhaps the Minister of State may wish to turn his attention to such examples when he speaks to us later.

I am deeply conscious that neither the new clause nor my original Bill attempts to cover every anomaly. Some have been mentioned, and in all fairness I should mention a few of the others. Obviously, the Bill does not cover cases in which there has been no continuity of saving through the two years. I never believed that it should do that, because the two-year requirement recognises loyalty, which is a sound principle.

Borrowers are not covered, either—that is a whole debate on its own, in which I suggest the House should not become involved today, if it wishes to complete

proceedings on the Bill. The Bill does not cover personal representatives of deceased account holders, other than in the examples that have been mentioned.

**Mr. Duncan:** It strikes me that this is primary legislation designed to overcome a simple case of unfairness arising from the peculiar circumstances of a merger of building societies in my hon. Friend's constituency. As some instances are not covered by the new clause—inevitably so—does my hon. Friend think that the work of the building societies ombudsman, who was authorised by the 1986 Act which my hon. Friend's Bill would amend, could be enlarged so that his decisions could in future include the individual cases not covered by the Bill?

**Mr. Alistair Darling** (Edinburgh, Central): On a point of order, Mr. Deputy Speaker. I may be doing Conservative Members an injustice, but I detect a whiff of a filibuster. Although the Government have restored the Conservative Whip to the hon. Member for Billericay (Mrs. Gorman), I gather that they are anxious not to hear her speak later.

My point of order arises from the fact that we are discussing building societies, while the Minister of State, Treasury, who is responsible for the regulation of building societies, is here. If the Government want to discuss building societies at length, and perhaps the ombudsman as well, would it be in order for the Minister to make a statement on the Office of Fair Trading report on endowment mortgage sales that was published today?

Perhaps the hon. Gentleman would say whether he agrees with our call for an inquiry by the Personal Investment Authority, and for full regulation of the sale of mortgage business? The House would be better employed discussing issues of concern to the public and to those who may have been mis-sold endowment mortgages, rather than engaging in a filibuster to prevent the hon. Member for Billericay from speaking later.

**Mr. Deputy Speaker:** It is up to the Minister to decide whether to make a statement, and then it would be up to the Chair to decide whether it was in order. So far, the debate has been in order, and if it ever gets near being out of order, I can assure the hon. Gentleman that it will be ruled out of order.

**Mr. French:** I am grateful to you, Mr. Deputy Speaker. We are dealing with complex matters, and as the House did not have the opportunity to debate them on Second Reading, I felt that it was right to go through the new clause and explain its effect. Perhaps I have been more indulgent than I should have been in accepting interventions, but if I may now proceed, I shall finish what I have to say on the new clause.

The point that I was endeavouring to emphasise is that a reasonable balance has to be struck to focus upon the worst injustices with a reasonable expectation of success. That appeared to me to be a more attractive proposition than trying to put right every injustice related to building societies, and then failing altogether. My aim has always been limited.

The substantial correspondence that I have received, and the cases drawn to my attention by people throughout the country, lead me to believe that I have struck the balance appropriately. I leave the remaining injustices to be tackled in more comprehensive legislation at a later stage. If the Bill had been too wide-ranging, we would probably not be debating it today; it would not have got as far as it has.

At this stage, I remind the House of what Lord Hayhoe, who piloted the Bill so ably through the other place, said. He wisely and prudently advised that to introduce more complexities could have placed the entire passage of the Bill in jeopardy. That view was confirmed by Lord Henley, to whom I am grateful for having introduced the amendment, and amendment No. 2, which we shall debate next. Their Lordships agreed with the good sense behind that approach, and I believe that they were right.

The passage of the Bill, and of the clause which lies at its heart, have been followed closely in the country. The British like fair play, and the Bill seeks to deliver it. I have a particular interest in fair play for the widows in my constituency who save with the Cheltenham and Gloucester building society. If the clause and the Bill are accepted, some of them will receive substantial sums, ranging from £500 to many thousands of pounds, under the terms of the Lloyds bank takeover of that building society. The House should be clear that those widows will not get the money if the House does not approve the Bill today. They will be direct beneficiaries of the legislation.

The Bill's scope does not stop at the Cheltenham and Gloucester building society: it will also help members of the Halifax and the Leeds Permanent building societies, which have announced plans to convert to a bank after they have merged. Those societies have said that they will take advantage of the measure to give shares to second named joint account holders.

In that context, perhaps I should declare an interest as a small saver with the Halifax and the Leeds, although I emphasise that I am not one whose position would be changed by the Bill.

I must give other categories of hopeful recipients something of a warning. The Bill is permissive, not mandatory. It makes it lawful to distribute bonuses, but does not compel building societies to do so. One cannot know what other building societies may decide to do in the future.

As for the Cheltenham and Gloucester, its transfer document confirmed that it would include widows in its distribution if the law permitted it to do that; but the transfer document makes no mention, and therefore would appear to have no intention, of including the other categories that this Bill will make lawful. That is, of course, a matter entirely for the boards of Lloyds bank and the Cheltenham and Gloucester to decide. One has to assume that they had their reasons for excluding newly-weds, divorcees and separate taxation people. One can only speculate on what those reasons are, but I wish to record my disappointment with their approach

One 1 February 1995, the Cheltenham and Gloucester announced that Lloyds bank had set aside £10 million, to be made available to second named account holders. Speaking in another place on 27 February, Lord Dubs—

**Mr. Deputy Speaker:** Order. The hon. Gentleman must not quote from the Lords *Hansard*, unless he wants to quote a ministerial statement.

**Mr. French:** The noble Lord's point was that he hoped that the Cheltenham and Gloucester intended to include all second named account holders, not just widows.

*[Mr. French]*

By the time of the publication of the transfer document, the sum of £10 million had risen to £25 million, in recognition of the realistic approach that the C and G was taking to its responsibilities which might arise under the new legislation. But, sad to say, the restriction confining the society to cases of death only remained firmly stated.

As this debate and the one that follows it will deal with the improvements which, I submit, their Lordships made to the Bill, and since I know that proceedings in this House on Fridays can be rather peculiar at times, perhaps this would be the right time to place on record my thanks to Lord Hayhoe for piloting the Bill so ably through the Lords. I also record my thanks to Lord Henley, who tabled the amendments and explained them clearly and comprehensively. It was especially gratifying to find that, at all stages, support for the Bill in another place came from all parties.

Before concluding, I should also like to record my thanks to Lord Dubs, who introduced a similar Bill in another place in January, but who kindly withdrew it to support mine. We both had the same idea independently at the same time, and I am grateful for his support.

I should like especially to thank the Minister of State, Treasury, and his team of advisers. He will introduce his own comprehensive measures relating to building societies in due course, but he has been extremely supportive and helpful to me in assisting the Bill to make the progress that it has made.

I am also grateful to representatives of the Building Societies Commission, especially Commissioner Geoffrey Fitchew and Terry Matthews, who has been enormously helpful. I also record my thanks to Ron Armstrong of the Building Societies Association; he, too, has been most helpful.

Most of all I should like to thank the hundreds of people who wrote to me, sometimes supporting the broad principles in the Bill, sometimes setting out their own circumstances. The letters took a great deal of reading and replying to, but they were all interesting. If the House gives its approval to the Bill, I hope that, in some small measure, that will represent a response to the many people who wrote to me and who will benefit. This has been a team effort, to which I hope the House will this morning give its final approval.

**Mr. Quentin Davies:** I congratulate my hon. Friend the Member for Gloucester (Mr. French) on his initiative. I was pleased and proud to be associated with it as one of the original sponsors of the Bill. I congratulate him on his success in bringing it this far, and on the great expertise and astuteness with which he has steered it through.

This Bill goes to the heart of the notion of equity interest in a co-operative or mutualised venture. It is perhaps rather unfortunate in this country that we have limited our consideration of this principle—an important one—to building societies, because they are only one type of co-operative venture. Indeed, they are only one possible type of mutual bank.

10.15 am

Unlike many other countries, in this country we do not have provision for mutual banks—apart from building societies. That is an unfortunate distortion and restriction in the framework within which deposit-taking institutions exist here. In the rest of the European Union, there are substantial mutual banks. Crédit Agricole is a mutual bank—a building society writ large—and is one of the largest deposit-taking institutions in the world.

The essential principle at which the Bill is directed is whether someone who opens an account at a deposit-taking institution which is a mutual institution, not a joint-stock company, has the equivalent of an equity interest in that business. My hon. Friend's Bill came into being to deal with what happens when someone acquires such a business and, naturally, wishes to make a payment to acquire the equity interest in that building society.

Then, to what extent and on what principles should the cash sum that that person pays over to acquire the equity interest be distributed between the customers or depositors of the mutually owned institution? In this case, we are talking about a building society, but I think that we can agree that this is the heart of the matter.

One aspect concerns what happens when there is more than one account holder. To what extent can we say that all the account holders have an equity interest? Logically, I should have thought that they all do. There is considerable artificiality in starting by looking at the first account holder and then extending the definition—in line with the terms of the Bill—so that, in certain circumstances and conditions, subsequent account holders can be taken into consideration. In certain very limited circumstances, such as those of the orphan about which we heard this morning, the third account holder can have his equity interest recognised—but no other account holder can.

Earlier, I asked my hon. Friend the Member for Gloucester a question which I believe was pertinent: what happens when several people come together to open a joint account in a building society? They may do that for any number of purposes—we do not need to go into them, because we live in a free society, in which it is quite natural that people should come together for some collective purpose.

Many collective purposes involve opening bank accounts, so there may be an account with a mutual bank or building society under a large number of names—10, 20, 200 or possibly even 2,000, at least theoretically. In those circumstances, only the first named account holder would be recognised as having an equity interest, and would receive a sum in consideration of that interest in the event that someone acquired the equity of the whole building society. I think that I properly understand the purpose and sense of the Bill before us.

The person who happens to be the first named account holder does not necessarily have a greater interest than the other account holders. The first named account holder might be there because he put down his name first or was the founder of the particular association, group or enterprise which caused the account to be opened. Perhaps his name starts with the letter A, and it was simply convenient to list the account holders in alphabetical order.

I think that my hon. Friend might be about to tell me that the answer is that the first named account holder would in such circumstances be compelled to account for any bonus received by way of transfer equity interest to the other account holders.

**Mr. French:** If I may say so, my hon. Friend is putting the position in a rather artificial way. The bonus

entitlement does not get credited to the first named account holder as an individual but to the account. The eligibility for the bonus is determined by the position of the first named account holder, or, in the case of the Bill, the second named account holder.

**Mr. Davies:** Indeed, but if for some reason the first named account holder is not in a position to collect the bonus, all the other account holders would lose the entitlement to it, as I understand it, except in the narrowly defined circumstance when the second named account holder is a widow, or in the other circumstances that are foreseen in the Bill.

A separate point, perhaps, is the entitlement to equity in a building society. That raises wide issues—perhaps we should look at them in another context—which arise naturally out of our consideration of the Bill. We have already heard that the Bill is permissive. It does not establish what the rules are for recognition of equity interest by customers or depositors of building societies.

The Bill does not establish what rules have to be adopted on that matter by all building societies or mutual banks in this country. It simply permits building societies to extend the rules for recognising second, or subsequent, account holders, in very limited circumstances, as entitled to that equity.

I support the Bill. Indeed, as I have said, I was pleased and proud to be a sponsor of it, but we must recognise—I hope that it will complete its passage through the House this morning—that we have really only just begun to touch the very edge of this important issue. Everybody in this country, when establishing a relationship with a mutual bank or building society, whether as a borrower or lender, should know ab initio precisely what are the rules of the game, to what extent he or she is merely becoming a borrowing customer or depositor, and to what extent he or she is taking an equity interest in that particular bank or building society.

If the rules are different from one building society to another, that is far from ideal. That is known in technical parlance as an informational problem. It is extremely difficult for the ordinary unsophisticated customer to know, when he is offered 5.75 per cent. on his deposit by the Halifax and 5.3 per cent. for the same term and on the same conditions by the Nationwide, the Cheltenham and Gloucester, the Swindon, or whatever. The equity interest that he or she is acquiring by placing a deposit on particular terms may be different in different societies.

It is possible to brief a lawyer to advise whenever one makes a deposit or gets a loan from a building society. Indeed, if one has the enviable financial resources that my hon. Friend possesses, one might even ask three lawyers to give an opinion on that subject—and no doubt get three different opinions as a result. That is not really a desirable situation for the ordinary citizen of this country who wishes to make a deposit.

It would be ideal if it were plain beyond peradventure precisely how one creates an equity interest in a mutual bank or building society; what activity and under what conditions and terms creates that equity interest; and what activity or relationship with those institutions does not create that equity interest. In that case, the Bill would not be necessary, because it would be defined in advance exactly who had an equity interest.

A shared equity interest would be exactly the same as if a share is held in joint names—something with which company law has been familiar in this country for many centuries. As far as I know, no problems, ambiguities or informational gaps exist in that field. That would be a great improvement in the law.

Perhaps my hon. Friend the Minister of State will tell us later that we cannot go that far, for whatever reason, and that what I have outlined would be a rather prescriptive and sweeping form of legislation. If we cannot go that far, the next best thing would be that every building society—I imagine that this could be done simply by secondary legislation or by the kind of rules that my hon. Friend the Minister of State can simply promulgate—should be compelled to hand over to any potential depositor or borrower a clear set of rules setting out precisely at the beginning what rights are being created when a business relationship is started between any citizen and a mutual bank or building society. That is a slightly different position, in which the rules of the different societies remain different.

I suppose that one can say that we should not be too prescriptive in a free society. We should allow mutual organisations to be established on different principles and according to different rules. I find that argument, in many ways, seductive, although it conflicts with the earlier argument that I was making. At least it would be clear beyond peradventure, when somebody enters into a business relationship with a building society, whether an equity interest is being created, how it will be recognised, and, indeed, what it will be worth.

That brings me to my next point: there is an unfortunate degree of confusion at present. There is regrettable obscurity about how one evaluates those equity interests. We are spending a lot of time this morning deciding whether first or second named account holders, whether they are widows, orphans and so forth, should be recognised as having an equity interest in the event that a building society is taken over. We have already agreed in the House that that is an important matter that must be looked at carefully and deliberated thoroughly, which we are doing as a result of the initiative of my hon. Friend the Member for Gloucester.

All that is academic if we do not understand exactly how an equity interest is to be quantified. What is the principle on which it is to be determined? What level of bonus is to be shared out, and on what principle, to the various deposit holders or borrowers in a building society in the event that it is taken over?

It is all very well telling our constituents—those who hold joint accounts, perhaps husband and wife or the other eventualities that we have discussed—that they can rest assured that, in the event of a takeover of their society, both named account holders will stand to benefit, but what really matters to them, if they have a £2,000 deposit, is whether that means that they are likely to get £20 or £200.

**Mr. Deputy Speaker:** Order. I have been tolerant of the hon. Gentleman, but he is going rather wide of the debate. He must bring himself back to it. He knows the point I am making. The debate is not about all building societies or about what should be done in the future. We are debating the Bill in front of us.

**Mr. Davies:** I have the highest regard, Mr. Deputy Speaker—accumulated over the years I have been in this

*[Mr. Davies]*

House—for your judgment in these matters. I stand very much corrected, and I shall try to narrow the focus of my comments.

I have set out the broad lines of the three main points that I wanted to make. I hope that my hon. Friend the Member for Gloucester agrees that one of the valuable results of his initiative in bringing the Bill before the House has been our consideration of the whole area relating to the rules affecting building societies, the framework within which individuals conduct their business with building societies and the extent to which the notion of equity in building societies or mutual companies is recognised in law.

That area will now receive the attention it deserves as a consequence of it having been discussed both here and in the other place. It will be difficult to forget about it now, in the way that we have done for a number of years.

10.30 am

The debates on the new clause, both here and in the other place, represent several good days work by Parliament. We began with the initiative of my hon. Friend the Member for Gloucester, which I much admire. He took outside legal advice from his three law firms. I hope that he and his family remain solvent and that generations of his descendants will not labour under the burden of the enormous liabilities that may have been incurred to pay for the quite awesome degree of professional advice. However, the fact that my hon. Friend was prepared to do that in the interests of better legislation counts enormously in his favour.

However, not content with that, we have also had the benefit of the expertise of many other people—for example, the noble Lords in the other place, parliamentary draftsmen, a Treasury Minister and various officials. We feel a sense of awe when we think of the intelligence that has been mobilised and focused on the text before us. When I rose modestly to my feet today to make a few general comments on the issues raised by the Bill, I found myself somewhat intimidated in taking on such an enormous corpus of wisdom.

The Bill has been carefully and thoroughly considered, and I hope that it proceeds to Royal Assent without delay.

**Several hon. Members** *rose—*

**Mr. Deputy Speaker:** Order. Before I call the next speaker, I warn hon. Members that they must stick to the amendment we are considering, or my patience will become insolvent.

**Mr. James Clappison** (Hertsmere): I shall certainly follow your stricture, Mr. Deputy Speaker.

I welcome the opportunity to make a brief contribution to the debate. Some of what I wanted to say has been covered already and my concerns have been allayed. Nevertheless, it is worth spending some time examining the provisions relating to joint account holders. The Bill went through its stages in this House very rapidly. It then went to the other place, where it received quite radical surgery. It is a technical Bill with drafting complications. Therefore, it is worth taking time to examine the way in which it would remedy injustices.

The time spent examining the Bill in another place was well worth while. It would have been a shame if the debate there had been foreshortened because it produced this important new clause, and in particular subsection (4), which will assist orphans and others in particular circumstances.

It would be churlish of me not to congratulate my hon. Friend the Member for Gloucester (Mr. French) on the Bill. It is an important and worthwhile measure. It is a good example of how private Member's legislation can pass through the House, remedy injustices and help a number of people. As my hon. Friend said, it will assist many widows in particular, often at a time in their lives when they may be short of money and needing assistance.

We need to consider whether other injustices might arise. As I have said, the Bill presented considerable drafting difficulties. I want to make two points. The first and obvious one—although it is not my main point—is the definition in new section 102A(2) of "requisite period", which is set at two years. I appreciate that the purpose of the distributions is to reward loyalty and, as an important part of policy, to prevent the destabilising flow of funds between financial institutions and building societies on the basis of market rumours. I well recognise the importance of that, but is it really absolutely necessary to provide for a period as long as two years? By the time two years has passed, any market rumour will have been lost in history. In this day of electronic communications, rumours pass very quickly.

I am aware that my hon. Friend the Minister of State is conducting a review of building societies. Will he consider whether the two-years provision is necessary? I understand that a line must be drawn somewhere, but the provision might create an injustice for someone who has taken out an account for perfectly proper reasons—taking a long-term view, rather than on the basis of any rumour—within the two-year period. Would not such a person feel aggrieved at being excluded from any distribution?

**Mr. Anthony Coombs:** My hon. Friend touches on an interesting point that was raised by my hon. Friend the Member for Stamford and Spalding (Mr. Davies). It is difficult to quantify exactly what is an equity interest in a mutual society or company. It is possible that, 18 months before the merger or takeover, somebody might have deposited a large amount of money in a mutual society as a share account holder, but he would not be rewarded, whereas someone putting in a nominal amount of money, who could therefore be said to have less of a quantifiable stake, would benefit.

**Mr. Clappison:** I am grateful to my hon. Friend for his comments, which add force to my point. It is an example of how someone who is a serious, long-term investor in a society could lose out.

Although the new clause remedies the problem of orphans, concern remains about the position of married women and divorcees. I want to give the House an example of that, which was also touched on by my hon. Friend the Member for Gloucester. It is clear that we need to read subsections (2) and (3) together to judge their effect in a particular case. My reading of them may be wrong—I am often wrong—but in this case I take some consolation from the fact that the issue has taxed very much better legal brains than mine, in very eminent firms of solicitors. I want to explore, in a brief example, the

effect of the two subsections on marriage and divorce. If a woman is an account holder in a building society and marries, she will create a joint account with her husband. It is a common-place point, but I suspect that that is the way in which the overwhelming majority of the population will create a joint account—as Mr. and Mrs.

Under the amendments, the wife would—to begin with at least—remain entitled to a distribution for two years. Although her husband would be the first-named account holder, he would not qualify until the account had been in joint names for the full two years. That is how I interpret the effect of new section 102A(2)(d).

Under new section 102A(3), the husband would have priority, but he would need to have held the shares for the full period of two years. After two years, he would qualify under paragraph (d) as the person entitled to a distribution, and he would take precedence over his wife, even if she had been the original account holder and had decided, after marriage, to put the account into joint names.

My argument may imply a comment on relations between the sexes, but as long as they remained married a problem would not arise because of their joint arrangements.

My concern involves the effects of divorce on the arrangement under the clauses. The position that I have described may be fairly common. After two years of marriage, divorce may take place. Under subsections (2) and (3), if the couple divorce and split the joint account the husband remains the account holder. As he has held the account for more than two years, he would clearly qualify as the first-named account holder. He would therefore be entitled to any distribution that might take place. A potential injustice exists. As long as he maintains his account with the building society, the wife will not benefit from any distribution, however long she holds the account, or however much longer she held her account at the building society than her former partner.

Under subsections (2) and (3), the only way in which the wife would benefit from a distribution would be if the husband decided to close his account with the building society and take his money elsewhere. She would then become the joint account holder and would be entitled to receive a distribution. That seems to leave the matter, at least as far as the wife is concerned, if not in the lap of the Gods, entirely at the discretion of her husband's decisions. Why should that be? Why should not the wife have a moral entitlement to receive the distribution as the longer account holder? Why should she be put at a disadvantage merely, first, because she placed the account in joint names, in which her husband comes first, as so often happens, and, secondly, as a result of her husband's decisions after divorce? The amendments leave a potential injustice at large.

10.45 pm

I listened carefully to the excellent exposition of the Bill given by my hon. Friend the Member for Gloucester. I accept his explanation about the amendments and about the way in which they came to be drafted. As always happens with such legislation, the more one spreads the net in trying to remedy injustices and prevent potential injustices, the more complications and situations arise. Those who seek to remedy injustices eventually must seek to remedy just some of the injustices, and they may leave further injustices at large.

A problem still exists in relation to divorce. I invite my hon. Friend the Minister to consider that carefully. I know that he is conducting a review of the Building Societies Act 1986. The problem is well worth considering. I do not see why divorced women should, potentially, be put at a disadvantage by the clauses. I wonder whether some other way exists of dealing with the question of distributions, perhaps taking a radically different approach from that proposed in the amendments and going much further towards a recognition of shares.

Obviously, one cannot give people more than one entitlement through an account—that would be unfair to all other account holders. A way must exist of dividing the account to prevent the injustices that I have outlined and other potential problems.

That is the reservation that came to mind after I carefully considered the amendments. It is difficult to draft a Bill such as this and to effect the worthy intention of my hon. Friend the Member for Gloucester, but a better way could be found, perhaps by better legal brains than mine, to deal with the matter so that we remedy potential injustices comprehensively. That should concern the House and is well worth considering.

Otherwise, I warmly welcome the amendments. As I have said already, they will remedy the injustice faced by widows, which is probably the most common injustice arising from the Building Societies Act. It is salutary to think that, I believe, 3 million widows live in this country and that 500 women are widowed every day. A large number of them will hold building society accounts; quite a lot of them will benefit from the Bill because they have been widowed within the past two years. The amendments will do a good job of remedying injustice for many people. My hon. Friend deserves warm congratulations on introducing the Bill.

**Mr. Piers Merchant** (Beckenham): I should start by declaring a minor interest: I hold a small amount of money in a Halifax building society account. As the Halifax is merging with the Leeds building society, I hope that I might benefit by a small sum. Needless to say, the Bill and the amendments from the other place will not benefit me or alter that position.

I congratulate my hon. Friend the Member for Gloucester (Mr. French) on introducing the Bill under the ten-minute rule procedure. It was apparent that something needed to be done to right what had clearly been an injustice. It is a shame that we did not have an earlier opportunity to debate the Bill in this place, even though a fairly full debate has taken place in another place.

It is disgraceful that no Liberal Democrat Members are here today, bearing in mind the fact that the impact of present provision is felt by members of the public throughout the country and in all constituencies. It is important for the benefit of those people and for the many who may be affected by future building society mergers and changes of ownership that the law should be amended. For that reason, I strongly support the Lords amendments and the Bill.

I should like not only to support the amendments but to raise some questions on the clauses that cause me a little concern. I do not wish to frustrate the passage of the Bill, because it will put right the problems to which I have referred and which have become apparent only recently.

*[Mr. Piers Merchant]*

It is worth noting that those problems were caused, as my hon. Friend the Member for Hertsmere (Mr. Clappison) so ably explained, by the artificial limit enshrined in the Building Societies Act 1986—the arbitrary two-year period. In other words, the deregulation proposed in the new clause will solve a problem caused by regulation in the first place.

Although I do not want to discuss the two-year limit in depth, it is relevant to the Bill. Its ostensible purpose was to prevent funds from being moved around in anticipation of takeovers. If such a legal requirement was binding on equity transfers in the stock market it would create a ludicrous situation and would totally change existing processes. Why such a limit, which is far too long, should apply to building societies completely escapes me. To suggest that "rumours", two years before a potential takeover might influence investing habits is difficult to accept in practice. That theory bears no resemblance to reality.

I first learnt about the impact of the 1986 Act when I received a letter towards the end of last year from Mr. Mahoney, of Village way, Beckenham, a certified accountant. He enclosed a letter that he had written to the Cheltenham and Gloucester building society as a result of its takeover by Lloyds bank. It aptly describes the difficulties that the new clause is designed to correct. He wrote of the different criteria that applied:

"Is this fair in husband and wife cases, where there has been support for the Society for many years and unfortunately the husband dies—as opposed to the wife dying? You would give with one hand now and take it back at the worst possible time.

How will a widow feel towards the Society if she is cruelly denied the expected 'cash payment', and, moreover, how do I plan for my other clients where the husband may be unwell and may not live until completion day?"

That professional cited a real problem created by the 1986 Act. My hon. Friend the Member for Gloucester introduced his Bill to remedy such problems.

I took up that case with the Minister of State, Treasury, who wrote back in less co-operative terms than are now apparent from the Treasury and said:

"For the reasons I have set out, we have decided that the controls on takeovers imposed by Parliament in 1986 should remain in place."

I am glad to note that the Government have since realised that there is an urgent need to improve matters. I am glad that they support the Bill.

The background to the need for the Bill is the rapidly changing circumstances affecting building societies. There was a time when one was hardly aware of changes in the ownership of building societies. If such changes took place, they were often the result of quiet mergers between small and larger building societies. That pattern started to change with the flotation of the Abbey National. Since then, two major changes have taken place—the takeover of the C and G by Lloyds and the proposed merger between the Halifax and the Leeds building societies. There seems little doubt that that changing pattern in the operation and ownership of building societies will continue. The difference between building societies and banks is now so blurred as almost to eliminate that distinction in the foreseeable future. The law must now address the fact that many more takeovers and changes in ownership will occur in the future. The 1986 Act is therefore now anomalous because it has failed to match reality.

The new clause specifically recognises reality by protecting second account holders. The existing law discriminates against women in particular. I am sure that it does so through default and that that was not the intention of the 1986 Act. That discrimination may have arisen just because of the convention for the man's name to appear first in joint accounts held by married couples. It is purely a clerical device, yet it has caused legal complexities. It is right to end that active discrimination against women, as set out in the 1986 Act, as urgently as possible.

As I have already demonstrated, the 1986 Act allows for specific practical discrimination against widows—that group in the population who are in most need of support. The account that falls to them might be their only major asset on which they are relying absolutely. The proceeds of the joint account may become more significant to the widow than they did before her husband's death. Such an account is often more important to widows than other accounts are to most of their holders, not least because, apart from all the emotional trauma of widowhood, women often face financial hardship as well. It is grossly unfair for that group of people, of all groups, to be discriminated against. I am glad that the new clause will correct that.

My hon. Friend the Member for Hertsmere quoted examples of problems that have arisen because of divorce. Problems also arise when a newly wed couple separate after two years. A single woman may have held an account at a building society for many years. On marriage, she may decide, for convenience, to put that account in joint names. Should that marriage unfortunately fail and should that woman seek to revert to being a single account holder, she will find that, under existing law—and even, I fear, under the new clause—she will suffer discrimination, should her former husband maintain his account at the building society. That woman may have held that account with the building society for many years in her own name, but by virtue of that sudden change in the title of the account, through marriage, she will, on separation, lose all her rights. My hon. Friend the Member for Hertsmere did the House a service when he drew attention to the problems for women who lose their rights as a result of separation or divorce. I hope that a device will be found to rectify that problem before too long.

Although the new clause gives building societies the power to act differently and to pay out in the cases that I have described, particularly to widows, I regret that that is not a duty on them. The final choice is still left with the building societies. When my hon. Friend the Member for Gloucester referred to the C and G takeover, which was the impetus behind his Bill, he said how, originally, that building society demonstrated a willingness to pay out to all those people to whom the law could enable it to do so. It encouraged a change in the law, so my hon. Friend felt that it would be pleased with the proposed new clause. He then said how the C and G was beginning to step back from meeting that guarantee.

I received a letter from Mr. Evans, the divisional manager of C and G, who had written to Mr. Mahoney. He said:

"C and G shares your views on the 'unfairness' of the situation where a first-named joint account holder dies."

Later, and somewhat erroneously, the letter continues:

"The situation is regrettable, but must have been the Government's intention when passing the Building Societies Act. It is not the fault of C and G."

It is true that the situation is not the fault of C and G, but I am not so sure that it was the Government's intention when the Act was passed. The problem is more a consequence of other intentions in that Act.

The letter continues:

"Unfortunately, there appears little that C and G can do about this situation and I hope that you will recognise that it was always C and G's intention to allow as many investors as possible to share in the Lloyds Bank payment."

As the society has made that clear statement, I hope that it will, once the Bill is enacted, honour its pledge and use the legislation to enable payouts to be made to all those who are defined in the Bill.

11 am

I shall now raise a few other questions, which my hon. Friend the Minister may be able to address, about the full scope of the proposed clause, the extent to which it operates and why it does not operate a little more widely. My hon. Friend the Member for Hertsmere raised the question of the difference between share and deposit accounts. It seems anomalous that people, whether joint or single holders of accounts, should find themselves in a different position as regards bonuses because of the name of their account.

**Mr. Clappison:** I am grateful to my hon. Friend for raising that point. He may know that before one of the building society takeovers, the society in question, before news of the possible takeover had come to light, urged investors to switch from share accounts, which would have given them an entitlement, to deposit accounts which did not. That action was urged on some building society members.

**Mr. Merchant:** That is an interesting revelation and adds strength to the need for further changes to do away with the legal distinction between share and deposit accounts, at least when bonus payments are made as a result of takeovers. From the point of view of the ordinary investing public, there is no discernible difference. I doubt whether many building society account holders are aware whether their account is technically a share account or a deposit account. It is true that building societies sometimes encourage investors to swap from one type of account to another without the investor knowing the full consequences. That point has some relevance to the proposed clause and I hope that my hon. Friend the Minister will address it.

I hope that my hon. Friend will also address, at least to a limited extent, the impact of the two-year limit and why it exists. I hope that further scrutiny will be given to the position of third, fourth and even subsequent names on accounts. I also hope that further scrutiny will be given to the exact definition of eligibility for bonus payments.

In the long term, it may be better if rather than tackling the problem via a complex, technical and narrow Bill—I accept that that is necessary in the short term—we deal with it by legislation that clearly defines who should have the rights and on what basis they should have them. In other words, there would be a positive definition bestowing rights rather than a negative set of regulations which seek to protect individuals and building societies when they wish to exercise the powers that the law gives them.

The simplest way in which to achieve our aim would be to give a clear right based on an account rather than a name. Whoever happened to be in charge of the account would thereby get the benefit of a bonus payment made when there were takeovers.

I have some reservations about the limited scope of the Lords amendments and I believe that more needs to be done. However, I do not want to be carping about the very real achievement of my hon. Friend the Member for Gloucester in getting his Bill this far. I have no argument with the need for the Lords amendments because I recognise that from the point of view of drafting they are necessary to achieve my hon. Friend's purpose. For that reason, I very much welcome them. I wish the Bill a hasty final passage into law.

**Mr. Tom Clarke** (Monklands, West): On a point of order, Mr. Deputy Speaker. Would you allow me to inform you and the House that, during a debate that has been drawn out and repetitive, many disabled people are here in the Palace of Westminster expecting what is called the Barnes Bill—the Civil Rights (Disabled Persons) Bill—to be debated on Report? That will not happen because, yet again, the Government have contrived to defeat the Bill, and—

**Hon. Members:** This is not a point of order.

**Mr. Deputy Speaker:** Order. The Chair will decide whether it is a point of order. I am listening to the hon. Gentleman's point, but it is difficult to do so because of the noise from Conservative Members.

**Mr. Clarke:** The House will not be able to debate the Barnes Bill, which is overwhelmingly supported on both sides of the House and unanimously supported by organisations of and for disabled people, because of the Government's blocking action. There were 100 amendments in Committee—

**Mr. Deputy Speaker:** Order. That Bill is in Committee, and so is not a matter for the Chair. That is not a point of order for me.

**Mr. Clarke** *rose—*

**Mr. Deputy Speaker:** If the hon. Gentleman has a point of order for me that is different from the one he has just put, I shall listen to it.

**Mr. Clarke:** I respect your view, Mr. Deputy Speaker. May I make it clear that the Opposition regard the Government's behaviour on disability as being so outrageous that we shall raise it with the Nolan committee and we shall speak—

**Mr. Deputy Speaker:** Order. That is not a point of order for me and that is the end of it.

**Mr. Harry Barnes** (Derbyshire, North-East) *rose—*

**Mr. Skinner** *rose—*

**Mr. Deputy Speaker:** The hon. Members who are rising may wish to raise the same point of order, but I have already ruled on it. If it is a different point of order, I shall hear it.

**Mr. Barnes:** On a point of order, Mr. Deputy Speaker. My point of order relates to the issue raised by my hon.

*[Mr. Barnes]*

Friend the Member for Monklands, West (Mr. Clarke), but it is a separate point of order. I seek your advice, or advice from Madam Speaker through you, about the procedures that will be available to me once the Civil Rights (Disabled Persons) Bill has made its way through Committee; I am not discussing the quite serious problems in Committee. Once the Bill has made its way through the Committee, what avenues are open to me in my attempt to get the Bill returned to the Floor of the House? I understand that, technically, today is the last day that is available for debates on private Members' Bills.

**Mr. Deputy Speaker:** I can help the hon. Gentleman. The answer to his question is that he must name a day for the Report stage.

**Mr. Skinner:** On a point of order, Mr. Deputy Speaker. You, I and just a few others are regarded as Friday aficionados. We are here to oversee events and you do an excellent job in seeing that hon. Members keep to the narrow amendments, as evidenced again this morning. You will be pleased to know that a lot of us appreciate the way in which you do that job.

Can you assist in any way from the Chair, perhaps by passing on a message to the Speaker, in a matter that I have raised before, which has also been raised by my hon. Friends? Fridays are not satisfactory for getting through private Members' Bills. Do you agree that we are fast reaching the time when, instead of just having debates about relatively narrow Bills, matters that are controversial and important, like the Civil Rights (Disabled Persons) Bill should be debated? Yet we are fast reaching a time when those matters cannot be dealt with. I look forward to new improved Labour bringing about some changes in this matter.

**Mr. Deputy Speaker:** We can all look forward with hope, as I have been doing for a long time—hoping that I may hear a genuine point of order.

**Mr. Darling:** We are having a very long debate on a very uncontroversial new clause, on a Bill which has all-party support and which every one of us in the Chamber would like to see passed into law as soon as possible. It is surprising that the proceedings have been drawn out. Whether it is because of the Civil Rights (Disabled Persons) Bill or the fact that the Government, having returned the Whip to the hon. Member for Billericay (Mrs. Gorman), do not want to hear her speak in a later debate, I do not know, but it is curious that we are having such a long debate.

I shall first deal with the point made by the hon. Member for Beckenham (Mr. Merchant). He seemed to lay the blame for all the problems on too much regulation, especially too much regulation arising from the current legislation on building societies. It may surprise him to know that I tend to agree with him that one of the problems with the financial services legislation in general, and that on building societies in particular, is that there is too much regulation. That is an argument not for no regulation, but for reviewing the quality of regulation and for looking for a system of less regulation which works. It is important that, every time we introduce regulation in this sector, we ask ourselves what is it meant to do and what is it trying to achieve, and if it does not achieve what we want, we should get rid of it and introduce a different type of regulation.

I tend to agree with the hon. Member for Beckenham, although I do not at all subscribe to the view commonly held by Conservative Members—I do not know whether the hon. Gentleman holds this view—that regulations are the problem with the financial services industry and that we should return to the free-for-all, the self-regulatory regime, which I believe has been substantially discredited.

**Mr. Merchant:** May I put it on the record that I agree with the hon. Gentleman's analysis? I was suggesting not that there should be no regulation at all, but that complex regulation which is unclear in its effect is bad. We want a clear set of regulations which people can understand and which are practical.

**Mr. Darling:** I am glad that the hon. Gentleman has made that position clear. Indeed, I suspect that that is one of the reasons why his own Front-Bench team will not introduce new legislation in this sector, or replace the Financial Services Act 1986. They know that, among hon. Members of all parties, the majority believe that the present system of regulation does not work and that we need to revisit it, to draw up a clearer, simpler system of regulation that is readily understood and actually works. If the Government choose to fill some of the empty days that we have just now with Government legislation—

**Mr. Clappison:** On a point of order, Mr. Deputy Speaker. I have been listening to the hon. Gentleman for a few minutes and I seek your guidance on whether he is in order. He is not talking about the amendments at all—

**Mr. Deputy Speaker:** Order. The hon. Member for Edinburgh, Central (Mr. Darling) certainly must have been in order or he would have been ruled out of order.

**Mr. Darling:** As ever, Mr. Deputy Speaker, you are quite right. The hon. Member for Hertsmere (Mr. Clappison) may like to reflect on the fact that one can obtain video recordings of one's speeches in this House, although I have never got one.

**Mr. Duncan:** We can understand why.

**Mr. Darling:** I feel that once, I have spoken, I should leave the matter there. If the hon. Member for Hertsmere would care to nip down to the video kiosk, he would be able to find out that he, too, made what I might call a fairly wide-ranging speech. It is important, if such matters are to be raised, that they should be replied to and dealt with. I have on many occasions made the point about the need to revisit regulations, and I am pleased to see that it appears to have general support. A common thread has run through what Conservative Members have been saying. While they congratulate the hon. Member for Gloucester (Mr. French) on what he has done, they point out that there are still a number of other necessary improvements.

That brings me directly to the hon. Member for Gloucester. May I start in a non-partisan way by congratulating him on his tenacity of effort in the course of getting the Bill on the statute book? He is, at the moment, my parliamentary pair. I say at the moment because the future of that depends on how long he speaks in reply and on the next amendment. Some of us have pressing duties outside the House, some 400 miles away.

At the moment, he remains my pair and I congratulate him. I am also very grateful to him for paying a proper tribute to my former hon. Friend, Lord Dubs, who introduced an almost identical Bill in the other place. All of us were trying to achieve the same thing.

We support what the hon. Member for Gloucester is trying to do. I support the new clause because it deals satisfactorily with the problems with which the hon. Gentleman originally attempted to deal, although I am bound to say that it still leaves many other people out on a limb, which he readily recognised, as have all hon. Members who have spoken.

11.15 am

I shall, however, make one observation. The hon. Member for Gloucester said that the Bill had sailed through all its stages in the House of Commons almost on the nod. In fact, I do not think that a word was said. Now we are having, within your discretion, Mr. Deputy Speaker, a rather wider debate than one may have anticipated on Lords amendments, which are normally dealt with fairly formally. I had exactly the same experience with what is now the Solicitors (Scotland) Act 1988, which passed all its stages on the nod. That is not a satisfactory way in which to legislate. Clearly, there is much interest in this matter, although if the other Bills due to be discussed today had not been tabled for debate, not quite so much interest might have been evinced.

Passing legislation on the nod is not a particularly satisfactory way in which to legislate, which is why I have always maintained that the extension of rights to the second signatories is a matter of public policy, and that the Government should have introduced appropriate legislation. Precious little Government business has been arranged as it is, as we can see from the business for last week, this week and next week. The Government have plenty of time to deal with the matter.

If the Government had introduced an appropriate Bill, they could have addressed the many problems to which Conservative Back-Bench Members have referred concerning people who have not been dealt with, for understandable reasons, by the Bill. The hon. Member for Gloucester was trying to identify perhaps the most glaring problem: the second signatories, typically widows, who are excluded.

The Bill does not of course make requirements mandatory but at least it opens the door, which brings me to the second point that has been raised on a number of occasions: building societies and banks which engage in mergers or acquisitions have discretion in many cases. The Halifax-Leeds proposals are quite different from the Cheltenham and Gloucester-Lloyds takeover. That is why I believe that the time has come to look at the Bill properly so that there are not any anomalies and so that people do not feel aggrieved because they think that they may have missed out.

We take the view that if we are to revisit the legislation, membership should be defined as widely as possible and people who think that they are members of a building society ought to be treated as such. When one goes to a building society and is invited to open an account, usually one does not have a clue whether one is a member and whether one may participate in the building society. I was recently told to change my account at my building society, which is not the subject of a takeover—unfortunately, because if it were, I would command better interest rates. Nobody mentioned, until I asked, that I would lose certain rights. Such practices cannot be satisfactory, and that is yet another reason why the Government should introduce legislation so that we do not have to come back with another private Member's Bill to try to patch up the difficulties to which all of us have referred.

**Mr. Nigel Evans:** The two-year delay has been referred to time and again. When such a delay was first raised by the Abbey National, we talked about six months. A number of widows still suffered because they had to keep their account there for six months and there had to be no alteration. Now we are talking about two years and four times as many people will be affected. Should that not be looked at?

**Mr. Darling:** I am happy to look at the two-year delay. I understand fully why it is in the Bill—to stop people shopping around. I am pretty sure that a large section of the population are now opening accounts in every building society that they can think of. The stable door is now slammed shut, but everybody is outside it. We should consider that question and we should ask ourselves—I return to the point that I made in my introductory remarks—what are we trying to achieve.

It is obvious that there will be a spate of takeovers. I spoke at a building society conference in October and said that I believed that there would be a lot of takeovers. I was told emphatically time and again that I was talking nonsense. The more that the building society people went on about it and said that it would not happen, the more that I thought that I had a point. In my experience, the more that people protest, the more one thinks that they may protest too much.

In that short period since October, we have seen a spate of takeovers. Only recently, the Abbey National has shown an interest in the National and Provincial. Such developments are another reason for the Government, who are supposed to be responsible for public policy, to take a hand. It may be too late to do that this Session, but a new building society Bill for the next Session, should not be beyond the Government's imagination. It is difficult to see what Ministers are doing at present, so that task is one to which they could give their attention. When the Treasury Minister comes to speak some time before 2.30 pm, perhaps he will explain the Government's proposals and comment on the general question of regulation.

There will be a spate of takeovers. Conservative Members highlighted a number of problems and I highlighted others. If we are to consider building societies, let us consider every aspect of them. Building societies have for a number of reasons enjoyed a great public trust, and justifiably so. It is not for us to say that building societies must retain their mutual status, but when the public are encouraged to surrender that status for a payment of £1,000, public policy considerations should to be taken into account.

The nature of building societies and the way in which they conduct their business are beginning to change. I referred earlier to the Office of Fair Trading report on the sale of endowment mortgages. I urge an inquiry by the Personal Investment Authority, and I want mortgage sales properly regulated. Many building societies have got away with things that other institutions would not have got away with because the searchlight was on them. The insurance industry was under the searchlight because of

*[Mr. Darling]*

pension transfers. Banks have always been under the searchlight because of their charging regimes. Building societies have in some cases been getting away with murder.

I must not stray and test your patience too much, Mr. Deputy Speaker, but the point has been made that it is time thoroughly and comprehensively to review building society legislation. It need not take long. If the Government are prepared to review the Financial Services Act 1986, which has a direct bearing on the way that building societies conduct their business, so much the better.

I end as I began, in an unlikely alliance with some Conservative Members. We all know that the regulatory system is not working. Why will not the Government face up to that and introduce reform to benefit the hundreds of thousands of people who hold building society accounts and the millions of people who trade or operate in the financial services sector? They will look to the Government to take a lead, but I fear that they will look in vain.

**Mr. Anthony Coombs:** I agree with the hon. Member for Edinburgh, Central (Mr. Darling) that existing financial services regulation needs overhauling, particularly in respect of mutual and building societies. Coincidentally, there was provisionally to appear on the Order Paper today my ten-minute Bill, which I introduced two months ago, on an insolvency commission to beef up self-regulation.

The reason for lengthier debate than usual on Lords amendments is that we were unable to debate my hon. Friend's Bill when it first came before the House and the Lords amendments have significantly changed the Bill. I must declare an indirect interest, as my wife and son have a share account with the Cheltenham and Gloucester building society. Sadly, they are among the 27 per cent. of account holders who will not benefit because they have not held the account long enough.

My hon. Friend the Member for Stamford and Spalding (Mr. Davies) said that the Bill is an enabling measure. Although it addresses a particular inequity, it does not address all the inequities inherent even in the Cheltenham and Gloucester case. Although the two-year time limit in section 100(9) of the Building Societies Act 1986 seems to apply to that merger and to investors—of whom my wife and son are examples—it does not apply to depositors. If an account was opened before 31 March 1994, according to *The Guardian* report on the takeover in the Library brief, its depositor will not be eligible for the £500 per account. An enabling Bill does not necessarily mean equity, but I congratulate my hon. Friend the Member for Gloucester (Mr. French) on his initiative on behalf of about 5,000 widows in the Cheltenham and Gloucester areas.

I am surprised that the hon. Member for Cheltenham (Mr. Jones) is not present for the debate. I am sure that he will be the darling of widows in Cheltenham and Gloucester and much further afield, and that there will be many more merry widows. I do not mean to be facetious or light-hearted, because although the Lord amendments remedy an inequity, that relates to a bonus that society members could not have anticipated. I cannot agree with Lord Dubs who, introducing his similar Bill in the other place, spoke of extreme hardship. That cannot be associated with not receiving a bonus that one could not have expected. Nevertheless, I am sure that my hon. Friend the Member for Gloucester will be warmly congratulated by the widows and others who will benefit from his Bill.

Such legislation will become increasingly important. There are 3 million widows in this country and, sadly, that number increases by 500 every day. As the hon. Member for Edinburgh, Central rightly said, rationalisation in the building society sector is proceeding apace and will continue. In addition to the Lloyds-Cheltenham and Gloucester merger, there is to be a merger between the Halifax and Leeds Permanent societies, and between the Abbey National and Provincial. Such mergers will be all the more likely, and bonuses all the more significant, if the Government adopt the deregulation task force suggestion that 5 per cent. of the value of a society taken over by, or merged with, another financial institution should be given as bonuses, compared with 1 per cent. at present, without a vote by members of the acquiring institution.

My hon. Friend the Member for Gloucester said that the Lords amendments address the flaw that confuses eligibility for a bonus with voting rights. One does not, and should not necessarily, follow the other. That interacts with section 100 of the 1986 Act. Schedule 2 of that Act defines representative joint holder. It would obviously be wrong for former wives, women who previously held an account in their own name and subsequently married or women who are the second account holders to be disfranchised if their spouse or a member of their family died. I was glad that my hon. Friend the Member for Gloucester was able to clarify that Lord Inglewood's amendment covering the situation when both parents die is taken into account by subsection (4).

Although the Lords amendments may be more rigorous in terms of the parliamentary draftsman, they are not necessarily more elegant than my hon. Friend's original proposals, following his expensive legal advice. In fact, the Lords amendments are precisely the opposite. It is ironic that my hon. Friend's Bill, which will benefit widows in the Cheltenham and Gloucester case, will benefit many others—but not in the Cheltenham and Gloucester case because that offer is particularly applicable to widows rather than to others caught by the situation.

It is also ironic that we are debating a relatively small amount of money—albeit significant to the individuals concerned. I note, as a surrogate member of the Cheltenham and Gloucester, that its chief executive, Mr. Andrew Longhurst, will, as a result of the merger, be able to exercise share options valued at four times his already substantial salary and emoluments, which are in the region of £350,000. One should consider—

**Mr. French:** My hon. Friend's statement implies that Mr. Longhurst might make that profit. It should be said that he is entitled to exercise options to that value, and the shares on which he will exercise his options can increase or decrease in value.

11.30 am

**Mr. Coombs:** I appreciate that. The takeover by Lloyds bank probably makes the former rather than the latter slightly more likely, and therefore he will benefit significantly.

Mainly because the Bill has been more narrowly defined to speed its passage through the House, it does not tackle the position that has been tackled by Lord Dubs in his new Bill on switched accounts—the position that arises when an investor switches, during the two years, from a deposit to a share account and possibly back again and, as a result, loses their eligibility for bonus.

I urge the Government, contrary to what Lord Henley said in the other place, to back that Bill. Although it is another example of the piecemeal legislation that we have said is not necessarily desirable in that sphere, it is a simple measure, and I hope that it would remedy that inequity, as the Bill of my hon. Friend the Member for Gloucester remedies the one that we have discussed.

As the hon. Member for Edinburgh, Central (Mr. Darling) said, the Bill should be regarded in the context of other desirable measures that are required to improve the accountability of building societies to their members. Obviously, indirectly, a clearer definition of what a member is in a mutual society should be part of that review. The definition of a member appears to be, not chaotic, but at least inconsistent.

I have a great deal of sympathy with what hon. Members, especially my hon. Friend the Member for Ribble Valley (Mr. Evans), said when they spoke about the two years and whether that period is necessary in a time when technology has speeded up the financial process.

I am pleased to see that the Minister of State, who will reply to the debate, said in a written answer on 24 February 1995 that the Government are committed, through primary legislation, to a series of measures that will make the relationship between building society members and building societies and other mutual funds more transparent. I especially express my support for an ending of the artificial distinction between shareholders and depositors as part of the definition, which was mentioned earlier. I also welcome the idea that any person who becomes a member of a building society should have a pack at the start, telling them of their rights. If we wish to ensure transparency in the relationship between a building society and its members, it is important that we improve the way in which building societies communicate with their members.

I have received several complaints from constituents about building societies, and other financial institutions, which have not informed their depositors or members of changes in interest rates on accounts, or of accounts that may have been withdrawn or effectively become sidelines for the mainstream operations of those building societies. As a result, perhaps as a result of their ignorance, those people have found themselves in lower-yielding accounts. That should not be necessary if they are given a regular update about changes in interest rates on different accounts and about what new accounts are available. I suspect, although probably it would be churlish to say so, that some financial institutions—certainly not the building societies about which we have spoken today—use that ignorance to their advantage and therefore are slightly more reluctant to communicate with members about changes in interest rates than they should be.

I urge the Government to introduce the primary legislation, which should be simplifying primary legislation, deregulating primary legislation, but nevertheless effective primary legislation. Subject to those reservations, I very much support the Lords amendments and congratulate my hon. Friend the Member for Gloucester on the work that he has done.

**Mr. Duncan:** My hon. Friend the Member for Gloucester (Mr. French) is in an unenviable position now, as obviously, if the legislation is passed, he will be besieged by a long line of rich widows in his constituency, wishing to express their gratitude.

The Bill will remedy an injustice. I support the clause which has been amended in another place, but, as has been said this morning, although that solves a problem, it does not solve some remaining problems. We are simply tackling an injustice which was seen, which was clear, which was understood, and which needed to be tackled formally so that a building society could properly pass on to its account holders the money that is obviously seen to be due to them. Even now, the Bill only permits building societies to do so; it does not compel them to do so.

However, the issue that I want to mention this morning, and which I mentioned in an earlier intervention on my hon. Friend the Member for Gloucester, is that we must look behind the clause at the regime that will remain even when it has succeeded in tackling the specific issue that the clause tackles.

My hon. Friend the Minister and I have been in correspondence through questions about the building societies ombudsman. It strikes me that the clause does not, but could, try to draw together the two extremes of the regime, the better to bring about the redress of grievances of building society account holders.

At the moment, the Bill tackles the specific problem, but there are other aspects in which it is obvious that a category of saver has been affected by a decision, but that category of saver will not have its problems solved under the current regime.

Let me give an example. I tabled a question to my right hon. Friend the Chancellor of the Exchequer, asking whether he would introduce changes to the Building Societies Act 1986, which is the Act amended by the legislation before us, so that, when the building societies ombudsman confirms that maladministration is proven against the interest of a category of saver, all such savers should be recompensed, not only those who have registered a complaint.

Under the regime of the building societies ombudsman, if an individual has had his account wrongly administered, that is specific to the individual. However, when an individual says, "Look at the way that the society has handled every single account of the sort I have," a reference to the ombudsman will give the redress of grievance only to that individual and not to all similar holders of the same account who have had their account administered.

We therefore have a complete stand-off. My hon. Friend the Member for Gloucester has introduced primary legislation specifically to tackle a problem, yet

*[Mr. Duncan]*

there are many other similar states of affairs where the ombudsman can only tackle the problems of an individual and not those of the whole category.

My hon. Friend the Minister of State, in answering my question, said:

"The purpose of the Building Societies Ombudsman scheme is to provide an alternative to legal action for settling individual disputes between societies and customers. Each case must be decided by the Ombudsman on its merits and the details of any two complaints are seldom identical."

I agree with him. I think that is right. However, he also said:

"it would not be appropriate for the decision of the Ombudsman in one particular case to be applied automatically to a number of other cases which had not been submitted to him."

I believe that that is rather disingenuous and wide of the mark, because it is quite possible—there is an example in the amendment in the clause that my hon. Friend the Member for Gloucester will, I trust, succeed in passing through the House this morning—that an individual case brought in the regulatory regime of the 1986 Act can highlight a single problem that applies to a category of saver. However, the system at the moment does not allow the effect of that individual's complaint automatically to apply to all people who are in the same predicament. That is wrong.

I should therefore be grateful if the Minister of State would consider once again the role of the ombudsman and the guidelines in the 1986 Act, which either would allow him to call on a building society to remedy such a defect for all its account holders or to continue with the regime whereby the Government simply allow the individuals to be picked off one by one, and the overriding problem is not solved.

If my hon. Friend the Minister of State could take that issue on board, it would solve the problem of the amendment dealing with only the problems identified by my hon. Friend the Member for Gloucester and leaving many other problems unsolved.

All we are asking for is a little nod and a wink from the Treasury suggesting that the Building Societies Act 1986 should include an understanding that where malpractice or simply injustice involving one category of saver is identified—such problems are normally identified by straightforward, common-sense observation—such difficulties can be addressed without the need to resort to more primary legislation of the sort that my hon. Friend has successfully brought before the House this morning.

Such a measure would solve the case of one my constituents, Mr. Adams, who spotted a deficiency. All similar account holders will not obtain redress unless they burden the building societies ombudsman with a series of individual cases that are exact repeats of the one brought before the ombudsman by Mr. Adams.

I fully support the amendment, and urge my hon. Friend the Minister of State to look behind it and go further. I urge him to tweak the way in which the Building Societies Act 1986 works, so that it can improve the regulatory regime and address the specific problems which we know exist and which are not covered by the provision before us. By that simple step forward, we would have achieved a greater, more effective and more just regime for building society account holders.

**Mr. Nigel Evans:** I congratulate my hon. Friend the Member for Gloucester (Mr. French) on his persistence in ensuring that the problem is resolved. I understand that, if the Bill is not enacted by 31 July, 5,000 widows will lose their entitlement to bonuses. There is a definite need to get the problem sorted out. In addition, as the hon. Member for Edinburgh, Central (Mr. Darling) said, more mergers and takeovers will probably happen in future. If that is so, many other people could encounter the same sort of problems. We must get the difficulty sorted out as quickly as possible.

I was in the House on 10 February when the Bill passed to another place. There was no debate then. There is consensus in the House that the Bill should become an Act. It is therefore important that we have the opportunity today to discuss one or two aspects of the Lords amendments that we believe will improve the legislation, so that many more people will benefit from it in future. As has been said, the Bill does not sort out all the anomalies. As was said in the other place, we want to ensure the Bill's swift passage. We may want to add all sorts of things to the legislation to improve it for many people, but in so doing we could jeopardise the Bill's passage.

The legislation is extremely technical, although it is a short Bill in itself. Many of us have spoken today about the two-year period during which the account should remain exactly as it is in order for someone to benefit from the bonus. As has been said, that provision should be considered in future. Two years is far too long a period.

I can understand the reason for having a length of time over which the account should have been opened. I can imagine the switching of accounts that would take place, particularly with the current speculation on mergers and takeovers, but I also agree with the hon. Member for Edinburgh, Central that there must be many people in this country who hold accounts with many building societies just in case there could be a future merger or takeover. That is not a problem that troubles me, as I have no money. I have been blessed with that, and I do not need to open accounts everywhere, but a number of people must be opening accounts all over the country just in case.

I am delighted that the new clause will have the same effect as that of the original Bill that my hon. Friend introduced on 10 February. It is most important to consider those widows who lost out under the Abbey National flotation of 1989. The account had to be opened and not changed for six months. Many widows lost out then, which was when the problem first arose. Now, with the two-year period, far more people will be affected.

11.45

My hon. Friend the Member for Wyre Forest (Mr. Coombs) made an important point when he asked whether we should get so worked up, and said that some people think that it is only a bonus, not something that they already had. He said that we cannot talk about great deprivation when someone has never had the bonus in the first place.

I have never accepted the notion that what one has never had in the first place, one will not miss. I am sure that there are many people who, like me, look at the six

numbers in the national lottery on a Saturday night, realise that they have lost and feel a sense of trauma because they have already spent the money in their imagination, and have lost. However, we must address the problem of injustice, which is what my hon. Friend the Member for Gloucester is doing with his Bill.

**Mr. Anthony Coombs:** It is not deprivation.

**Mr. Nigel Evans:** It is not deprivation, but we want justice to be seen to be done for many people.

There is also a problem involving the account details of newly married couples, which will, in many cases, be changed when new joint accounts are opened. There is no sense in that action resulting in people losing their bonuses. There is almost a common-sense justification for keeping both accounts open in an existing building society and not changing the details.

My hon. Friend the Member for Hertsmere (Mr. Clappison) has already said that there will be other problems for those who get divorced. That matter also needs to be considered. I understand that there was an initial prospect of reference under the Sex Discrimination Act 1975 because it was felt that the policy discriminated against women. It was decided not to progress with that measure, because it was felt that one did not necessarily have to open a joint account as Mr. and Mrs.

In 99.9 per cent. of cases, those accounts would be opened as Mr. and Mrs. when the married title is included. I know of no couples who are known as Mrs. and Mr. That is an anomaly, irrespective of whether one is not allowed to open accounts in the customary fashion of Mr. and Mrs. That issue must be considered.

Although the issue of third and fourth subsequent holders of joint accounts is not covered by the amendment, it needs to be looked at. I understand why, for the sake of the Bill's simplicity, it has not been addressed now, but I hope that it will be addressed in future. As my hon. Friend the Member for Rutland and Melton (Mr. Duncan) said, that may be something for the building society ombudsman to look at in future. Perhaps his powers will enable him to address such anomalies. I am sure that there will be many more problems that we have not even mentioned today.

It is also significant that the amendment deals with the situation in which a joint account was held and the mother and father die, leaving a son. I congratulate Lord Inglewood on dealing with that problem.

The legislation is not a cover-all; there will be many other anomalies in future. But so many people will lose if we do not resolve the problem that we must ensure that the Bill is enacted as quickly as possible.

I am therefore delighted to support the legislation. I hope that it passes through the House as quickly as possible, so that we can help the many people who will lose if we leave it as it is. I congratulate my hon. Friend the Member for Gloucester on his persistence and determination in ensuring that a wrong is put right.

**Mr. Jenkin:** I join my colleagues on this side of the House in congratulating my hon. Friend the Member for Gloucester (Mr. French) on bringing the Bill to this stage. I look forward to seeing it reach the statute book.

Some aspects of the new clause represent a continuing trend rather than an end to the argument. We are perhaps opening the way to allow the transfer of accounts through a chain of account holders without losing equity share, and staying within the guidelines of the two-year rule. We are perhaps also creating a situation whereby litigation may lead to splitting accounts which would continue to hold equity within the building society.

The point I shall address specifically—I will speak only briefly in the debate, as I wish to see the Bill progress—is the fact that the Bill's provisions are not wide enough. The two-year rule was introduced to prevent new account holders from opening accounts with a building society immediately before a change of ownership. Building societies were not designed for the transfer of ownership in that way.

The issue we are addressing has arisen because of the trend for building societies to become more like banks, including in their manner of ownership. This issue shows that we have not found an equitable way of distributing the ownership of building societies among their members. I do not believe that sticking-plaster efforts such as the two-year rule, followed by amendments such as the Bill, address the whole question.

Unless we plan to allow building societies to remain rather diverse institutions, they shall continue to be forced to become more and more like banks. If that is to occur, surely it is sensible that they should be owned in the same way as banks. The ownership of those societies should be transferable among account holders in the same way as shares are transferable among the stockholders in a bank. Maintaining the fiction that building societies are owned by their members is to maintain an uneven distribution of their ownership.

My hon. Friend the Member for Wyre Forest (Mr. Coombs) referred to the heads of building societies receiving large financial benefits from a change of building society ownership. One can see why there is a temptation the ownership of building societies to change. Senior executives in a bank that has a full quota on the London stock exchange can raise their sights and advance their careers far more readily than those who are trapped in an institution such as a traditional building society.

One suspects that there must be a temptation for chief and senior executives of building societies to merge with other financial institutions not directly for the benefit of their members. They can limit the benefit to members; they can sugar-coat the pill in order to gain the consent of members who did not join the society originally to secure a capital gain.

**Mr. Darling:** I am interested in what the hon. Member is saying. Does he agree that nothing would do more to damage the reputation of the building society movement than if its chief executives indulged in excessive share options and rewards in the course of takeover bids? If the Government are looking at introducing legislation in connection with building societies, they should ensure that that sort of irresponsible and greedy behaviour does not occur in the building society movement in the same way as it has occurred within the privatised utilities.

**Mr. Deputy Speaker:** Mr. Patrick Jenkin.

11.45 am

**Mr. Jenkin:** It is Bernard, actually; my stature has not grown to that extent.

I do not wish to cast aspersions on any senior executive in any building society. Whereas the hon. Member for Edinburgh, Central (Mr. Darling) leaps immediately to the

*[Mr. Jenkin]*

conclusion to which the politics of envy lead him, I refer to the temptation that must exist because there is no instantly fair and equitable way to distribute the benefits of a change of building society ownership .

I ask the Minister of State to consider whether we should make membership of building societies transferable. By all means still apply the two-year rule; building societies are not intended to be instruments of speculation, and the two-year rule would preclude short-term speculation. Why should not an individual who has a potential or an actual benefit in prospect as a result of holding a share account in a building society be allowed to sell that benefit to someone else in some kind of regulated market? We could speed up the process by adding some equity to it.

Once ownership became directly transferable through the holding of accounts, control would be gained through the acquisition of enough accounts. I think that that would be a fairer way in which to transfer ownership, provided that there was legislation—perhaps similar to that which applies to the transfer of companies—in order to prevent the suppression of minorities.

I leave that thought with my hon. Friend. The Bill addresses cases of injustice. Many of my constituents have written to me about the Cheltenham and Gloucester building society, and I am pleased to see their cases have been dealt with. However, we have not faced the truth about the way in which building societies are developing. They are evolving into completely different types of institutions.

They were invented originally as local, mutual self-help groups for borrowing and lending purposes, but they are becoming vast financial institutions, which, thankfully, are having a very positive effect on retail banking in this country. They are making the market much more sophisticated. Many more accounts are held per employee in building societies than in the average retail bank. That will have the positive effect of forcing efficiencies to occur in retail banking in the future.

We are not yet facing the full consequences of the development of the building society industry in this small measure, welcome though it is.

**Mr. Nelson:** This has been an extremely valuable and thoughtful debate on the Lords amendments to the Bill introduced by my hon. Friend the Member for Gloucester (Mr. French). I join those hon. Members who have welcomed my hon. Friend's initiative and endeavour, the manner in which he has spoken to the amendments today, and the efficient organisation that has enabled his original ten-minute rule Bill to reach its final stages in the House of Commons.

Many thousands of people outside the House—not least in my hon. Friend's constituency—will be very grateful for the efforts that he has made on their behalf today. The Government are also grateful to my hon. Friend, and we are happy to pay a tribute to him today.

There are some 37 million building society accounts, and this debate will be of keen interest to those account holders. Although the purpose of the Bill and the amendments that we are considering are somewhat narrow, wider issues have been raised in the course of the debate which will have a resonance and will generate interest far beyond this place. Some 37 million building society accounts means many account holders. Therefore, I was very surprised to hear Opposition Members suggest that we were dragging out debate on this very important issue.

It is not for us to determine the priorities of business in the House today, but as you will have observed, Mr. Deputy Speaker, that it is almost exclusively Government Members who have contributed to the debate. Not a single substantive speech has been made by a Back Bencher from either the main Opposition party or any of the minor Opposition parties. Of course, the hon. Member for Edinburgh, Central (Mr. Darling), as always, made a pertinent speech, and I shall endeavour to say a word or two about that in a moment.

12 noon

However, it should not go unmentioned that there has been virtually nobody on the Opposition side of the House today. People will make their own judgments about how real an interest the Labour Opposition take in the matters of personal finance and savings that are of such importance to my hon. Friends, as demonstrated by their presence and their speeches.

It is certainly not true, as the hon. Member for Edinburgh, Central alleged, that we have dragged out the debate in any way. I know that he is anxious to get away, because he said so, but I intend, as usual, to do hon. Members the courtesy of responding to the points that have been raised.

The speech by my hon. Friend the Member for Gloucester spoke for itself, and I have little to add to it. He presented the arguments extremely well for the amendments moved by Lord Henley in another place, and he has also demonstrated that he has been flexible within the narrow intention of his Bill in trying to deal with a wider range of anomalies that have arisen during the takeover.

My hon. Friend the Member for Stamford and Spalding (Mr. Davies) raised a theme that has subsequently been reflected by others—the nature of people's interest in mutuals, whether mutual banks and building societies or friendly and provident societies, of which there is a substantial and long-standing tradition in this country.

The 1986 Act provides that investors and borrowers are members of a building society. Linking what my hon. Friend the Member for Stamford and Spalding said with what my hon. Friend the Member for Colchester, North (Mr. Jenkin) said, it is important to appreciate that mutual societies are those in which, historically, people have had a provident interest, and a joint and several participation in the whole of the assets and the organisation.

Often, that mutuality springs out of the provident requirement that in certain circumstances they will obtain benefits. Although those have become more closely defined and structured with the development of building societies and their service accounts, the fundamentals remain the same.

With all due respect to my hon. Friend the Member for Colchester, North, who seemed to imply that mutuals should in some way become companies, or non-mutuals, with members having shares that could be traded, it would be difficult to move from the status of a mutual to a traded interest in non-corporate concerns. However, I should like to reflect on what he and others have said about that idea.

My hon. Friend the Member for Stamford and Spalding said that, when people join a building society, they should know rather more about the nature of the mutuality and the interest that they are acquiring, be it latent or direct, in that society, and about their rights therein. Indeed, that has been a theme and a conclusion of both stages of the review of the Building Societies Act 1986, which we have now finished.

My statement at the end of that review made it clear that we intended to introduce requirements to ensure that building societies communicated clearly, and as a matter of course, with their members about the nature of their interests and about the rights, entitlements and responsibilities involved in taking out an account. Indeed, many already do that. Much progress has been made, but until the recent spate of mergers, conversions, takeovers and proposed takeovers, many people were unaware of the latent interest that they had in their building societies.

My hon. Friend also asked how those values should be assessed. That is a difficult issue, given that people have varying amounts in their accounts, and do not necessarily deposit a given amount in a building society account on the basis that they are buying an increased share of the net assets of the business or of its profitability. Presumably they deposit money on a market basis, seeking to obtain a reasonable rate of return on their savings. It does not necessarily follow that the value of their interest in the society, or the value of the society as a whole, can be assessed on that basis. However, when a society is valued, as has had to be done by the commercial and financial advisers of the companies that have made bids, that is done on a conventional basis.

Both in the 1986 Act and subsequently, we have been anxious to ensure that building societies as a movement continue, and that to the extent that change and amalgamations take place, and the number of building societies is whittled away by takeovers, that should happen in an orderly way.

At the turn of the century, there were more than 1,000 building societies; there are now about 83. Recent events have led to some speculation that that process of diminution of the sector may gather pace. I do not know about that, and it is not for me to urge the process on or to speculate about it. But I am concerned to ensure that the good banking and savings practices of building societies, which have proved enormously popular, are not done away with. To use the colourful phrase that I used at the time, I do not want there to be a duck shoot of building societies.

For that reason, in the initial stages of the review of the Building Societies Act 1986, we tried to ensure that we did not reduce or sweep away through repeal of that Act the thresholds and requirements placed on bidding companies, so that we did not make it even easier for them to decimate the building society sector.

On the other hand, no Government should be in the business of trying to preserve a sector or institutions against the interests of its customers and members. In striking that right balance, the Government have sought to introduce measures to increase not only the powers but the accountability of the building societies, and thereby to bring them up to date.

**Mr. Jenkin:** If transfers of ownership are purely in the interests of the customers, why are they always given a windfall gain on transfer? Why is not the benefit of a transfer of ownership an end in itself? It seems to me that the point of transferring ownership is to release the good will contained in the businesses, because the building societies are businesses at the point of their being transferred.

If they are to be treated as businesses, there is a case for the proper and fair distribution of the equity, rather than an arbitrary distribution of equity by means of a fixed bonus distributed to various account holders, with other people benefiting in different ways.

**Mr. Nelson:** I agree with the latter part of my hon. Friend's intervention, but he will be aware that it is possible to make differential consideration offers to members of building societies in the event of a takeover. That is not possible with share distribution. If shares were offered by way of consideration, there would have to be a standard offer in the case of a takeover. However, certainly for those who have been members for more than two years, cash incentives of differential levels can be provided over and above that. I believe that the proposals of the Halifax and Leeds merger and conversion may intend to provide for such a procedure.

I hope that my hon. Friend was not suggesting that building societies do not have a value. They do, and that has to go somewhere on takeover. Clearly it would be wrong if it just went, for no consideration, to the bidder. There is a value that is owned by the members of the building society, and can only be owned by them. It is not owned by anyone else, such as the executives or other people with no equity interests in the society.

The aim is to come to a fair conclusion about how one can estimate the individual value within the building society, given that there is no natural share, and bearing in mind the fact that the amount of money that people may have in a building society account is not necessarily a representation of their true interests in that society, because they may have deposited the money only yesterday. That is not necessarily a sign of an abiding interest in the growth and development of a society.

My hon. Friend the Member for Hertsmere (Mr. Clappison), in an excellent speech, asked, as did others, whether a period as long as two years was necessary. The 1986 Act, which set the period, was inevitably arbitrary. Some rough justice does occur as a result. The fact that the Act included this proviso or precondition, specifically to prevent the sort of building societies' duck shoot to which I referred earlier, is open to criticism; but it was designed to ensure that any change should be orderly and that there would be no disorderly movement of funds between building societies in speculative ways.

There may be better ways of tackling the problem, but we cannot think of one that is significantly more equitable than the provision set down in the original legislation. It is a fact which the House must recognise that lots of anomalies do and will continue to flow from the arbitrary and capricious nature of a two-year threshold.

My hon. Friend the Member for Hertsmere was also worried about injustice that may occur following divorce—as was my hon. Friend the Member for Beckenham (Mr. Merchant). The problem that arises is that many people would consider it inequitable if a single joint account gave rise to two bonus distributions. Who precisely should qualify? It is a difficult choice.

*[Mr. Nelson]*

For divorce, it would be wrong to stipulate in legislation that both people, on separation of their marriage and their account, should have rights to consideration, because that would be to impose a settlement on the divorce process itself. Where there are assets on divorce, the couple's worth should be assessed, and would be subject to judicial separation. So I do not think that it would necessarily be right to carry forward separate and new entitlements to consideration by way of shared distribution.

The rule is that, when the first named account holder continues as a member of the same society, he or she will be the beneficiary of such a distribution. I agree that that can sometimes be seen as a little rough, but I am afraid that it is almost inevitable, given the undesirability of a dual distribution from what was one account. I reiterate, however, that I shall reflect on this and other points raised in the course of the debate.

My hon. Friend the Member for Beckenham spoke about the changing structure of building societies, which he said should be reflected in law. Indeed it is. It forms the basis of many of the substantive conclusions to emerge from the first and second stages of the review.

My hon. Friend also asked whether the Bill's scope was wide enough—for instance, where deposits are concerned. Lord Dubs has introduced a Bill in another place. We must wait and see what progress it makes there, but it would deal with part of the problem. That Bill, however, applies only to people who move from a share account to a deposit account, and not vice versa—whereas it is my impression that most of the problems arise when people move from deposit accounts to share accounts.

We have been looking into this matter. The House will be aware that one of the recommendations that I have announced as part of the review is that we should do away with the differentiation between a member's account and a deposit account. Most people going into a deposit account with a building society have not been aware that they are doing away with their enfranchisement rights in the society. We intend to put a stop to that.

The hon. Member for Edinburgh, Central spoke of anomalies, and made the slightly carping point that the Government, not my hon. Friend the Member for Gloucester, should have introduced the Bill. I certainly do not think that I could have done more justice to the issue than he has done, and I have no complaints about the fact that he is taking the Bill through the House, not I.

The hon. Member made a point, which you, Mr. Deputy Speaker, were kind enough to allow, about endowment mortgages, which of course are of topical interest. I cannot deal with them at length today, but I shall read carefully Sir Bryan Carsberg's report on endowment mortgages. I do not intend to give a peremptory reaction to it today.

The hon. Gentleman will be aware that endowment mortgages, unlike repayment mortgages, are covered by the Financial Services Act 1986; and that, from the beginning of this year, the new regime for disclosure will—we hope and intend—substantially improve the avoidance of problems of mis-selling. I shall wish to consider carefully the cases that have given rise to concern—especially the disappointing persistence rates with endowment mortgages, which are referred to in the report. I shall also wish to examine methods of redress to allow people who feel that they have been sold a pup to go most legitimately to the regulator.

**Mr. Darling:** I am grateful for the Minister's remarks, but I wish to press him on this point. He said that he was willing to consider cases of redress. Presumably he is not inviting people to write to him personally. Would it not be better to ask the current regulator, the Personal Investment Authority, to investigate these matters, so that, if people think they have a problem, they can go to someone to have them investigated?

12.15 pm

**Mr. Nelson:** I said what I said not because I am uninterested but because it is not appropriate that people should write to me about these issues. I shall want to read the report before saying what, if anything, I think should be done. But it is a matter of fact that people can go to the regulator about mis-selling if they feel aggrieved. I want to consider whether there are implications for the PIA in all this—but I do not want to be drawn any further today.

My hon. Friend the Member for Wyre Forest (Mr. Coombs), who was courteous enough to let me know that he could not stay for the rest of the debate, said that the Bill did not deal with people switching between accounts. He was rather in favour of sweeping up such circumstances in legislation. But, as I said before, we are ending the distinction between deposit accounts and shareholder accounts: that should largely deal with the problem.

Moreover, as I have told a number of hon. Members in correspondence, my hon. Friend's point would not solve any problems in respect of Lloyds bank and the Cheltenham and Gloucester, since legislation to enfranchise such people for distribution would have to be retrospective, and that would not be justifiable.

I also rather doubt whether people who have had a deposit account in a building society for some time and who then suddenly switch to a member's account in that society should be entitled to a distribution. This, too, may be one of those areas of rough justice owing to the demarcation set out by the two-year rule and all that flows from it, but we have no proposals at present to move beyond what is set out in the Act.

My hon. Friend the Member for Rutland and Melton discussed the ombudsman's decisions. He said that, when the ombudsman has investigated a case and decided that there has been maladministration or improper dealing with people, his decision should apply generically to other cases. I shall consider the representations that my hon. Friend has put to me; each case, as he said, may be very different.

I also have to be mindful of the compliance burden. Presumably, a complaint investigated by the ombudsman would have to be promulgated in some way so that the conclusions were known to all other building societies, which might, in some cases, have to review, identify and reassess an enormous number of accounts. That might be perfectly justifiable for a case of significant maladministration or injustice, but I doubt whether I should recommend to the House that we implant in legislation an automatic requirement that it should happen in most cases.

The way in which it should work is that the Building Societies Commission, which is there as the regulatory body to oversee these matters, should take note of particular criticisms, of substance raised by the ombudsman, and should, through its prudential note procedures or in other ways, try to ensure that injustices are not reflected elsewhere. I would like to consider that point.

**Mr. Duncan:** It seems that the sort of instance that I described falls between two stools—regulatory and primary legislation. Does the Building Societies Commission have the power at the moment to compel a building society to remedy a defect for a category of account where an individual case has shown the administration of that account to have been universally wrong?

**Mr. Nelson:** No, it does not specifically have that power. The Building Societies Commission is a pretty intrusive body—in the best sense of that description—and it can, through prudential notes generally, and through advice and discussion specifically, carry a great deal of weight with the building societies. One of the reasons why I think that sector has been so popular with the saving public, and why there have been no collapses of building societies—as, I regret, there have been of banks—is in part because of the excellent job that the Building Societies Commission has done over many years in maintaining the integrity and fairness of the rules and operation of the building societies. If I asked the first commissioner of the Building Societies Commission about these matters, I would expect the commission, if a serious issue was raised as a result of an ombudsman's report into an individual case, to do something about it. If it did not, I hope that my hon. Friend or others would hold me to account. Let us see whether we can make such criticisms and reports work better within the existing system. If they do not work, perhaps we shall have to look at the matter again.

My hon. Friend the Member for Ribble Valley (Mr. Evans) made an excellent speech in forthright support of my hon. Friend's Bill and the amendments that we are considering today. He said that, "a wrong had been righted," but also acknowledged that there were further anomalies, which he felt should be addressed. We will consider, both in the process of secondly legislation and in possible future primary legislation, a number of the points that he raised in his speech today. I am grateful to him for making those points.

My hon. Friend the Member for Colchester, North (Mr. Jenkin), whose speech I referred to earlier, made an additional point about the incentive or personal interest of senior executives in building societies in takeovers. I must be quite frank. That is matter that has concerned me. I have the highest regard for the integrity of the boards of building societies and for the record and popularity of those institutions over many years, but it is a fact that, until recently, or until my proposal to change the regulations, building societies have not been under an obligation even to report to their members that they have been in receipt of a takeover bid or offer. One can only speculate about the reasons why they might not transmit to their members why they had received such an offer and decided not to proceed with negotiations. That is not at all satisfactory. Although some people have suggested that such approaches should be notified immediately they are received, it is difficult in law to differentiate between firm approaches and scurrying discussions. Therefore, I have proposed that such proposals should be brought forward at the next annual general meeting of building societies.

That is only part of the issue. My hon. Friend is concerned, quite rightly, that such are the remuneration packages that are on offer—the big money that is available—to senior executives in building societies on takeovers, and so great might be the inducement, that they would be looking to be bought out or to move with alacrity out of the building society sector into becoming plcs. The responsibility of the Government and the House in that regard is to ensure that there is adequate transparency.

I refer my hon. Friend to the regulations of 1988, which require that the prospectus for a takeover discloses the full details, including share options and the rest of it, of any remuneration package that would form part of a takeover bid. I am anxious to ensure that, before members consider or vote, even with the highest threshold requirements in building society takeovers, they are aware of the remuneration packages being proposed and the consideration that might be available to the senior executives. That is as far as the Government should propose to go for the time being, unless there were the most obvious abuse, to the detriment of members of building societies. I do not see such abuse at the present time. The figures involved have been given some publicity. I think that the right way forward—here, as in other areas—is to ensure that transparency is uppermost at all times.

With those remarks, I hope that the House will conclude that I have answered a number of the legitimate and important points raised by my hon. Friend the Member for Gloucester. His Bill and the amendments thereto put right an anomaly—an injustice, to use the word of some—and will be of very real value to many people, particularly widows.

I hope that the measure will enjoy the whole-hearted support of both sides of the House. I congratulate my hon. Friend on what he has done so far in achieving that end.

**Mr. French:** With the leave of the House, I should like to respond as briefly as possible to a few of the points made by hon. Members.

I am grateful for hon. Members' many contributions to the debate, particularly as a number of them, I am sure, have pressing business in their constituencies. It is good of them to be here today to debate the Bill.

My hon. Friend the Minister responded in detail to most of the points. I am grateful to him for his kind remarks and for the thorough way in which he dealt with them. He demonstrated that the forthcoming programme on building societies that his Department will introduce not only has an obvious coherence but will bring together, combined with provisions in the Bill, a regime under which building societies can operate and under which, one hopes, the vast majority, if not all, the anomalies that have been addressed this morning will eventually disappear.

There were a number of recurring themes, very much set off by the opening remarks of my hon. Friend the Member for Stamford and Spalding (Mr. Davies), who posed the important question: what is an equity interest? That same theme was echoed in the remarks of my hon. Friend the Member for Colchester, North (Mr. Jenkin),

*[Mr. French]*

who drew attention to the fact that the operations of many building societies is now becoming much more like banks. It is necessary in law to recognise that that is happening. An ingredient of the transformation that is taking place is, of course, the current distinction between share and deposit accounts, which my hon. Friend the Minister has indicated he is minded to bring to an end. The reason why these matters were not relevant to my Bill is that my Bill seeks to amend the 1986 Act, which deals with share accounts only. Deposit accounts would, inevitably, have fallen outside the scope of what I have endeavoured to do.

I want to comment on the points made by my hon. Friends the Members for Beckenham (Mr. Merchant), for Ribble Valley (Mr. Evans) and for Colchester, North about the necessity or otherwise of the two-year qualifying period. It is clear that it is destined to be the subject of further debate. My instinct is that there is some justification for a two-year period because it recognises the contribution made to the business in question by its regular customers. That is an important ingredient in the concept of mutuality—so when dealing with a mutual institution, there are strong arguments in favour of the two-year qualifying period. I recognise that in the event of changes by institutions from mutual to non-mutual status, my arguments would have less force. I also accept that there will be changes in due course.

My hon. Friend the Member for Wyre Forest (Mr. Coombs) mentioned depositors. In Lloyd's bank's takeover of the Cheltenham and Gloucester building society, the position of depositors was determined by the High Court; it did not fall under the 1986 Act. The High Court made a declaration on how the current law stood. The consequences for depositors in the society was that if the account had been opened before March 1994 it qualified for a bonus, but if it had been opened after March 1994 it did not. As my hon. Friend the Minister has made clear, that problem will be resolved in future because the distinction between deposit accounts and share accounts will be brought to an end.

12.30 pm

I was interested in the points made by my hon. Friend the Member for Rutland and Melton (Mr. Duncan) about the ombudsman, and in particular about the consequences of an injustice having been identified in the case of one saver. He questioned the degree to which that might affect other savers in the same category and whether the ombudsman, having identified the injustice for one saver, had the power to take steps to deal with other savers in the same category.

My understanding of what my hon. Friend the Minister said is that, currently, the Building Societies Commission can go some way towards remedying the problem, but obviously it is another area that requires further consideration and debate, perhaps in the context of my hon. Friend's building society review.

My hon. Friend the Member for Hertsmere (Mr. Clappison) has shown that if I ever have to go through this process again, I will not need to consult three firms of solicitors; instead, I can turn to my hon. Friend to do the job for me. Of course, what I do not know is how his fees compare with theirs, but no doubt I shall find out.

My hon. Friend said that in divorce cases, if the wife withdraws from the joint account and opens a new account, but the husband keeps the existing account in operation, he will qualify for the bonus but she will not. My hon. Friend is correct. However, what happens in divorce cases is far removed from the scope of the Bill. It must be a matter for agreement between the divorcing parties. It would not be possible to devise a system in which every aspect of divorce could be accommodated. It is important that as well as ensuring that the law is what it should be, there must be a certain amount of good faith among those affected by the law.

The hon. Member for Edinburgh, Central (Mr. Darling) contributed to the debate, but has kindly apologised to me for the fact that he has had to leave on urgent business. I still have the privilege of being his pair and he mine. He made the point that the Bill was not adequately considered on Second Reading because it went through on the nod. I remind him, however, that the Bill went through on the nod on 10 February to avoid congestion in the Committee that considers private Members' Bills. It was not in order to avoid debate on the Bill in the House, but it was very much in order to accommodate other Bills in which he and the Opposition in particular have a special and legitimate interest. I hope that the shortage of debate on 10 February has been made up by this morning's thorough debate, and once again I thank all those who have taken part in it.

*Question put and agreed to.*

**Clause 2**

CITATION

*Lords amendment*: No. 2, in page 2, line 10, at end insert—

("( ) This Act shall apply in any case where the vesting date (within the meaning of section 100 of the Building Societies Act 1986) falls after the passing of this Act.")

**Mr. French:** I beg to move, That this House doth agree with the Lords in the said amendment.

We are coming, I hope, to the conclusion of the proceedings. The Bill will come into force on Royal Assent. It will apply to any transfer where the vesting date comes later. This is an important provision that is designed specifically to deal with the circumstances of the Lloyd's bank takeover of the Cheltenham and Gloucester building society.

The terms of the transfer include, as we heard earlier, a provision of up to £25 million to pay eligible widows and other survivors of deceased first-named holders, provided the Bill is enacted before the proposed vesting date of 1 August.

Clause 2(2) removes any doubt about the application of the Bill. For example, it might otherwise have been argued that the Bill could apply only to cases where the transfer agreement had been signed between the bank and the building society, or where the transfer resolutions had been passed by the members after the enactment. Both those events are already past in the Cheltenham and Gloucester building society case.

By passing the Bill today, the House will make it possible for the provisions in the transfer agreement of the Cheltenham and Gloucester building society to be enacted, even though the vote has already taken place and

the vesting dates and distribution of bonuses are not destined to take place until 1 August. I hope that the House will therefore accept how essential clause 2 is.

As the House knows, this has been a ten-minute Bill. Such Bills are rare and delicate flowers that must go down a perilous and treacherous path. It seems that few make it. I hope and believe that the House's mood today is that the Bill will make it. I look forward to that happening.

**Mr. Duncan:** I add my voice in support of the comments of my hon. Friend the Member for Gloucester. It is essential that the clause be included in the Bill. It would be appalling if we passed a Bill that was designed to clear up an anomaly and a problem, only to prompt a judicial review or a horrible law case because the triggering of the Bill is not clear. The Lords amendment clears the matter up to ensure that the legislation is not retrospective or, as it might be more properly be described, retroactive. The amendment must be incorporated in the Bill and I hope that the House will pass it today.

**Mr. Nelson:** The amendment may appear to be a technical consequent amendment, but it arose as a result of, I believe, consultation with interested parties by my hon. Friend the Member for Gloucester. A good deal of debate took place about the provision in another place. At that time, the points made by my hon. Friend for Rutland and Melton were deliberated.

Both the Government and, I believe, my hon. Friend the Member for Gloucester received a number of representations on the matter. Undoubtedly, some unforeseen grievances and injustices would have arisen if we had not attended to it, and so the provisions on vesting dates were brought forward.

As my hon. Friend said, clause 2 states the Bill's short title. The Government amended the clause in another place by adding a provision to the effect that the Bill will apply in any case where vesting day falls after the Bill has been passed. It will therefore come into force on Royal Assent.

I hope that the House will agree to the further amendment. Although hon. Members may be supporting amendments that appear somewhat complex to the Bill, I hope that the explanation I have given in response to amendments Nos. 1 and 2, the latter of which refers to the important matter of vesting, will provide some clarity on those complex issues. By introducing the amendment, as well as amendment No. 1, we have provided for a reasonably wide range of possible situations that could arise in the course of a building society conversion or takeover.

As I have already explained, the amendments do not attempt to deal with every possible anomaly. We have had to take care to have regard to the scope of the Bill and not to overload it with rafts of changes, which might have endangered its passage.

The Bill, as amended in another place, will, I believe, now cure by far the majority of real inequities that have been identified in connection with takeovers and conversions. I hope that the House will now allow it to complete its final stages without further delay.

*Question put and agreed to.*

# Road Traffic (New Drivers) Bill

*Considered in Committee; reported, without amendment.*

*Order for Third Reading read.*

12.41 pm

**Dr. Michael Clark** (Rochford): I beg to move, That the Bill be now read the Third time.

The House will recall that the Bill is about new drivers. Although new drivers do not necessarily equal young drivers, the vast majority of new drivers are young. On Second Reading, the House was reminded that, although young drivers make up just 10 per cent. of drivers on the road, they are involved in 20 per cent. of road accidents and 25 per cent. of road fatalities.

The Bill is designed to achieve better standards of driving from new drivers, particularly young drivers. The Bill provides that any driver who gains six penalty points in the first two years of driving will have his or her full licence revoked and will revert to a provisional licence until such time as that driver passes another driving test.

I was grateful to the House for its unusually warm reception of the Bill on its Second Reading on 3 February. I am also grateful for the support that I received from many organisations, notably the Automobile Association and the Royal Automobile Club, from the Metropolitan police and other police forces. Many individuals, in particular, the parents of learner or newly qualified drivers, have also expressed their support. I have received many letters of support from my constituents and others in south-east Essex, as well as from people throughout the country.

I received an anonymous letter from one mother who does not live far from my constituency. As you will know, Mr. Deputy Speaker, hon. Members do not often take notice of anonymous letters, but I did on this occasion. She told me that her daughter, who had recently passed her driving test, had abandoned almost all the driving skills that she had been taught by her driving school and that she was unhappy with her daughter's driving style. The mother was unable to persuade her daughter to change that style and she thought that my Bill, which would subject that young lady to the threat of reverting to being a learner driver should she get six penalty points, would act as a good deterrent. One can understand why that mother wrote that anonymous letter—she did not want to be identified in case her daughter found out.

This is the first time that I have introduced a private Member's Bill and I dare say that the experience that I am about to relate is not unusual. When I presented the Bill on Second Reading, especially after the approval it received, I was convinced that it was perfect in every respect, or at least as close to perfection as any Bill can be in this imperfect world. As the weeks have gone by, various small matters have been drawn to my attention. I discovered that, in one or two fairly minor respects, the Bill was not quite as perfect as it might be. Putting right what I took to be one or two small matters has proved to be quite a complicated exercise mainly because, although the ideas behind the Bill are quite simple, the existing law on driver licensing and endorsement is remarkably complex.

Hence, we had an eventful couple of mornings, on 5 April and 19 April, in Standing Committee C in the course of which the Bill acquired no fewer than 50 amendments, all tabled either by me or by my hon. Friend the Minister for Transport in London, whom I thank for his co-operation and assistance at every stage of the Bill's passage. Although there were many amendments, they covered only three main issues, but for the three major changes to come into effect, a vast number of consequential amendments were needed in other parts of the Bill. In the circumstances, it was just as well that nobody else saw fit to table amendments in Committee. If they had, we should certainly not have been ready for the Report stage today.

For the benefit of hon. Members who were not members of the Standing Committee and who have not had time to digest the *Hansard* reports, I had better begin by explaining briefly the purpose and effect of the amendments that were agreed in Committee. They were all intended to improve the drafting of, or to close possible loopholes in, the original Bill. None represents a change in the original policy. Indeed, the Committee was remarkably unanimous in supporting that policy, reserving its criticism for points of detail. Those criticisms, from hon. Members on both sides, were constructive and helpful, and I thank all members of the Committee for that.

The first of the issues is what to do about the awkward squad who do not produce licences in court when required to do so, either because they have genuinely lost them or because they think that they will gain some advantage by keeping them tucked away for some other day. In its original form, clause 2 required the court to send the licence to the Secretary of State for him to revoke it, as he would have the power to do under clause 3. If people did not produce a licence, the Secretary of State could not revoke it. On the face of things, that seemed reasonable enough, but the provision rested on the assumption that the court would get hold of the licence at some time.

The courts have ample powers to get hold of licences under existing legislation, so I did not think that there was a problem. Section 7 of the Road Traffic Offenders Act 1988 requires a person who is prosecuted for an endorsable offence to deliver or to post the licence to the court clerk so that it is available the day before the hearing or to have it with him or her at the hearing. Section 27 of the same Act requires the licence to be produced to the court, if the court does not already have it, so that it can endorse it at the time of any conviction. Under this section, failure to produce a licence without good reason when required to do so is an offence that carries a level 3 fine up to a maximum of £1,000. Moreover, if a person fails to produce a licence when required to do so under this section, the licence is suspended and is of no effect, therefore, until it has been produced.

However, real life is not quite as simple. As my hon. Friend the Minister explained in Committee, the courts frequently face the choice of adjourning the hearing until they have got hold of the licence or proceeding without it. Different courts will handle that problem in different ways. Hon. Members who served in Committee with me will remember that my hon. Friend the Member for Batley and Spen (Mrs. Peacock) left the Committee in no doubt of the robust approach that she took during her time as a magistrate.

Given the pressure of business, and the nuisance of adjournments to all parties concerned, the increasing tendency is to get a print-out of the licence record from the Driver and Vehicle Licensing Agency, which gives

the courts all the information that they need to proceed with the case without seeing that licence. Indeed, as my hon. Friend the Minister for also said, the print-out is often more accurate than the licence, giving details of convictions which were never endorsed on the licence because it could not be produced or was not produced—wilfully probably.

Of course, if the courts do not get hold of the licence physically, they cannot send it to the Secretary of State and he cannot revoke it. So we need, so to speak, a metaphysical or theoretical equivalent of sending a licence back. The courts simply notify the Secretary of State of the circumstances of the case, sending the licence, if they have it, so that it does not return to the offender. Even if the courts did not have the licence to send, the Secretary of State may revoke it and also has the right to get it back from the offender. That is not really putting a new burden on the courts because they have to send such information to the Secretary of State in any case, whenever they endorse a licence.

That seemed a simple enough change, but it required a large number of amendments, partly because there were several different references in the Bill to sending a licence and partly because, with more than one kind of notification, we need to be more explicit in our use of terminology. That large batch of amendments was duly voted into the Bill, mainly into clauses 2 and 3, which are the heart and soul of the Bill, but also into clause 9, which deals with interpretation and schedule 1, on which I shall say more in a moment.

As a result, it is now possible for the Secretary of State to revoke a licence even without it coming into his possession, although no doubt the DVLA will do its best to get hold of it, even if it has to require the help of the police, as I believe quite often happens at present in cases of disqualifications and so on. More importantly, the changes mean that an offender cannot avoid the licence being revoked simply by pretending that he or she has lost it or by not producing it when asked. That means that we have closed what could have been quite a serious loophole.

**Mr. Quentin Davies** (Stamford and Spalding): I thank my hon. Friend for giving way while he is on that precise point. His Bill refers not merely to licences issued in this country but to those issued in other countries, especially other European Union countries with which we have reciprocal arrangements, which means that such licences are valid in this country. Clearly such licences can be endorsed, but will he explain how they can be revoked? Will he explain whether there is an alternative? Perhaps we may use the same system. Will he explain the procedure followed when someone with a licence issued by another EU country says that he cannot find it, that he has lost it and that therefore it cannot be sent to the issuing authority to be revoked? Is there an equivalent of the print-out from the DVLA to which we refer in this country and are procedures in place to enable courts in this country to receive documentation from the relevant continental authorities in the country in which the licence was issued?

**Dr. Clark:** My hon. Friend asked a lot of questions, but I shall do my best to answer them. Let us take them one at a time. First, various licences are completely exchangeable for UK licences—those from, among other places, the Isle of Man, the Channel Isles and Gibraltar. If they are exchanged for a British licence, the date on which the test was passed is shown and therefore a probationary two-year period may be identified. My hon. Friend need have no concern on that score. Other countries in the European Union and European Economic Area have an understanding that licences can be exchanged. More importantly, on 1 July 1996, a European directive will be implemented to provide a common format for all licences in the European Union and in the economic area. It will include the date on which the holder passed his or her driving test and will therefore identify the 24-month probationary period. That licence will fit nicely with my Bill's provisions.

My hon. Friend asked also about a person with a European licence who wilfully or forgetfully does not produce his licence in court. I am a little less certain of my ground in that regard. The situation may be difficult between now and July 1996, but when the European model licence is introduced—even countries outside the orbit of the European Union are adopting it as the ideal model—the same provision should exist for notifying the central licence agencies in European countries that a licence has been endorsed, so that endorsement would be effective. I will conclude my replies to my hon. Friend, because I believe that my hon. Friend the Minister wants to be helpful.

**The Minister for Transport in London (Mr. Steve Norris):** It is slightly unusual to intervene at this stage in the debate, but my hon. Friend the Member for Stamford and Spalding (Mr. Davies) makes an important point. At a time when licences are increasingly used in various European Union countries, it seems sensible to apply UK law to someone who holds a French licence. At present, that is not easy to do. The French presidency expressed interest in harmonising European law so that there could be common understanding of offences for which a licence could be withdrawn. It is not for the British Government to withdraw a French licence. The French Government would withdraw the licence of a French licence holder, but acknowledging that an offence had been committed in Britain of a type agreed to be commonly regarded as dangerous. The British Government have been generally supportive, while recognising the great disparity of views throughout the EU of what constitutes an offence and of the treatment of offences. We cannot move immediately to a concrete proposal, but there is room to thrash out the concept of a Europe-wide scheme.

**Dr. Clark:** I hope that my hon. Friend the Member for Stamford and Spalding (Mr. Davies) feels that 95 per cent. of his points have been answered. He leaves 5 per cent. doubt in our mind, and we must take account of that cautionary note. My hon. Friend's intervention was timely because I had just finished my first main point.

The second main issue is of marginally more importance than the first, but in terms of amendments it caused us much more trouble in Committee. It concerns a group of drivers that I had rather overlooked when the Bill was drafted. The main part of the Bill deals with the straightforward case of a qualified driver who has passed his driving test and has exchanged his provisional licence and driving test certificate for a full licence, on which he is now driving.

Schedule 1 originally modified those provisions to deal with the case of a qualified driver who has not yet exchanged his test certificate and still holds a provisional

*[Dr. Clark]*

licence, so taking advantage of the two-year period of grace allowed in section 89 of the Road Traffic Act 1988, whereby a test certificate retains its validity and can still be exchanged. However, the original schedule 1 did not cover drivers who have passed the test in one class of vehicle and obtained their full licence, but have later passed a test in another class of vehicle and have not exchanged their pass certificate for the second test. There could be two or three tests if people have taken tests in two or three categories.

When we first considered that issue, those drivers did not appear to be so much of a problem as the ones with provisional licences only. At least they would have a full licence, with a date of entitlement on it, to show the court or fixed penalty clerk that they continued to be in their probationary period—or not, as the case may be. However, it gradually transpired that, if those drivers held an extra test certificate, there was the danger that they could abuse the system.

Let us take as an example the case of a person who obtained a full motor cycle licence and then passed a car test, but did not exchange the test certificate. Let us suppose that that driver has his licence revoked as a result of receiving six penalty points. The court returns the licence to the Secretary of State, but, as the Bill was originally drafted, the driver would not be obliged to produce the test certificate to the court. Indeed, the court would have no reason to know that he had one.

The driver then obtains a provisional licence under the Bill, because the full licence for the motor cycle was revoked. However, let us suppose that, by that time, he is not interested in driving motor cycles any more; he has had his period of driving motor cycles and he is far more interested in driving a motor car.

So the driver has lost his full motor cycle licence; it has been turned back into a provisional licence. However, he then has in his hands a provisional licence that comes from his downgrading of the motor cycle licence, plus the test certificate that he received for passing his motor car test. He realises that he continues to have the unexchanged certificate for passing his car test, so he sends that off, with his provisional licence, to apply for a full car licence.

As the Bill was originally drafted, the agency would arguably have had no option but to give the driver a full car licence, or at least would have had no right to refuse him one, so he neatly could have avoided being retested, as long as he did not take up motor cycling again.

Obviously, that was not right, so I had some amendments drafted. However, I had not anticipated that that involved rewriting almost all of schedule 1, which now appears very different from the original schedule 1. The difference in real terms is not great. It is simply that a new set of circumstances are catered for as well as the original set. However, the result is that we now have a most impressive-looking schedule 1 in five parts.

Hon. Members who have a copy of the Bill will notice that the five parts are as follows. Part I is a general part. Part II imposes a duty to provide a test certificate. Part III concerns newly qualified drivers with provisional licence and test certificate. Part IV concerns newly qualified drivers with full and provisional entitlements and a test certificate. Part V contains some of the supplementary explanations and provisions of the schedule. It has become quite a different schedule as different categories of drivers have become subsections of that schedule.

The third set of amendments, on which I shall not detain the House long, concerns the procedure that is used when the person threatened with revocation of his licence has a temporary stay of execution, if I may call it that, while an appeal is pending against the court decision that led to his receiving six penalty points, or when he receives a permanent reprieve by having his points reduced or eliminated on appeal—in other words, when the appeal is successful.

All those matters are dealt with in clause 5, and the amendments that were moved by my hon. Friend the Minister were about matters of detail, to adapt the powers better to current practice. They make no fundamental change to the principle. One or two small drafting amendments were made in Committee to clarify matters that might have been a trifle ambiguous. I shall not dwell on them as they are not of consequence, but have tidied and improved the Bill, which now reads better.

The important thing is that we had a successful Committee stage; the Bill returns to the House much improved as a result of the detailed scrutiny given to it by the hard-working members of the Committee. I am grateful to all members of the Committee, on both sides, for their patience and assistance. I am particularly grateful to my hon. Friend the Member for Southampton, Test (Mr. Hill), who chaired the Committee so admirably.

1.4 pm

**Mr. Piers Merchant** (Beckenham): I shall not speak for long as I had the opportunity to speak on Second Reading and served on the Committee that considered the Bill.

I think that the House knows that I give my hon. Friend the Member for Rochford (Dr. Clark) my full support, both for the theory behind the Bill and its practice. The House also knows of my admiration for the way in which my hon. Friend introduced it and piloted it through to this stage.

I shall sum up my main reasons for supporting the measure. Its main purpose is to help to avoid accidents. It is a road-safety measure, primarily aimed at cutting the carnage on our roads. It must be viewed in the context of accidents and what causes them. There are many reasons for accidents, some of which are impossible to categorise, but accidents can fall into three main causative areas: drink, speed and inexperience.

Other measures have, to a large extent, tackled the problems caused by drink driving. Today, while it still remains a problem, it is much less of a problem than 10 or 20 years ago. That shows that legislation, when carefully targeted to deal with a cause of accidents, can reduce the accident toll.

The second main causative factor is speed. Steps have been taken to resolve that problem, but I hope that in future the House will take further action to deal with the horrendous problems that can be caused by irresponsible drivers who regularly exceed the speed limit. Anyone who drives on our roads can see the risk, the threat and, ultimately, the disasters that can be caused by excessive speed.

The third causative factor, which the Bill principally seeks to deal with, is the risk posed by inexperienced drivers. That is not to say that all newly qualified drivers are a risk; many prove to be careful, responsible drivers who do not have accidents. But a large proportion of accidents happen where a newly qualified driver—a driver with only two years' experience following the passing of his or her test—is either the cause of the accident or in some way involved.

The Bill ably seeks to minimise that problem, but it must be viewed alongside other measures that have recently been taken and will be taken in forthcoming years to deal with the specific problem. It must be viewed alongside greater education, tighter testing and the introduction of the theory test, which is imminent.

The next question that must be asked is: does the Bill successfully answer the tests that I have just set? The theory would suggest that it would meet those tests because theory is bound to lead one to conclude that any driver who has only recently qualified is bound to pose a risk as he is bound not to be as experienced as a driver who has driven on the roads for many years. That theory is also true in practice. To quote just one of the many statistics on the subject, one quarter of all fatalities result from accidents involving a new driver.

Statistics show that young drivers pose specific risks, but my views on the subject differ somewhat from those of several hon. Friends and I shall deal with the issue later in my speech.

**Mr. Norris:** I take the opportunity to point out to my hon. Friend the Member for Beckenham (Mr. Merchant) that, ironically, it is 25 per cent. of young drivers, rather than new drivers, who are likely to be involved in fatal accidents. It is important to make that distinction and I am interested to hear what my hon. Friend will say on the subject.

**Mr. Merchant:** I accept what my hon. Friend the Minister says; I should have been more specific in my comments.

It is difficult to distinguish whether those accidents are caused by inexperience or youth because, by definition, a young driver will be newly qualified because one cannot get a licence before age 17. I will return to that point later in my speech.

The Bill deals not only with accidents—I sometimes wonder whether "accident" is the right word to use, because there is always a clear cause and disaster may be avoided—but with bad driving. Therefore, it will make our roads safer while making the experience of driving more pleasant. All drivers would agree that good driving practices would lessen the physical danger to life and limb associated with that activity as well as make driving more pleasurable, relaxing and acceptable. One realises how stressful and unacceptable driving can be when one drives in other countries where bad driving seems to be endemic.

A second benefit of the Bill is that it will make driving in this country more enjoyable, which I think should please all drivers and pedestrians.

The Bill will take reasonably newly qualified drivers who demonstrate poor driving practices off the roads as solo drivers. They will return to learner status and, when they do drive, they must be accompanied by an experienced driver. That practical effect of the Bill will prove extremely beneficial. The accumulation of six penalty points will demonstrate that, in one way or another, a driver is not behaving appropriately when in control of a vehicle on our roads.

Unfortunately, to that extent, the Bill will have the effect of locking the door after the horse has bolted as its provisions will apply only after a person has demonstrated that he or she is a bad driver—indeed, an accident may have already occurred.

More important, I believe that the Bill will act as a deterrent. It will become absolutely clear to all newly qualified drivers that they must exercise great caution because they face an additional penalty that does not apply to more experienced drivers—the loss of the ability to drive alone. I think that that deterrent is the more important of the Bill's effects.

**Dr. Michael Clark:** I am very interested in my hon. Friend's remarks. Does he agree that part of the deterrent to which he refers is the humbling of the macho male who will be forced to return to L-plates and ask auntie to sit beside him when driving?

**Mr. Merchant:** My hon. Friend has anticipated the third point that I was about to make. He is absolutely correct: that is an extremely important effect. Both of those effects will act as deterrents to bad driving and our principal aim must be to prevent accidents from occurring. By creating a probationary period—a significant new introduction—for newly qualified drivers, we are also telling them very clearly that they are not the same as fully qualified and experienced drivers. We are creating a third, in-between category of driver.

There would be, on the one hand, the learner driver who is protected—or rather, from whom the rest of the public is protected—by virtue of the specific requirements of being a learner driver, including having an experienced driver sitting next to him or her. The second category, which also already exists, would be that of the fully qualified driver, but we would insert between those two a third category of probationary drivers—those who are allowed to drive alone on the road but who must do so bearing in mind the fact that they will be treated differently by the law if they go wrong.

The point made by my hon. Friend the Member for Rochford is absolutely valid. The sort of people who previously felt the sudden thrill and exhilaration of being free after they had passed their test would know that they were not entirely free, but were being watched by the law and kept in that slightly controlled status. They could not behave as if they were unencumbered, as they would be able to once they had passed through their two-year probationary period.

I do not want to make heavy weather of the issue, but I shall return briefly to the question of experience and age. I do not for one moment challenge the assumption, which is no doubt valid, that young drivers, by virtue of being young, pose specific forms of risk. We have rehearsed that argument at previous stages, and I do not propose to go through it again.

Nevertheless, I must sound a note of caution. The Bill is not specifically about imposing probationary periods on young drivers. A Bill could have been drawn up to achieve that effect, which could have been in the title and the clauses could have proposed specified age brackets. The Bill does not do that; it is about newly qualified drivers.

*[Mr. Merchant]*

I accept that, by definition, most young drivers will be newly qualified, especially the under-20s, just because of the age limit for first qualification, so there is bound to be a close link between the two. However, I do not accept that the risk lies only among young drivers.

I wonder what the situation on the roads would be if most newly qualified drivers were over 50. One can envisage a different era in which that might be so. I suspect that we should still find that in the first two years of driving people would pose a much greater risk on the roads than they would after they had gained experience, because experience is so important in driving a motor car.

That is why it is right that the Bill deals with experience, and with a period of time after first qualification, rather than purely with age. It is important that when the Bill comes into practice people bear that fact in mind, and do not think that it is aimed only against young drivers. That would be both inaccurate and, I believe, wrong.

My hon. Friend the Member for Rochford spoke at some length about foreign licences, and I do not therefore propose to repeat any of his comments, except to say that the subject posed some severe problems in Committee and has not been entirely resolved because of the changing nature of international law in that regard. The mere fact that the House is aware of that small potential problem means that it can be ably dealt with in future.

Another suggestion made in Committee, which must form an important part of the consideration of the Bill, is that it should go further and that some form of mandatory training should be imposed on those who fall foul of the two-year probationary period. In Committee it was decided that that was not appropriate, and I strongly endorse that opinion. It would be wrong to go further at this stage, because I believe that the Bill strikes the right balance.

There is a need for further measures in other areas of traffic law, but not in that respect at this stage, although, as always with the law, as the years progress and the impact of the new Act is felt, it may indeed be considered necessary to strengthen it in one respect or another.

I throw out one idea, merely as a suggestion at this point, that at some future date it may be desirable to consider some outward mark on the vehicles of probationary drivers to show their status. That system applies in some countries.

Finally, I believe that the Bill will be strengthened when there is greater enforcement of general road traffic law. Certainly the Bill will act as a deterrent, but its practical impact will depend on enforcement of the law. People have to acquire six points on their licences before triggering the measures in this Bill, and that will require the enforcement of existing road traffic legislation. Here I enter a plea to the Minister for more effective measures to enforce road traffic law. My constituents repeatedly make it clear to me that many of our good driving laws—laws against speeding and others—are often honoured more in the breach than the observance. Modern techniques such as speed cameras can make enforcement much more effective and cheaper, and can ensure safer and better standards of driving. That is why I hope, for the sake of this Bill, that further action will be taken.

I strongly support the Bill; I am pleased to be here to see it reach this stage. I often think that if as many people as are injured or killed on the roads suffered the same fate in any other area of life, there would be a tremendous outcry. We would not be here today to talk about this important, if limited, measure. There would be emergency sittings of Parliament to pass major laws if as many as 5,000 people died each year in rail accidents or air crashes—or in the construction industry or in the North sea. Imagine the fuss there would be, yet for some reason over the years we have become inured to high numbers of deaths on the roads.

The Minister and his predecessors have made huge strides in the past few years to tackle the problem. The death rate has consistently fallen even though traffic on our roads has increased. Year after year, ever more effective measures have been introduced as we have come to understand the causes of accidents and how they can be dealt with—drink-driving legislation is but one example of that.

I commend the Government's work, but today above all I commend my hon. Friend the Member for Rochford for introducing the Bill, because it is so significant in this regard. It is part of a pattern of legislation that has successfully helped to reduce the number of road accidents. For me, the Act cannot come quickly enough. The sooner it is on the statute book and in force, the better.

1.22 pm

**Mr. Eric Pickles** (Brentwood and Ongar): It is a great pleasure to follow that thoughtful speech by my hon. Friend the Member for Beckenham (Mr. Merchant), and to lend my support to my hon. Friend the Member for Rochford (Dr. Clark). I apologise for not being here for the Second Reading debate.

I have a great interest in this subject. I see my hon. Friend the Member for Chelmsford (Mr. Burns) on the Treasury Bench today. I recall that he introduced an analogous measure in respect of displaying learner plates during a probationary period, but I am sure that he would agree that this Bill approaches the subject in a better way.

My hon. Friend the Member for Rochford said that we had had to wait a number of years before seeing his first Bill. The wait has been well worth it. It is an important piece of social legislation which will make an enormous difference to British society and the way in which we drive. Perhaps hon. Members who preach social policies should bear it in mind that the way to change things is to apply a common-sense approach to everyday issues. Even though my hon. Friend, in Committee, had to watch his Bill being amended in a number of technical areas by my hon. Friends, it remains essentially simple and it will have a considerable effect.

The car is a great liberator. It has made an enormous change to the way in which we go about our everyday lives. Essex is the home of the motor car. It is where production of the first cars took place in this country. Cars are endemic in our society. With the growth of prosperity, two-car households are not the exception or the novelty that they were when I was growing up. They give people—particularly young people—a great deal of mobility and their first opportunity of independent travel.

I can remember when I was in the sixth form that a student who had a car was a novelty, but now we see car parks being extended in schools to accommodate pupils'

cars. We know that the cars that those young people drive tend to be older than the current production models. We know that one of the factors in the great reduction in the number of car fatalities has been the improvement in standards of motor vehicle construction. Last year, I was involved in a fatal car accident as a passenger. I know that I would not be here today had it not been for an air bag and for the safety that is integral to a new car. I walked away with superficial injuries, whereas 10 years ago I would undoubtedly have died.

We see young people with slightly older cars experiencing that first taste of freedom. The Bill seeks to ensure that that does not turn into a nightmare. I deliberately used the words "young people" because I want to take issue with my hon. Friend the Member for Beckenham. I think that there is a distinction. I have a relative, my auntie Marjorie, who—I am sure that she will not mind me saying this—was in her mid 60s when she passed her test. She took the test following the untimely death of my uncle and passed first time. She is a very safe driver. Having travelled with her from the beginning, I can see an enormous difference. She has gained experience, but she knew from day one what her limitations were. That is the distinction. She realised that she was not as competent a driver as someone of her age who had been driving all their life, and was cautious in her approach. I think that the residents of my old home town benefited from that. I would be quite confident to travel any distance with my auntie Marjorie, who is a formidable woman.

I know that P. G. Wodehouse had views on aunts. Undoubtedly he would have approved of my auntie Marjorie.

**Mr. Peter Atkinson** (Hexham): Does she have a Ferrari?

**Mr. Pickles:** No, she does not have a Ferrari, but I am sure that she would handle one with great aplomb if she did.

My hon. Friend the Member for Beckenham was quite right about one point, and I commend it to the House: if the level of deaths that we are talking about, even though there has been a reduction, took place on one day in one place, there would be an outcry. Although there has been a considerable reduction—I believe that it is 37 per cent.—in car accidents since 1987—

**Mr. Norris:** Fatalities.

**Mr. Pickles:** My hon. Friend is quite right; I meant to say fatalities.

Although there has been a considerable reduction, we are talking in terms of about 80 fatalities a week. I have seen grief counselling up close. I can remember that, after the Bradford stadium fire, full resources were brought to bear on a community that was grieving, but road disasters take place in all our constituencies every week. The community is not geared up to offer the same help and counselling as we offer after major accidents. Family life is shattered by road fatalities. People never recover. I am sure that we have all seen in our constituencies the grieving parents of a young child whose life has been cut short, either as a pedestrian or as a newly qualified driver.

No doubt you, Mr. Deputy Speaker, are a frequent traveller on motorways; no doubt, on occasion, you stop at motorway service stations. One feature of them is that they often contain a section with video games, and popular among those games is the opportunity to sit in a racing car or on a motor bike and attempt to go round a circuit. Another is to sit in the cockpit of a starfighter. I am sometimes amazed at the reactions of young people and their ability to drive a pretend car around a circuit with great skill: I could not do that.

However, there is a great difference between playing a video game and actually being behind the wheel of a motor vehicle. It is then that people learn that to avoid an accident they do not need the reactions necessary to fly a star fighter; they need the experience not to get into circumstances that make such reactions necessary. Good driving is courteous driving—it is knowing when to slow down; it is knowing not to travel too fast in snow, fog or rain. That knowledge comes only with experience.

I live close to the A12, near what is described as the Billericay shuffle. I am not referring to my hon. Friend the Member for Billericay (Mrs. Gorman), but to a roundabout just off the A12, close to my house. It is an unusual roundabout, but the major turn-off is not signposted until half a mile before it is reached. All too often, we see a car in the outside lane, sometimes with its lights on, travelling at speeds well above the permitted limit. The driver suddenly finds that he has to get on to the roundabout to go to Billericay. Accidents are avoided only because I and other drivers put a foot on the brake and allow the driver to get in. Quite often, that driver is a young person; sometimes he is not.

I cannot help but feel that such incidents would not happen so often if drivers had had the discipline over two years of knowing that if they did not obey the speed limits and show basic courtesy to others, they would lose their licences. The Bill will change behaviour because two years of having to drive in a certain way will create a habit that will stick with people for the rest of their lives.

My hon. Friend the Minister has the Chigwell motorway police control centre in his constituency. I had the opportunity to go out in a patrol car along a stretch of the M25 and the M11. Quite frankly, what I saw in just a couple of hours changed my view of how safe it was to drive on motorways. I saw inconsiderate driving, people exceeding the speed limit and people using mobile phones in a reckless manner, despite the fact that we were in a fully marked police car.

What brought it all home to me was what the police said when I asked what was the difference between travelling at 95 to 100 mph and obeying the speed limit. They told me to imagine that I was following a car that suddenly stopped, that I had to slam on my brakes at 75 mph and that I had managed to stop within an inch of the back of the other car. They said that if I attempted that from the same distance, but when travelling at 95 to 100 mph, when I was one inch from the back of the other car I would still be travelling at 75 mph. That is the sort of experience and understanding that my hon. Friend is dealing with.

I said that I thought that my hon. Friend was dealing with social change. As my hon. Friend the Member for Beckenham said, the proposal is on the same level as the breathalyser. I think that I started driving in 1967. I can recall people at public houses drinking far too much and taking their car on to the road. I remember the old song by Frank Sinatra in which he sang, "One for my baby and

*[Mr. Pickles]*

one more for the road". It was regarded as a sign of manhood to swill back six or seven pints and still to take a lethal machine on to the road.

Such behaviour is now socially unacceptable. Although we will still find people prepared to drink and drive, their number is diminishing. Friends and acquaintances who have been convicted of drunken driving have one thing in common: they feel a deep sense of shame. That is what I mean by the change in social attitude.

We need to ensure that, if newly qualified drivers fail within the specified period, they feel shame and embarrassment at having someone next to them. We must also recognise, however, that they might live a lot longer because of that. If, having passed a test, people knock up six points within the short period of two years, they need to reassess the way in which they drive.

Those people will face something else that will change social attitudes: premiums on insurance. I am certain that a person whose licence is taken away and who must sit a new test will pay not only by feeling shame, humiliation and inconvenience, but by feeling it in their pockets, probably for the rest of their lives. I say to them, however, that it is better to feel it in their pockets for the rest of their lives than to hold their head in shame because they have killed someone through inexperience.

I have absolutely no doubt that because of the Bill there are people who will enjoy a full life who otherwise would not have done so. When the Bill reaches the statute book, it will be something in which he can rightly take considerable pride.

1.37 pm

**Mr. Harry Barnes** (Derbyshire, North-East): The hon. Member for Beckenham (Mr. Merchant) said that the Bill applies not only to young people but to older people, a point that I raised on Second Reading. The Bill's sponsor, the hon. Member for Rochford (Dr. Clark), said:

"The hon. Member for Derbyshire, North-East (Mr. Barnes) pointed out that he is a non-driver and, were the Bill to come into law, he—a man of mature years—would be caught within its provisions if he were to apply for a licence. Despite that, he welcomed the Bill."—[*Official Report, Standing Committee C*, 3 February 1995; c. 1356.]

I welcome the Bill, but I do not welcome the methods by which it has been pursued. After I had been lucky in the ballot for private Members' Bills, I received a letter from the Minister. It asked me to introduce the Bill and stated:

"The attached papers describe a Bill designed to improve the safety of new drivers by requiring those who offend to re-take their test."

It ended:

"If you are interested in taking this up, please telephone my Private Secretary".

I responded by saying that I was broadly in sympathy with the Bill but that I would be introducing other measures. I thought that, if the Government would only arrange the business of the House better, they would not need to seek the assistance of left-wing Back Benchers in pursuing their measures. I am a bit unhappy that, although this private Member's Bill is entirely in order—I am by no means challenging the procedures of the House—it is a pseudo-private Member's Bill because it is a Government Bill in disguise.

Perhaps the Minister can also tell me why it took the Committee one hour and 40 minutes to deal with clause 1, when the promoter of the Bill has pointed out—

**Mr. Deputy Speaker (Mr. Michael Morris):** Order. The hon. Gentleman is straying from Third Reading. A Third Reading takes place after the Committee, so he cannot debate any element of those Committee proceedings.

**Mr. Barnes:** I am in favour of the Bill and I do not believe that anyone will speak against it. We could easily vote for Third Reading now—in fact, that could have happened earlier in the day. After all, the hon. Member for Gloucester (Mr. French) said that he did not intend to clog up the proceedings, so that the Road Traffic (New Drivers) Bill could advance.

I am concerned that the debates on clauses 2 and 3 of the Road Traffic (New Drivers) Bill, which were considered its the heart and soul, were dominated by entirely unrelated matters.

Although the Bill completed its Committee stage a week last Wednesday, it has reached the Floor of the House only today. It would have been technically possible—had the promoter so decided—to consider it last Friday. If he had done so, that would have left space for items—

**Mr. Deputy Speaker:** Order. We cannot debate now matters that affect the running of the House and the relative merits of one Bill versus another. The House is charged this afternoon with the Third Reading of the Bill and other hon. Members still wish to catch my eye to speak. I would be grateful, therefore, if the hon. Member for Derbyshire, North-East (Mr. Barnes) addressed just the Third Reading and nothing else.

**Mr. Barnes:** I intend to sit down shortly to enable other hon. Members to speak. My speech would have been shorter if I had not fallen foul of your rulings, Mr. Deputy Speaker.

Although I cannot say anything else about our procedural arrangements, they have caused such feeling that they have prompted a disability march this morning to the House from the home of the hon. Member for Rochford. I have been involved in that, which is why I have been going in and out of the Chamber.

**Dr. Michael Clark:** I hope that you might show me the same indulgence, Mr. Deputy Speaker, as you have shown the hon. Member for Derbyshire, North-East (Mr. Barnes), because I should like to explain that had my Bill reached the Floor of the House one week earlier, there would have been grave danger that the Carers (Recognition and Services) Bill could have been disrupted. No one wanted that.

**Mr. Barnes:** I am a firm supporter of that Bill, but I believe that if the Road Traffic (New Drivers) Bill had been considered last Friday, arrangements could have been made—

**Mr. Deputy Speaker:** Order.

**Mr. Barnes** *rose—*

**Mr. Deputy Speaker:** Order. The hon. Gentleman heard my ruling: either he will address the Third Reading of the Bill or resume his seat.

**Mr. Barnes:** Professor Oakshott, the theorist of Conservatism, wrote a book entitled "Rationalism in

Politics" in which he said that Conservatives did not feel the necessity to speak. It is unfortunate that on this occasion and on related ones, they have not adhered to that principle.

1.44 pm

**Mr. Peter Atkinson** (Hexham): I must disabuse the hon. Member for Derbyshire, North-East (Mr. Barnes), who haunts Fridays like a spectre at the feast. He claimed that his Bill, the Civil Rights (Disabled Persons) Bill, had not had proper time. I assure him that not all Conservative Members are in favour of the Road Traffic (New Drivers) Bill. I do not want to spoil the consensus in the Chamber today, but I must tell hon. Members that I have some serious reservations about the Bill. The hon. Member for Derbyshire, North-East, who has offended many of us by prompting demonstrations at the House by people who are persuaded that they will thus gain publicity, should consider that—

**Mr. Barnes:** Is that in order?

**Mr. Atkinson:** If I am out of order, Mr. Deputy Speaker, I shall return sharply to order. The Bill has laudable intentions; there is a real problem with inexperienced and especially with young drivers. However, there is a sense that the Bill comes out of the mould of "Something must be done. This is something so let's do it." That worries me. We often debate such Bills on a Friday. We run the danger of introducing complicated and unnecessary regulation which, at the end of the day, may not achieve the desired result—which is, of course, an improvement in road safety, and especially an improvement in the driving habits, of young drivers. My hon. Friend the Member for Rochford (Dr. Clark), whom I compliment on steering through the Bill—he deserves great credit—could not have dreamt that it would be so complicated or that it would require no fewer than 50 amendments. However, at the end of the day, will the Bill achieve its objectives?

We have the salutary warning of the Dangerous Dogs Act 1991, which was passed because there was perceived to be a particular problem. It was pushed through the House to deal with the outcry in the press. As a consequence, we are left with a legislative muddle which will shortly have to be put right. I hope that the same will not apply to this Bill. I was surprised, therefore, that the Automobile Association and the Royal Automobile Club leant their support to the Bill. Those organisations are there to defend drivers from unnecessary regulation, yet they are underwriting a Bill that will impose on them unjustified regulation.

My hon. Friend the Member for Beckenham (Mr. Merchant) touched on a flaw in the Bill, which is that we are dealing with a question of youth, but also a question of experience, which is the particular difficulty. I give an example from my constituency, which is an agricultural one. Young men and some young women have driven all-terrain vehicles and tractors from an early age and they are fairly competent drivers when they take their driving test at 17 and upwards. There is no doubt that many young people are extremely dextrous and competent when doing the kind of driving required to pass the current test and I have no doubt that those young people will pass the future improved test. It is not difficult for them. Driving tests cannot be a test of maturity; they can be only a snapshot of the driver's competence on the day.

Here is the rub. Macho young men—let us be blunt and admit that that is what we are talking about—will not be put off by the idea that they may have to sit a driving test again. They will not see that as an awful insult to their manhood, but will simply book another test. In my part of the world, where the test centres do an excellent job, one can obtain a test within three weeks to a month if one is lucky. Within three weeks or a month of having to return their licence, these young men can sit the test once more and pass it with flying colours. When these young men drive cars, they may be reckless and irresponsible, as young men often are, but they are not incompetent; most are extremely competent drivers. We have, therefore, the problem that the Bill will not produce the desired result.

I was not a member of the Standing Committee, but I have read the reports and I note that some interesting research was carried out on the subject at Southampton university. It showed that the vast majority of the young male drivers studied rated their driving skills and driving safety as considerably above the average for their age group. This is the problem; they think that they are good drivers. My hon. Friend the Minister talked about his experience as a 17-year-old driver. When I passed my test, I was probably an extremely unsafe driver. I had a sporty car and I thought that I drove it extremely well. I have absolutely no doubt that I drove extremely recklessly, cornering at the limit of the car's ability and travelling far too fast, but it was in the nature of the young man. Therefore, I do not think that having to take my driving test again would be a distraction at all.

**Dr. Michael Clark:** While I am interested in hearing some of my hon. Friend's exploits as a young driver and his cornering on the limits of the car's safety, perhaps he should consider that someone who has fallen foul of the Bill's provisions and has to revert to being a learner driver would have Aunt Marjorie, the aunt of my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles), in the car with him. I am sure that Aunt Marjorie would ensure that he respects the other road users and the limitations of his motor car and that he would not, for the few months during which he is once again a learner driver, be testing the patience of other roads users to the same extent as he otherwise would have been.

**Mr. Atkinson:** I heard exactly what my hon. Friend said, but I also heard the sedentary intervention of my hon. Friend the Member for Brentwood and Ongar, which perhaps the House did not hear. He said that when I started driving they had to have red flags in front of the car. I must deny that. Red flags had been abolished a few years previously. At the time, I would not have been a very good driver and I hope that I am very much better now.

I shall move on to another point, which causes me some agony: foreign drivers. I know that my hon. Friend the Member for Stamford and Spalding (Mr. Davies) intervened on the subject, but some questions are still up in the air. Perhaps I did not understand the answer of my hon. Friend the Member for Rochford or that of my hon. Friend the Minister. If, as an Irish citizen, I arrived in this country with an Irish driving licence—an EC driving licence—issued by the Irish Ministry of Transport, with which I was perfectly entitled to drive, and was called on by a British court to surrender that licence, would my

*[Mr. Atkinson]*

right hon. Friend the Secretary of State, who is the recipient of such licences, have the power to revoke that licence? I find that difficult to understand.

**Mr. Norris:** The position is very clear. A visitor to this country using a foreign driving licence would not be susceptible to the actions of the British courts. The Secretary of State has no jurisdiction over the issuing or re-issuing of Irish driving licences. My hon. Friend must remember that a person who is resident in this country is required either to take a test and acquire a licence, or to exchange their licence if it is exchangeable. He will know from the previous proceedings that even if a person has not yet exchanged their licence but commits an offence for which points can be endorsed, those points will be registered on the DVLA computer and can be added to the exchanged licence the minute that it is exchanged. Very few people indeed will fall outside the scope of the Bill, especially bearing in mind the fact that it applies only during the first two years in which someone acquires a valid licence.

**Mr. Atkinson:** I am grateful for my hon. Friend's clarification. I understand the matter slightly more clearly. What attracted my attention was that clause 1(3) specifically deals with Liechtenstein, which I find a rather curious legal anomaly. Since Liechtenstein does not appear to be part of the agreement, its citizens who are resident in this country and who commit an offence having passed their driving test more than two years previously will undoubtedly escape the provisions of my hon. Friend's Bill.

I took the trouble to go to the Library, and discovered that 27,000 people are resident in Liechtenstein; as most of it is mountainous, I do not think that that anomaly will pose a great threat to road safety in this country. One other interesting point about Liechtenstein, which I accept is totally out of order, is that it is one of the few states which has not—

**Mr. Deputy Speaker:** Order. If the hon. Gentleman accepts that the point is out of order—he is not allowing me to make a judgment—I hope that he is not even going to raise it.

**Mr. Atkinson:** I shall return to order. I am sorry to have to deprive the House of a little nugget of information that may have amused hon. Members, but I abide by your ruling, Mr. Deputy Speaker. I am grateful to be able to contribute to the debate.

I am not a great supporter of my hon. Friend's Bill, and I have concerns about particular aspects. Perhaps they will be raised in the other place. However, as my hon. Friend has worked hard on his Bill, I hope that it receives a fair wind in the other place. If it were shown over time that the Bill's provisions were not having the intended impact, the legislation could be presented to the excellent Select Committee on Deregulation of which I am a member, which could remove it from the statute book.

1.54 pm

**Ms Joan Walley** (Stoke-on-Trent, North): I will be brief because I am aware that the Minister has yet to comment and that the hon. Member for Rochford (Dr. Clark) will want to reply.

This is my first opportunity to congratulate the hon. Member for Rochford on his Bill, which has our full support. It is important that any measure to improve road safety and to reduce the number of casualties, particularly among young drivers, reaches the statute book.

The lottery of private Members' Bills greatly concerns the Labour party. Road safety proposals should be presented to the House in an integrated way, and the Third Reading of this Bill should be part of such a framework. I do not want to stray out of order, but time after time on Fridays it is not possible fully to deal with Bills of the sort introduced by my hon. Friend the Member for Derbyshire, North-East (Mr. Barnes).

**Mr. Deputy Speaker:** The hon. Lady may not want to stray but she is doing so. I urge her to return to the Third Reading of the Bill before the House.

**Ms Walley:** I will endeavour to keep in order, Mr. Deputy Speaker, but making time available to deal properly with Friday Bills is a matter of concern.

The hon. Member for Brentwood and Ongar (Mr. Pickles) spoke about alcohol, speed and inexperience. Great progress has been made in dealing with drink-driving, but there is no increasing concern about the effect of speed. It is important to get rid of the macho image and to instil in young people in particular the importance of safe driving. I am all in favour of that being done in schools' road safety education and as part of the probationary licence procedure.

I regret that the Bill is being presented piecemeal rather than as part of an integrated approach. Its value has been amply demonstrated by the hon. Member for Rochford and by the Automobile Association, which perhaps played a large part in its drafting. The AA, as a representative of drivers' interests, should play a role, and I recognise its contribution to the Bill. I acknowledge also the support given by the parliamentary advisory committee on transport safety. It is concerned that the re-test should be a different sort of test. Perhaps we may consider that at a later stage.

Hon. Members who served on the Committee demonstrated the value of the Bill, which is appreciated by the general public, our constituents and anyone who has been involved in a terrible tragedy caused by irresponsible driving.

The need for the Bill has been demonstrated by statistics. I shall now introduce a controversial aspect into the debate because I notice that, on Second Reading, the Minister justified the support for the Bill on the grounds of the results of important research that had been carried out by the Transport Research Laboratory.

I bring to the Minister's attention the fact that, on the day that he made those comments—3 February 1995—in the same edition of *Hansard* as the Second Reading debate there was a reply to a parliamentary question that I had tabled, which stated that the Government are making considerable cuts in the number of people employed at the Transport Research Laboratory to do that very important research work.

All hon. Members know that that invaluable organisation, the Transport Research Laboratory, is in the process of being privatised. Where would we be if its important research had not been carried out? I have grave anxieties for the future as a result of that idiotic privatisation proposal, with which the Government are proceeding.

It would be wrong of me not to refer to the sterling work that has been done in another place by Baroness Barbara Castle, who set up the Transport Research Laboratory. Her foresight has given us so much anxiety about the extent of road accidents and so on, and it is important that we support her campaign to retain the Transport Research Laboratory.

Many important issues were mentioned in Committee to which I wish to refer on Third Reading, one of which is the theory test. I should be grateful if, when the Minister replies, he would enlighten us about the most recent position regarding the theory test. Some time ago, the then Secretary of State for Transport, the right hon. Member for Norfolk, South (Mr. MacGregor), promised new proposals that would harmonise us with Europe in respect of the proposed theory test. I am still not sure what the theory test will be. I am not sure when it will be introduced and when we shall have an opportunity to debate it.

That subject is relevant to the present debate, because we are discussing driving licences. I hope that the Minister will enlighten us about that and deny categorically that there is any truth in newspaper reports that the Government are backtracking on a new theory test.

I should mention the argument made to me by my hon. Friend the Member for Ogmore (Mr. Powell) about motorway driving. We must carefully consider the way in which new drivers and young drivers are properly prepared to drive on our motorways and the scope that exists in the current test, or in the retesting that will take place, to ensure that people are capable of motorway driving and properly prepared to undertake it.

Other issues were mentioned in Committee. There was discussion about whether two years was the right probationary period and whether it should be longer or shorter. The issue of whether we are concerned with new drivers or young drivers also arose, and has been amply covered in the debate that we have just had.

Another issue that was mentioned in Committee was the form that our driving licence should take. I refer specifically to the debate that took place with my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) about licences and counterpart licences. We shall need to return to that subject, and it would have been better if we had had an integrated measure so that we could clear all the anomalies in respect of future European harmonisation now, rather than later.

Finally, there is the issue of the way in which people are prepared for driving tests. I bring to the attention of the House further replies that I have received to my parliamentary questions, which show that a very large number of days is lost as a result of sickness of examiners employed by the Driving Standards Agency. In 1994, about 29,965 days were lost as a result of examiner sickness. That is an important statistic because it has a great bearing on the way in which we prepare people for driving tests and then ensure that, having passed their test, they are able to drive vehicles safely.

With those few comments I should like to repeat that we support the Bill. However, I regret that we do not have an integrated framework to address the serious issue of road safety.

2.4 pm

**The Minister for Transport in London (Mr. Steve Norris):** I shall first pick up on the last point made by the hon. Member for Stoke-on-Trent, North (Ms Walley), who leads for the Opposition on these important matters. She advanced an astonishing proposition. She is critical of the Bill on the basis that it is a piecemeal, not an integrated, measure. In my experience words such as "integrated" are among the most dangerous in the English language. I know that an integrated transport policy means any transport policy other than the one being practised by the Government of the day.

I shall pass over that matter and merely record that when the hon. Lady talks about the measure being piecemeal and not integrated, it is clear that she does not have the vaguest idea what she is talking about. She referred to the desirability of incorporating legislation on counterpart licences. In Committee, the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) referred to that subject while relying on the patience of the Chairman. There were those of us who, in our untutored way, thought that those observations might be well out of order, but my hon. Friend the Member for Southampton, Test (Mr. Hill) is a generous man and he allowed the debate to continue.

I make that point merely to observe, in parenthesis, that the notion that any delay on the Bill was brought about by Conservative Members is exploded once one realises that in the last few seconds of the Committee stage, at about quarter to one, the hon. Member for Thurrock (Mr. Mackinlay) popped up, having deigned to visit us for a few seconds—

**Mr. Deputy Speaker:** Order. As I have already said, we cannot discuss today what happened in Committee. We must get on to the subject of Third Reading, however tempting it may be to reflect on the Bill's Committee stage.

**Mr. Norris:** I beg your pardon, Mr. Deputy Speaker. When one hears nonsense such as that spoken by the hon. Member for Derbyshire, North-East (Mr. Barnes), it is intolerably difficult to restrain oneself. However, I understand that I cannot respond except to say how much of the responsibility for the Committee proceedings lay with Opposition Members.

I shall return to the subject of counterpart licences. The hon. Member for Stoke-on-Trent, North is effectively saying that we should never legislate. The hon. Lady describes as piecemeal the current process whereby measures that will improve road safety and save lives can be brought before the House. The excellent measure introduced by my hon. Friend the Member for Rochford (Dr. Clark) has been taken so far through the House, but the hon. Lady says that we should not proceed with it until we are ready to proceed on counterpart licences, which is likely to be years away. If that is what the hon. Lady means by integrated, I should like to be the first Transport Minister to say that, in that respect at least, I do not want an integrated policy. I want very little of what the Opposition have to offer on Transport, but I certainly do not want that definition of an integrated transport policy.

The hon Lady's reference to an integrated transport policy was about as relevant as her remarks on the Transport Research Laboratory. Even before you, Mr. Deputy Speaker, invite me not to do so, I shall not proceed to debate the merits of privatising the Transport Research

*[Mr. Norris]*

Laboratory. Even if the hon. Lady's comments had been relevant, which they were not, they were utterly outwith the scope of the Bill. That laboratory is an excellent organisation and will no doubt continue to do excellent research, much of which will be funded by the Department.

The hon. Lady made a number of points about the theory test—about its adequacy and about announcements. I can confirm that my right hon. Friend the Secretary of State for Transport will be making an announcement about the theory tests, which is an important one of the four planks of our policy for new drivers—

**Ms Walley:** When?

**Mr. Norris:** We shall shortly be able to do that. If the hon. Lady imagines that it is a matter of no consequence that can be disposed of in a few minutes, that shows how unfitted she and her hon. Friends are for office.

I have searched the Bill and found not the slightest reference to theory testing. On that basis, it seems that it is an alleyway down which I should not proceed. It would be equally inappropriate for me to debate Driving Standards Agency absenteeism. It has come to a pretty pass when speakers who should address such matters as retesting new drivers attempt to tie in such concepts as absenteeism among DSA staff. That shows massive generosity on your part, Mr. Deputy Speaker.

**Ms Walley:** I am grateful to the Minister for giving way. Will he inform the House when he intends to introduce new measures about theory tests for drivers?

**Mr. Norris:** As I have said, my right hon. Friend will make an announcement about the theory test in due course. I am aware of the hon. Lady's propensity for making trouble and for spreading despondency when none is justified, so I make it quite clear that theory testing remains an important part of our armoury of measures in relation to new drivers. In any event, it is a requirement of the second European Community driver licence directive, as she should appreciate. We will bring forward our proposals in due course; we will certainly not be rushed into doing so by the hon. Member Stoke-on-Trent, North or by any of her hon. Friends.

I say to the hon. Member for Derbyshire, North-East that perhaps it is best to view legislation of this sort from the perspective of a left-wing non-driver, which is how he described himself. I am not entirely sure whether "left-wing" relates to the fact that we drive on the left-hand side of the road in this country or whether it has political connotations. The implications of his statement have escaped me on previous occasions and they do so again today. It is the hon. Gentleman's practice in such matters never to be confused by the facts and, if possible, to talk from a position of total inexperience, because in that way he may indulge in the greatest flights of fancy.

The Department of Transport has welcomed the concept of the Bill. The Government are constrained in the amount of time available to introduce Bills of this sort, so we are very grateful to my hon. Friend the Member for Rochford for his initiative and for the work that he has done in introducing the legislation. Its passage has not been easy—as he said, there have been a large number of amendments.

In addressing the points made by my hon. Friend the Member for Hexham (Mr. Atkinson), I suggest that there is no danger of the Bill meeting the fate that might have been accorded to the excellent Dangerous Dogs Act 1991. As former parliamentary private secretary to the then Home Secretary, my right hon. Friend the Member for Mole Valley (Mr. Baker), who performed excellently in that role, I have yet to be persuaded that that is not extremely useful legislation.

More to the point, this legislation was agreed throughout the Committee stage. Furthermore, and more importantly, it is not likely to be drawn to my hon. Friend's attention as a deregulatory measure. My hon. Friend should understand that, to the Government, deregulation has never meant any reduction in safety standards or in standards of consumer protection. Labour Members often allege that, when we deregulate, we automatically reduce safety standards. The Government have always made it clear that safety is one of our most important priorities.

I suggest to my hon. Friend that we are not performing the role of a good deregulator—that is, removing unnecessary legislation; eliminating unnecessary burdens on business is the principal function of deregulation—but are putting on the statute book legislation that will save lives. As an innate deregulator, I have no difficulty with that concept.

**Mr. Peter Atkinson:** I thank my hon. Friend for giving way. I remain concerned that the legislation will not achieve its objective. If it fails to influence the behaviour of young and inexperienced drivers, my point is that it must then be removed from the statute book.

**Mr. Norris:** I have no objection to the concept that if the Bill proves ineffective—I stress the fact that in my view and in the view of every professional organisation involved, that is extraordinarily unlikely—the first to want it removed would be my hon. Friend the Member for Rochford. Nobody is in the business of clogging up the shelves with additional legislation that has proved ineffective. However, it is true that my hon. Friend's point goes to the heart of the Bill.

My hon. Friend the Member for Beckenham (Mr. Merchant), in a thoughtful and helpful speech characteristic of his approach throughout our proceedings on the Bill, drew attention to the essential difference between an experienced new driver and a young driver. He said that there were two types of new driver—inexperienced drivers who, like Aunt Marjorie, the aunt of my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles), are no longer young, although they may be still in their first flush, and those who are both young and inexperienced.

We should not detain ourselves long on the issue, because, throughout the debate, the essential points have been made. My hon. Friend is right that the hallmark of inexperienced but mature drivers is an awareness of their own limitations. Because such drivers are more responsible, they tend to drive within those limitations. I agree that, statistically, they represent a significantly lower risk than young drivers in terms of their propensity to cause accidents.

My hon. Friend also made a point that has emerged throughout our proceedings—that young people are extraordinarily adept. Their reactions are fast and they are good at handling the vehicle itself. That is precisely what

my hon. Friend the Member for Beckenham said, but what is wrong with that category of driver is often the attitude, not the technical competence.

Often, part of young drivers' attitude is a belief that they can drive on water, that they are utterly immune from any propensity to have an accident and that they know everything that there is to know about driving, despite the fact that they have held a licence for only five minutes. They tend to believe that they can control their vehicle in all circumstances, whereas the more one drives, the more one realises that that is never true, even with a car that one knows extremely well.

I suspect that the Bill was principally aimed at that distinction. My hon. Friend the Member for Rochford decided to call it the Road Traffic (New Drivers) Bill, and I have no difficulty with his definition, but its important feature with regard to young drivers is that it talks in terms of attitude. The AA has introduced a questionnaire for new young drivers designed to make them confront their attitudes and to try to ensure that they approach driving as a serious business.

My hon. Friend the Member for Beckenham referred to the concept of the macho young driver, and it was the deliberate intention of the Bill that young people should face the consequences if they build up unnecessary points. They will have to go back to first base, sit next to someone else when they want to go out, display L-plates and put up with their friends sniggering behind their hands. I suspect that most young people would consider that a fairly serious consequence.

I must make one thing clear, however. My hon. Friend the Member for Rochford wanted to avoid looking as if he was merely applying unreasonable pressure to young people. He could have drafted a Bill which said, for example, that if a young driver had accumulated any points in the first two years he or she should go back for a new test. He could have attempted to introduce a three-year term, but one with a lower number of penalty points—for example, six or even nine points in three years. He did not do that. Instead, he quite properly decided that this measure will have limited application, to a number of new drivers. It will be a useful deterrent in the context—it is crucial—of changing people's attitudes.

My hon. Friend the Member for Hexham, a noted cynic, appears to be equally cynical about the effectiveness of the Bill. I am prepared to give it a fair go. It may be of interest to him to know that many countries in Europe and beyond place restrictions on new drivers. Some countries hold such powers in reserve as long as those drivers generally behave themselves. That is what we intend to do here. Other countries again make use of probationary plates. Regardless of whether the new driver has committed an offence, he has to carry a plate denoting his lack of experience. The theory is that that helps other road users.

We have looked at the one place in the United Kingdom where the idea is already in force: Northern Ireland. There, people have to use an R-plate—it stands for "restricted"—meaning that the driver is subject to a speed limit. It has been in force already for about 25 years. We are evaluating research done by Queen's university, Belfast on whether the idea would benefit the rest of the United Kingdom. There are difficulties with establishing what the status quo ante was, because the number of accidents then was not in the minds of those who introduced the legislation in the first place. However, the Government's mind is not closed to the proposition.

Almost everyone involved in road safety issues recognises that it is vital to deal with new and inexperienced drivers. This Bill is only one of four measures or ideas that we intend to introduce. First, there is the theory test, to which the hon. Member for Stoke-on-Trent, North, like us, attaches a great deal of importance. Then there is the Pass Plus idea, designed to help newly qualified drivers to obtain better experience—and, incidentally, lower their insurance premiums. Thirdly, there is the 16-plus pack, available in schools for young people who are about to become drivers. Those three positive measures are to be allied to this one—which is the stick that accompanies the carrot, and which suggests that it may be necessary on occasion to invoke the notion that there is a price to be paid if a young driver is given to a little recklessness.

There should be no doubts about who will be covered by the Bill. My hon. Friend the Member for Hexham made the perfectly valid point that one or two people—the numbers are very small—might not be covered. I do not want at this point to investigate the status of Liechtenstein, interesting and unusual though it is, because we had a technical debate about that in Committee. The Bill applies only to the first two years of a driver's full licence. Secondly, even if a person residing in this country holds a licence from another Community country, he will exchange it for a British licence while residing here in Britain. So the only category of person not covered will be a visitor. And visitors, rightly or wrongly, are exempt from most of the provisions of the road traffic legislation. There is little point in prosecuting and going through the rigmarole of awarding penalty points to someone if, after enjoying his holiday here, he returns to a far distant country. In all those circumstances, we have accepted that the present arrangements are satisfactory for the overwhelming number of young people who qualify in this country, live in this country and will go on to be drivers in this country.

The most telling point was that made by one of my hon. Friends—forgive me, Mr. Deputy Speaker, but I cannot remember precisely which one—who said that what we are doing is establishing in the minds of young drivers an attitude towards driving, which, we hope, will stay with them for the rest of their lives.

**Mr. Pickles:** It was me.

**Mr. Norris:** It was indeed my hon. Friend—my good friend and parliamentary neighbour—the Member for Brentwood and Ongar who made that point.

This is an excellent measure. I commend my hon. Friend the Member for Rochford for the way in which he has piloted it through the House, despite the tremendous interest, which was equal on both sides of the House, and the complexity of the amendments that were tabled.

I commend the Bill to the House.

2.25 pm

**Dr. Michael Clark:** With the leave of the House and with your permission, Mr. Deputy Speaker, I shall say a few words.

I thank everyone in the House for taking part in the debate. I would like to say a special word to the hon. Member for Stoke-on-Trent, North (Ms Walley), who,

*[Dr. Michael Clark]*

because of another commitment, has had to leave the House. I was very pleased indeed to have the hon. Lady's support for the Bill throughout all its stages. I know that she was absent on Second Reading due to circumstances beyond her control, but I know that she cares passionately about road safety matters. She spoke about the second test probably being more difficult than the first, but said that it is something that we should have. That is a matter to which we can return.

I thank my hon. Friend the Minister for Transport in London for all his help throughout and for his support this morning. I am sure that such help is invaluable to a private Member's Bill.

If I may, I shall say a few words to my hon. Friend the Member for Hexham (Mr. Atkinson). Of course the AA and the RAC are organisations that want to protect motorists and their freedom, but they want to protect the freedom of the 95 per cent.—if not the 98 per cent.—of motorists who drive responsibly, and not that of the irresponsible 2 or 3 per cent. who drive badly. He asked several probing questions that were useful. I hope that he has received answers.

I now come to the hon. Member for Derbyshire, North-East (Mr. Barnes). I shall paraphrase—it is only fair that I do—a letter from a young disabled man in Sheffield who wrote to me. He noted that my name had come up recently due to my private Member's Bill. He told me that he looks forward to any legislation from the Government that will assist him as a disabled person. He told me that, as he became disabled as a result of a road traffic accident in 1988, he must encourage me and my Bill at every stage. He told me that if anyone writes to ask me to drop my Bill, I should put their letters in the waste paper basket. That is another side of various arguments.

I am delighted to see my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) in his place and not hurt overmuch by the terrible road accident that I know that he had. We all have family, friends or neighbours who have been hurt or killed in road accidents. It is important that we consider this as a road safety measure. I am sure that my hon. Friend was right when he said that people who are penalised under the provisions of the Bill will have their insurance premiums loaded. It is quite right and proper that they should.

Finally, I come to my hon. Friend the Member for Beckenham (Mr. Merchant), who has been so helpful throughout every stage of the Bill. I have just a minute to mention him. If I say nothing more, I thank my hon. Friend. He has taken an interest in road safety matters, and pointed out three aspects of road safety that are so important: alcohol, speed and inexperience. As he rightly said, the Bill will assist in preventing people with reckless inexperience from staying on the roads with a full licence. Some Bills are not a deterrent. My Bill is a deterrent. I commend it to the House.

*Question put and agreed to.*

*Bill read the Third time, and passed.*

## Remaining Private Members' Bills

### REFERENDUM BILL

*Order for Second Reading read.*

*Question,* That the Bill be now read a Second time, *put and negatived.*

### TAMPONS (SAFETY) BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

### WAR CRIMES (SUPPLEMENTARY PROVISIONS) BILL [*LORDS*]

*Order for Second Reading read.*

**Mr. Deputy Speaker (Mr. Michael Morris):** Second Reading what day? No day named.

### SCHOOL TRANSPORT SAFETY BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

### ANIMAL HEALTH (EUROPEAN LAW) BILL

*Order for Second Reading read.*

**Mr. Deputy Speaker:** Second Reading what day? No day named.

### REGULATION OF DIET INDUSTRY BILL

*Order read for resuming adjourned debate on Second Reading [31 March].*

**Hon. Members:** Object.

*Debate further adjourned till Friday 14 July.*

### BREAST CANCER (NATIONAL PLAN) BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

### WOMEN AND INFORMATION TECHNOLOGY BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

### SPORTS (DISCRIMINATION) (No. 2) BILL

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

**MERCHANT SHIPPING (INQUIRIES AND INVESTIGATIONS) AMENDMENT BILL**

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

**TELEVISION SPORT (PUBLIC ACCESS) BILL**

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

**CIVIL RIGHTS (DISABLED PERSONS) (NORTHERN IRELAND) BILL**

*Order read for resuming adjourned debate on Second Reading [17 March].*

**Hon. Members:** Object.

*Debate further adjourned till Friday 14 July.*

**PENSIONS (DIVORCE) BILL**

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

**TRANSPORT OF ANIMALS FOR SLAUGHTER BILL**

*Order read for resuming adjourned debate on Second Reading [24 March].*

**Hon. Members:** Object.

*Debate further adjourned till Friday 14 July.*

**ENERGY-SAVING MATERIALS (RATE OF VALUE ADDED TAX) BILL**

*Order read for resuming adjourned debate on Second Reading [20 January].*

**Hon. Members:** Object.

*Debate further adjourned till Friday 14 July.*

**NATURAL DISASTERS (SCOTLAND) BILL**

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

**CIVIL RIGHTS (DISABLED PERSONS) (SCOTLAND) BILL**

*Order for Second Reading read.*

**Hon. Members:** Object.

*Second Reading deferred till Friday 14 July.*

**REQUIREMENTS OF WRITING (SCOTLAND) BILL [*LORDS*]**

*Read a Second time.*

Bill committed to a Committee of the whole House.—[*Mr. Jenkin.*]

*Bill immediately considered in Committee; reported, without amendment.*

*Motion made, and Question*, That the Bill be now read the Third time, *put forthwith pursuant to Standing Order No. 75 (Third Reading), and agreed to.*

*Bill accordingly read the Third time, and passed, without amendment.*

**CIVIL EVIDENCE (FAMILY MEDIATION) (SCOTLAND) BILL [*LORDS*]**

*Read a Second time.*

Bill committed to a Committee of the whole House.—[*Mr. Connarty.*]

*Bill immediately considered in Committee; reported, without amendment.*

*Motion made, and Question*, That the Bill be now read the Third time, *put forthwith pursuant to Standing Order No. 75 (Third Reading), and agreed to.*

*Bill accordingly read the Third time, and passed, without amendment.*

**PREVENTION OF FRAUD (REGISTRATION) BILL**

*Order for Second Reading read.*

**Mr. Deputy Speaker:** Second Reading what day? No day named.

**SITTINGS OF THE HOUSE**

*Ordered,*

That, at the sitting on Friday 5th May, the Speaker shall adjourn the House, without Question put, immediately after Prayers.—*[Mr. Liam Fox.]*

## Low-flying Military Aircraft

*Motion made, and Question proposed,* That this House do now adjourn.—*[Dr. Liam Fox.]*

2.36 pm

**Mr. Gordon Prentice** (Pendle): I welcome the opportunity to raise in this short debate a matter of great concern to my constituents—low-flying military aircraft. I want to talk specifically about the Tornado, one of the three fast jets flown by the Royal Air Force.

In one way or another, my constituents have long been associated with aviation. Tornado aircraft parts are manufactured in Pendle, and Rolls-Royce makes aeroplane engines in Barnoldswick in my constituency. Aviation is part and parcel of the region, but so too, unfortunately, is low flying. I pay tribute to the courage and skill of our pilots. So far as I have any criticism, it is not primarily directed at them.

Let me make my position clear at the outset. Low flying should not be allowed over built-up areas. I do not include here tiny hamlets. Low flying over towns and other populated areas should generally be prohibited. The Minister of State for the Armed Forces told me, last month I think, that towns listed for low level avoidance were generally those with 10,000 or more inhabitants, and that all other populated areas were to be avoided by military aircraft wherever possible.

That is not good enough. In my constituency, the two towns most affected are Barnoldswick, which has a population of just over 10,000, and Earby, which is half that size. My constituents in Earby probably see one or two aircraft a week flying overhead. Other villages such as Foulridge, just outside Colne, are also affected from time to time, but the incident that overshadowed all others happened on 30 January this year, when eight Tornadoes from RAF Bruggen in Germany flew very low over Barnoldswick and Earby.

That incident was widely reported in the local press. One of my constituents, Mr. Paul Howarth, of Alma avenue, Foulridge wrote to the *Barnoldswick and Earby Times* to say:

"Living in Foulridge, I was one of the residents whose houses the RAF Tornados flew over during recent low flying night exercises. Mr. Pendle's Diary"—

an editorial or comment column in the local newspaper—

"suggests that this must have been a terrifying experience for me and that I have a right to know who chose the route for the planes to fly on. On these two points I must disagree with Mr. Pendle. No, I did not find it a terrifying experience—not in the least—and secondly, I do not accept that I have a right to know who planned the route.

I presume the RAF, possibly in conjunction with NATO, planned the route and here I do agree with Mr. Pendle that flying over the outskirts of built up areas is an essential part of training for the defence of the United Kingdom."

Mr. Howarth then went on to criticise me on other matters in trenchant terms.

Not everyone, unfortunately, is made of such stern stuff as Mr. Howarth. I have passed the names of those affected by the low flying on 30 January to Lord Henley, the Under-Secretary of State for Defence. Those people will be interviewed in due course by RAF police. They will speak, for example, to Mrs. Whiteley of Albion street, Earby and to her son, Paul, who edits the local paper, "The Town Crier". That paper was inundated with calls from local people. The RAF police will also want to interview Mr. Cliff Garnett of Gisburn road, Barnoldswick and Duncan Smith, a reporter on the *Craven Herald and Pioneer*, who happens to live in Earby.

Duncan Smith saw the jets at first hand, and he described the experience for that newspaper in the following terms:

"I was just leaving the house to take my dog for a walk when I heard the first formation approaching and as they came over, they did seem very low, very fast and very loud. I certainly checked the house roof to see if the tiles were still on!

But the second formation took me completely by surprise. By then I was near the Station Hotel and directly under the flight path. The first I knew was when the lead jet soared above me, and the noise was incredible. It felt like being inside an explosion, like a volley of cannon fire exploding right above my head.

Before I knew it, I was virtually crouching on the ground, having instinctively ducked low, and my heart was pounding. My dog was frantically pulling at the lead, obviously very scared. I watched the remaining jets fly over, still ducking instinctively each time at the noise.

I wouldn't like to say how low they were, but I have never known them that low before and, having passed over the town, they seemed to pull up to clear Earby moor.

With hindsight it was quite exciting. But in all honesty, if I'd been elderly, of a nervous disposition or with a weak heart I might not be here now to write this."

A thousand questions spring to mind after reading that account. What about safety? Do we need low flying, and what is its purpose in the post-cold war world? The whole business of low flying is phenomenally expensive. It cost £177,000 for those eight Tornados to come here from their base in Germany. The local paper carried the headline:

"£117,000 for night out in West Craven",

and described that sum as "staggering".

I hope that the Minister does not bridle too much if I mention that, while that overflight took place, a debate was raging on the ground about cuts to the education budget and how they will affect West Craven high school in Barnoldswick. That £117,000 would be an absolute godsend to that school. People make such connections.

No one would want the country to be left without air defences, but is all low flying necessary? If it is absolutely necessary, why are people not warned beforehand? The Minister has told me that it would be impracticable to provide prior notice of all low-level sorties to Members of Parliament, but surely a flight of eight Tornados is worthy of a brief note to me.

My constituents also want to know why we do not use other, less densely populated countries for low flying, if it is needed. Why do we not make more use of Goose bay in Labrador, or of areas in central and eastern Europe where countries are crying out for hard currency, instead of inflicting this scourge on heavily populated areas such as Pendle and the north of England generally?

I have had the benefit of reading the seventh report by the Select Committee on Defence, which was published in July last year, and the Government's response to it. I do not have time to deal with all the issues raised in the report, but I want to touch on a few. I mentioned that I wanted low flying to be banned for safety reasons. I do not want to be alarmist, but I must tell the Minister that the Station hotel, where Duncan Smith had his frightening

experience, is only 300 or 400 yards from Earby county primary school. That is the blink of an eyelid for the pilot of a fast jet which is streaking across the sky.

I was reminded of the tragic incident in September last year when two RAF airmen died when their Tornado crashed into a hillside in Perthshire. It was the fifth Tornado crash in 1994. A report in *The Herald* on the following day, 2 September, quoted a Lochearnhead schoolteacher who said that low-flying aircraft often passed over her school. She said:

"This plane crash was within half a second (travelling time) of this playground with 16 children in it."

That incident prompted my hon. Friend the Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes) to call for a suspension of all military low flying until the cause of the crash became clear. He said—he was not being alarmist, either—that it was only a matter of time before there was a "Lockerbie-style" incident involving low-flying jets crashing into populated areas.

I have read about the ALFENS project, the new notification procedure which is supposed to improve safety. From my reading of the Defence Committee report, it is clear that it is scandalous that the project is running years late. I hope that the Minister can tell me whether the project is likely to come on stream this year as promised.

The Minister also told me in answer to a parliamentary question last month that 27 Tornado aircraft had crashed while on exercise over United Kingdom land and sea. The idea that we might witness an aircraft crashing in a populated area is not fanciful. I was told that 17 aircraft had crashed on land—mercifully, none into a built-up area. Tragically, 17 RAF personnel and two civilians were killed in the crashes. A further 15 Tornado aircraft have been lost overseas; six were lost in combat over the Gulf, another six as a result of air crew error and three others as a result of mechanical or similar failure.

Leaving aside the human cost, the total cost of all the crashes is close to £1 billion. The Library tells me that, at 1994 prices, the cost of a Tornado aircraft is an astonishing £28 million, so the crashes in the United Kingdom since 1981 have cost £644 million, and those overseas have cost £345 million. It seems to me as a layperson that it is self-evident that flying at very low altitudes will increase the risk of something going wrong.

I know that the normal minimum height for low flying in the United Kingdom is 250 ft. Operational low flying is allowed down to 100 ft. Planes are literally skimming across the treetops in three tactical training areas: in the north of Scotland, just north of the Great Glen, in the borders and in central Wales. It is not surprising that shoals of complaints are generated when planes travel at such altitudes.

Last year, there were 5,778 complaints, which had risen from 5,738 the year before. I am absolutely convinced that those figures do not convey the real number of complaints. People generally do not know who to complain to, other than their Member of Parliament, if they see a warplane streaking overhead and disappearing over the horizon. They tend just to shrug their shoulders and get on with life. Most people have not even heard of the Royal Air Force police.

To illustrate the point, only a few days ago I was speaking to another constituent of mine, Jim Skinner, who lives in Manchester road, Barnoldswick. I mentioned to him in passing that I was raising this important issue in the House, and he told me, completely unprompted, that at 11 o'clock—I hope that the Minister will want to take note—on Friday 21 April, another Tornado had screamed up Manchester road at a height of 300 ft before disappearing over the horizon.

Our planes fly at lower altitudes than those of all other NATO countries. Does that necessarily produce better results? Malcolm Spaven of the International Security Information Service made some constructive points when he told the Select Committee on Defence:

"It has been argued that the more frequently aircrew fly, the better their flight safety record. On that basis, one would expect the RAF to have a lower accident rate for its fast jets than similar types in other NATO air forces. If this was the case, then it could be put forward as a justification for the expense of additional flying effort, since it would have a pay-off in the husbanding of expensive combat aircraft resources and of aircrew trained at great expense. However, the reverse is true. Consistently throughout the 1980s and until 1992, the RAF's combat fast jets have had an accidental loss rate twice that of their US Air Force equivalents."

Mr. Spaven went on to talk about the RAF's predilection for very low flying and of the experience of the Gulf war. He said:

"One lesson learned from the Gulf War was that the RAF's hitherto exclusive concentration on low level attack was insufficiently flexible. The rapid switch of air-to-ground operations from low level to the medium level airspace was carried over to some extent into post-Gulf War training."

Mr. Spaven also said that medium-level training is very much regarded—even now—as a secondary option by the RAF. In effect, that means that, for the foreseeable future, we have to suffer increased very low flying in my area.

When my hon. Friend the Member for Carrick, Cumnock and Doon Valley commented in September, he said that the Minister of Defence had broken a promise made in 1991 to cut the number of low-level flights by 30 per cent. He said then that the real fall was nearer to 3 per cent., mostly due to the reduced number of flights by the United States Air Force. Will the Minister comment on that?

Is not increased activity being inflicted on us in Britain because of the decision by the Germans to ban low-level flights over Germany, for environmental and other reasons? Royal Air Force planes, such as the eight Tornados which came from RAF Bruggen, spend useless hours travelling so that they may fly at low level for 30 or 40 minutes in the north of England, before flying back to their home base.

I would like the Minister to address the point that I made earlier about alternative areas in which low flying can take place if it is deemed to be absolutely essential. I am not the only person who wants answers from the Minister but many hundreds of my constituents, who are regularly inconvenienced, frightened and alarmed by low-flying jets screeching over the areas in which they live.

2.54 pm

**The Minister of State for the Armed Forces (Mr. Nicholas Soames):** I am grateful for the opportunity to reply to this Adjournment debate, and will try to deal with a number of the points made by the hon. Member for Pendle (Mr. Prentice) in the time that he has left me.

I will explain why low flying remains essential, where the activity is carried out, and how it is controlled and monitored. While the prospects of a major conflict in

*[Mr. Nicholas Soames]*

Europe may have receded with the end of the cold war, instability and unpredictability have increased. Events around the world have demonstrated a continuing requirement for well-trained, well-equipped armed forces that will be able to defend our interests whenever and wherever the need arises. Clearly, the ability to fly low remains a vital element in meeting that requirement, and an important reason for low-flying training.

Many nations possess modern, capable air defence systems. Wherever our armed forces are likely to conduct flying operations, we must and will be prepared for them to be opposed by air defences supported by a comprehensive network of surveillance radars and command and control systems. As such systems rely heavily on radar information, low flying is a vital tactic to minimise exposure to those defences.

Attacking aircraft can use natural land features to mask their approach, but to press home their attack and to be successful, they must fly at high speeds and at heights of 100 ft and below. Such skills cannot be learned quickly. Nor can they be maintained without regular, rigorous and realistic training. It is essential that air crews achieve and maintain a high standard of proficiency in peacetime.

We must never—and will never—send air crews into action in hostile operating environments without first training them to the highest levels. The hon. Gentleman will understand that we would never wish to put the lives of air crew at risk in that way. Regular low flying remains essential to meet our defence commitments.

In an ideal world, we would train without causing any disturbance to those on the ground. Maximum use is made of simulators, but even the most advanced technology cannot be a substitute for low flying. Unfortunately, there are no uninhabited areas in the United Kingdom large enough to accommodate our training needs, so we aim at spreading the activity across the United Kingdom as widely as possible, to reduce the burden in any one area.

Certain areas are excluded, such as civil aerodromes, major industrial hazards and large centres of population—generally, towns with 10,000 or more inhabitants, such as Barnoldswick. In addition, air crews do their best to avoid all populated areas, whether or not they are listed for avoidance.

It is not always possible to avoid the outskirts of towns and communities, and people living on the outskirts of major towns, as well as in less populated areas, will see and hear aircraft from time to time. To minimise disturbance, we limit the amount of low-flying training to that which is strictly essential. Since 1988, we have reduced the volume of low flying by jet aircraft by more than 30 per cent., and are committed to maintaining that reduction.

Night training is fundamental, but we keep it to the minimum for air crew to acquire and maintain the required skills. We also aim to complete training as early as possible, and before 11 pm whenever possible. Low flying by fast jets is rarely permitted after that time. The longer hours of darkness in the winter months allow sorties to be flown earlier in the evening, as was the case with the sortie that involved the flying in the vicinity of Barnoldswick and Earby on 30 January, to which the hon. Gentleman referred.

We recognise that the general public have a right to be assured that low flying is conducted safely and responsibly. I emphasise that our pilots are subject to stringent flying regulations. Their performance is closely monitored, to ensure that the standards of airmanship, so vital to our operational capabilities, are kept to the highest level. They are brave, skilled and dedicated people—some of the best fast jet pilots in the world.

We take seriously all complaints about low flying, and those that suggest a breach of regulations are investigated by the Royal Air Force police. The RAF police also carry out regular covert monitoring operations, sometimes assisted by a Skyguard radar system, which measures accurately the altitude and speed of an aircraft.

I am pleased to be able to assure the hon. Gentleman that those checks have consistently shown that, rightly, there is a healthy respect for the regulations. That is not to say that breaches never occur, but such cases are very much the exception; flouting of the rules is not tolerated, and action is taken when breaches are substantiated.

I emphasise that flight safety is at the heart of our flying regulations and operating procedures. All military aircraft accidents are investigated thoroughly, and any lessons learned are put into effect as a matter of priority. We ensure that our findings are publicised widely, not only among military allies but throughout the aviation world, and summaries of all those boards of inquiries are placed in the Library of the House.

Although there has been a downward trend in the overall RAF accident rate recently, we are certainly not complacent. A range of safety measures is being progressively introduced to improve deconfliction and conspicuity in the lower air space. In addition, my Department has regular discussions with the Civil Aviation Authority and other civil agencies about a wide range of safety issues. Of course, no flying activity is entirely risk-free, but the risks need to be kept in perspective.

As the hon. Gentleman mentioned, taking his line from the hon. Member for Carrick, Cumnock and Doon Valley (Mr. Foulkes), who is perhaps the last master of the understatement in the House of Commons, the flying safety record of the Tornado compares extremely favourably with all other fast jet types. The number of losses since the Tornado entered service in 1981 is well within the expected attrition rate.

I shall now discuss the incident on 30 January 1995. As the hon. Gentleman is aware, investigations by the Royal Air Force police continue. Those have so far established details of the sortie and of its planned route through the Barnoldswick and Earby district. It has not, however, yet been possible to determine the precise route followed by the aircraft, and especially whether any of them overflew the centre of Barnoldswick, which, as I said, is listed for avoidance. It is therefore necessary to speak to witnesses of the incident.

I am grateful to the hon. Gentleman for finally providing—after three attempts on our part to obtain those from him—the names and addresses of those of his constituents who are willing to be interviewed by the RAF police, a matter in which he has proved to be dilatory. Those interviews will now be conducted as soon as possible, and we expect the investigation to be completed shortly afterwards.

Having read the coverage in the local newspaper, I have read the gross exaggerations that the hon. Gentleman used in describing the flight, and the stricture that has been administered to him in a leading article in the same newspaper.

**Mr. Prentice:** Will the Minister give way?

**Mr. Soames:** No; I will not.

My noble Friend the Under-Secretary of State for Defence will then write to the hon. Gentleman setting out the conclusions that have been drawn.

The sortie concerned was a routine training sortie by eight Tornado GR1 aircraft of No. 9 squadron, based at RAF Bruggen. It was intended to simulate a typical attack mission involving the penetration of a highly hostile air space at low level, under cover of darkness—not a mission that would be lightly flown.

After carrying out a simulated low-level attack on a target in the lake district, the aircraft were transiting at low level to carry out a further attack on the range at RAF Wainfleet when they flew through the hon. Gentleman's constituency. The aircraft were authorised to fly down to 500 ft minimum separation distance; that is to say, they were required to maintain a distance of at least 500 ft from all objects, including the ground. They were making use of terrain-following radar, which maintains a fixed separation from the ground and allows the aircraft to be flown safely at low level at night.

The planned route of the aircraft involved a turn from a south-easterly to a southerly heading slightly to the east of Barnoldswick; the aircraft should therefore have passed between Barnoldswick and Earby. As I have said, it has not yet been determined whether any of the aircraft deviated from that route. Because the sortie was being flown at night it was arranged in accordance with the rules of the United Kingdom night low-flying system. Those are specifically designed to minimise the risk of mid-air collisions between aircraft.

The country is divided into a number of night-flying sectors, with only one squadron or unit allowed access to any sector at any one time. That squadron is then responsible for ensuring safe separation between its own aircraft. That is often achieved by all the aircraft involved flying the same route, with time gaps between them, which is what was done on this occasion.

The eight aircraft involved were split into two groups of four. A 40-second gap was maintained between the aircraft in each group, and a three-minute gap between the two groups. I appreciate that flying in stream in that way, which would not generally be done in daylight, increases the disturbance experienced by those who live close to the route, but I hope that the hon. Gentleman will understand the overriding safety considerations which make that necessary. Air crew do, of course, seek to vary as far as possible the routes chosen from day to day.

I hope that what I have said has shown that, in planning and carrying out this essential training, due regard is given to safety and to minimising disturbance to the general public. Unfortunately, it is not possible to avoid disturbance completely, and I apologise to the hon. Gentleman's constituents who were affected by our training on 30 January, although I think that the hon. Gentleman exaggerates the concern.

I believe that we have the best air force in the world. Its deservedly high reputation owes much to the disciplined and thorough training and professionalism of its air crews. I note with pride that, already this year, every type of front-line aircraft in the Royal Air Force has been deployed or is deployed on operations around the world. Their ability to contribute so effectively to our security owes a great deal to the training which our air crews carry out at home. We are most grateful to the millions of people who have supported us in that training for more than 75 years.

*Question put and agreed to.*

*Adjourned accordingly at six minutes past Three o'clock.*

# Written Answers to Questions

*Tuesday 18 April 1995*

## HOUSE OF COMMONS

### EU Institutions (Visits)

**Mr. Allen:** To ask the Lord President of the Council what steps he is taking to encourage hon. Members to take up their annual entitlement to visit EU institutions; and if he will consider organising such visits.

**Mr. Newton:** Hon. Members were made aware of the administrative arrangements covering this facility in December 1991. Members elected since then have had the facility drawn to their attention. I do not have any plans to organise such visits.

**Mr. Allen:** To ask the Lord President of the Council if he will list the number of hon. Members who have used their entitlement to a visit to the EU institutions in each of the financial years since the scheme was instituted.

**Mr. Newton:** The information requested is as follows:

(i) 31 Members in the period 1 January 1992 to 31 March 1992.

(ii) 88 Members in the year ended 31 March 1993.

(iii) 75 Members in the year ended 31 March 1994.

(iv) 68 Members in the year ended 31 March 1995.

### Senior Salaries Review Body

**Mr. Alfred Morris:** To ask the Lord President of the Council, pursuant to his answer of 4 April, *Official Report*, columns *986-87*, on what date the letter to which he refers was sent to the right hon. Member for Manchester, Wythenshawe; and whether his letter of 23 March to the Government Actuary Department indicated the Government's response to the SSRB's current recommendations other than their proposed increase in the death-in-service benefit.

**Mr. Newton:** The letter to the right hon. Member was sent on 4 April. The letter of 23 March indicated the Government's response to the two SSRB recommendations relating to benefit improvements. This was to allow the necessary considerations to be given to the Exchequer contribution level in the Actuary's valuation report.

## LORD CHANCELLOR'S DEPARTMENT

### Correspondence

**Mr. Winnick:** To ask the Parliamentary Secretary, Lord Chancellor's Department if it is the practice for an official in his Department to reply to letters from hon. Members. [18675]

**Mr. John M. Taylor:** It is the practice for either the Lord Chancellor or me to reply substantively to all correspondence from right hon. and hon. Members, save where the correspondence concerns a specific operational matter within the responsibilities of an agency, in which case the relevant chief executive will reply. On occasions an official may write direct in advance of a substantive ministerial reply being sent. Typically this would happen in the following cases:

—where further information is required from right hon. or hon. Member to assist with the preparation of a substantive reply; or

—if the correspondence is being transferred to another Government Department or an agency; or

—when it is anticipated that there will be a delay in a substantive reply.

**Mr. Steen:** To ask the Parliamentary Secretary, Lord Chancellor's Department what considerations led to the interval between his receipt of the letter of 21 February from the hon. Member for the South Hams, regarding John Halsey, and his reply of 30 March, with particular reference to the content of the answer. [19400]

**Mr. John M. Taylor:** It is my normal practice to try to reply to all letters which I receive from hon. Members within one month, unless the letter raises a matter of particular urgency, in which case it is given priority. In this case the reply took a little longer than I would have liked, for which I apologise.

### Immigration

**Mr. Winnick:** To ask the Parliamentary Secretary, Lord Chancellor's Department what co-ordination has occurred between the Foreign Office and his Department over the appeal of Sukhwinder Kaur who was refused entry clearance in New Delhi by Imm ECRO 548/95/5; what is the normal practice in such cases where an appeal is lodged; how soon on average such appeals are heard by an adjudicator; and if he will make a statement. [18673]

**Mr. John M. Taylor:** It is not the practice of my Department to approach the Foreign and Commonwealth Office about such appeals. Ms Sukhwinder Kaur's appeal was lodged in New Delhi in the normal way. Once the entry clearance officer's explanatory statement of the reasons for refusal has been completed, it will be sent to the immigration appellate authorities in London together with the notice of appeal. Upon receipt of these documents, the appellate authorities will send copies of them to the representatives of both parties in this country.

At present, once the parties have indicated they are ready to proceed, the immigration appellate authorities are able to arrange a hearing, on average, within 17 weeks.

### Court Dress

**Mr. Gordon Prentice:** To ask the Parliamentary Secretary, Lord Chancellor's Department what assessment he has made of the usefulness of the wearing of wigs in court. [18713]

**Mr. John M. Taylor:** The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

*Letter from Michael Huebner to Mr. Gordon Prentice, dated 12 April 1995:*

PARLIAMENTARY QUESTION: THE USEFULNESS OF WEARING WIGS IN COURT

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your question about the usefulness of wearing wigs in court.

On 19 July 1994 a Practice Direction on court dress was issued by the Lord Chief Justice on behalf of the Lord Chancellor. The Direction arose because of the need to maintain consistency in the court dress worn by solicitors following the extensions to the rights of audience under the Courts and Legal Services Act 1990. The Direction indicated that the current dress requirements for advocates appearing in the Supreme Court and the county courts continued to apply. This meant that while Queen's Counsel and junior counsel could wear a short wig in court, solicitors could not.

The Lord Chancellor recognised the need for further consultation on court dress before arriving at a long-term decision. In August 1994 views were therefore sought from organisations and individuals closely concerned with the working of the courts, on whether solicitors should be allowed to wear wigs in court. Comments were also invited from members of the public. Because there was no consensus among respondents, the Lord Chancellor concluded that the case for change was not made out. A Practice Direction was issued by the Lord Chancellor on 11 April 1995 to re-affirm the position on court dress as stated in the Practice Direction of 19 July 1994.

## FOREIGN AND COMMONWEALTH AFFAIRS

### Arms Exports

**Mr. Wray:** To ask the Secretary of State for Foreign and Commonwealth Affairs what procedures his Department will be implementing to ensure that all future transfers of military, security and police equipment, including dual-use technologies, will comply with the European Parliament resolution passed on 19 January. [17780]

**Mr. David Davis:** I refer the hon. Gentleman to the reply given to the hon. Member for Glasgow, Pollok (Mr. Dunnachie) by my hon. Friend the Under-Secretary of State for Trade and Technology on 5 April, *Official Report,* column *1191.*

### Parliamentary Questions

**Mrs. Ann Taylor:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) how many times in each year since 1979–80 his Department has given a reply to a parliamentary question which has resulted in the information requested being placed in the Library and not printed in the *Official Report*; [18445]

(2) how many parliamentary questions to his Department in each year since 1979–80 requesting a priority written answer or answer on a named day, were answered within three days; how many received a holding reply; and how many of those which received a holding reply then received a substantive answer within a further five, 10, 15, 20 days or longer; [18444]

(3) how many times in each year since 1979–80 his Department has written to a right hon. or hon. Member correcting an answer to a parliamentary question. [18446]

**Mr. Baldry:** The information requested is a matter of public record but it could be extracted in the form requested only at disproportionate cost.

**Mrs. Ann Taylor:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) how many parliamentary questions to his Department were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which he has responsibility in each year since 1979–80 or for each year that the body or agency has been in existence; [18447]

(2) how many parliamentary questions to his Department that were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which he has responsibility received an answer which was not printed in the *Official Report* in each year since 1979–80 or for each year that the body or agency has been in existence. [18448]

**Mr. Baldry:** The Department has transferred no parliamentary questions to non-departmental public bodies since 1979–80.

The number of written parliamentary questions referred to next steps agencies by this Department is as follows:

Session 1992–93: 7
Session 1993–94: 4
Session 1994–95: 6

Information for previous Sessions is not readily available and could be provided only at disproportionate cost.

It is normal practice to print answers from the heads of our agencies in the *Official Report.*

**Mrs. Ann Taylor:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many parliamentary questions requesting an ordinary written answer were received by his Department in each year since 1979–80; and how many such questions received a substantive answer within 10, 15, 20 days or longer. [18443]

**Mr. Baldry:** The number of written parliamentary questions for ordinary answer received by the Department, excluding the Overseas Development Administration, are as follows:

Session 1991–92: 223
Session 1992–93: 1,461
Session 1993–94: 1,054
Current session to date—587

The figures for the Overseas Development Administration are as follows:

Session 1990–91: 256
Session 1991–92: 197
Session 1992–93: 685
Session 1993–94: 799
Current session to date—305

It is not possible to identify those questions that received an answer within a given time period without incurring disproportionate cost.

### Refugee Status (Application)

**Mr. Raynsford:** To ask the Secretary of State for Foreign and Commonwealth Affairs what arrangements are being made for applications from people residing in Iran for family reunion with relatives granted refugee status in Britain to be processed without requiring applicants to travel to another country to make the application. [18779]

**Mr. Baldry:** The embassy in Tehran cannot normally handle such applications because the number of UK-based staff there is limited. However the embassy does have discretion to consider applications in exceptionally compassionate circumstances.

### Iraq

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what information has been received from Mr. Rolf Ekeus of the Special UN

Committee for the Destruction of Iraq's weapons of mass destruction on the amount of materials for biological weapons supplied to Iraq by western companies; and which were these companies. [18909]

**Mr. David Davis:** The UN Special Commission makes information available in a regular series of reports to the Security Council. The last of these were published on 10 April and commented on iraq's past biological weapons programme. Copies will be placed in the Library of the House.

It is not our practice to comment in detail on information given to us by UNSCOM on companies which have trade with Iraq. Any information about potential offences will be investigated and, if substantiated, will be a matter for the courts.

### Sudan

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about the ceasefire in Sudan brokered by President Carter and about the intended next steps. [18873]

**Mr. David Davis:** We welcome the announcement of a two month ceasefire in the conflict in southern Sudan to which the Government of Sudan, the Sudanese People's Liberation Army and the South Sudan Independence Movement have agreed. We hope that the ceasefire will give new impetus to the peace initiative sponsored by four east African states, which we fully support.

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs if the Intergovernmental Authority on Drought and Development has now referred the issue of peace in Sudan to the UN Security Council; and what proposals he has to increase pressure on all participants in the Sudanese civil war to find a peaceful solution. [18910]

**Mr. David Davis:** The peace initiative of the Intergovernmental Authority on Drought and Development is continuing and the issue has not been referred to the Security Council. We shall continue to urge all participants in the civil war in Sudan to find a peaceful solution and have decided to participate in the recently founded Friends of IGADD, which will consider ways to support this initiative.

### Immigration

**Mr. Winnick:** To ask the Secretary of State for Foreign and Commonwealth Affairs what co-ordination has occurred between the Lord Chancellor's Department and his own over the appeal of Sukhwinder Kaur who was refused entry clearance in New Delhi by Imm ECRO 548/94/5; and if he will make a statement. [18674]

**Mr. Baldry:** None. Mrs. Kaur's appeal has been received in New Delhi and the entry clearance officer's explanatory statement is now being prepared. This will be forwarded as soon as possible to the immigration appellate authority which falls under the aegis of the Lord Chancellor's Department.

### Colonel Oliver North

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what meetings his officials had with Colonel Oliver North between 12 November and 19 November 1984; [18955]

(2) for what reasons Andrew Green of his Department met Colonel Oliver North on 24 July 1984 to discuss hostage rescue missions; [18954]

(3) for what reasons Mr. Derek Thomas of his Department met Colonel Oliver North in April 1984 in relation to anti-terrorist and hostage rescue activities in the middle east; [18962]

(4) for what reasons on 10 May 1984 Mr. Andrew Green of his Department and the British embassy in Washington met Colonel Oliver North to discuss Monzer El Kassar; [18953]

(5) why Mr. Andrew Green of his Department on 10 May 1984 discussed with Colonel North the role of the British Parliament in the hostage situation. [18961]

**Mr. Douglas Hogg:** In the mid-1980s members of the British embassy in Washington kept in close touch with the US Administration, including the National Security Council, on matters concerning hostages and on terrorism more generally. This was, and remains, a normal part of the embassy's work.

### Yousef Haidar

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what discussions he has had with United States officials about the pictures taken of President Bush in Damascus in the possession of Yousef Haidar; [18959]

(2) what discussions he has had with United States officials of a visit by Yousef Haidar to the United States. [18958]

**Mr. Douglas Hogg:** None.

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what meetings his officials had with Yousef Haidar in Beirut. [18960]

**Mr. Douglas Hogg:** We are aware of no such meetings.

### Iran

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs if it was with his authority that Monzer El Kassar was authorised in June 1984 to ship arms to Iran. [18952]

**Mr. Douglas Hogg:** No.

### Vice-President Bush

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he had with Untied States officials about the visits to Damascus in 1986 by Vice-President Bush. [18956]

**Mr. Douglas Hogg:** I have had no such discussions. Mr. Bush did not visit Damascus in 1986. British and US officials have regular discussions about the situation in the middle east.

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what discussion he had with

Lily Boustanny about Vice-President Bush's plans to visit Syria in 1988 to arrange a hostage release. [18957]

**Mr. Douglas Hogg:** None.

### Correspondence

**Mr. Winnick:** To ask the Secretary of State for Foreign and Commonwealth Affairs if it is the practice for an official in his Department to reply to letters from hon. Members. [18672]

**Mr. Baldry:** All correspondence to Ministers from hon. Members receive substantive replies from Ministers with the exception of the correspondence unit of migration and visa department of the FCO and the head of Wilton Park, an agency, who have authority to reply to hon. Members directly.

The exception for the correspondence unit of migration and visa department was reaffirmed by the then Under-Secretary of State in his letter to hon. Members dated 10 October 1991. A copy of this letter was placed in the Library of the House.

### Wilton Park

**Mr. Mackinley:** To ask the Secretary of State for Foreign and Commonwealth Affairs what proportion of Wilton Park's activities is devoted to conferences organised for private sector customers; and what proportion is devoted to conferences for or on behalf of the new democracies of central and eastern Europe. [18677]

**Mr. Goodlad:** Responsibility for the subject of the question has been delegated to Wilton Park under its chief executive, Richard Langhorne. I have asked him to arrange for a reply to be given.

*Letter from R.T.B. Langhorne to Mr. Andrew Mackinlay dated 10 April 1995:*

I have been asked to respond to your questions about Wilton Park.

Wilton Park does not itself organise conferences for private sector customers, though it does from time to time cooperate with other organisations, such as the Commonwealth Parliamentary Association, where there is a joint interest in a particular topic. During the periods when Wiston House, which is the home of Wilton Park, is not being used for Wilton Park meetings, it can be used as a host venue for private sector customers for training courses and other functions. In the year 1994–95, the proportion of income was 62.4 per cent. from Wilton Park activities and 37.6 per cent. from commercial operations.

No Wilton Park conferences are directly organised "on behalf of" foreign governments, but Wilton Park has recently much increased its coverage of issues related to Eastern and Central Europe. In 1994–95, six conferences out of 32 were devoted to such issues and they are listed below. In addition there were Eastern European speakers and participation in 21 of the conferences during the same period. At the invitation of the Polish government, a special and outstandingly successful Wilton Park conference was held in Warsaw in September 1994.

412: Economic reform and privatisation in Central and Eastern Europe.

415: Europe's Balkan Wars

419: Nordic and Baltic Security

424: Russian Security Dilemmas

430: Civil society in Central and Eastern Europe

Warsaw Special: The EU and Central Europe: from Association to Membership

Later on this year, we will be covering: candidates for membership of the EU; Russian foreign policy in post-communist Europe; Longer-term stability in the Balkans; and the future of Ukraine.

If you need any further information, please let me know, and I will do my best to provide it.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19361]

**Mr. Goodlad:** No rules or regulations were repealed or introduced during that period.

**Mr. Steen:** To ask the Secretary of State for Foreign and Commonwealth Affairs what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19347]

**Mr. Goodlad:** The Foreign and Commonwealth Office issues very few rules and regulations. There are therefore no plans to introduce a compliance cost assessment; accordingly, none have been issued this year.

### Mr. Zia Rahman Farooqi

**Mr. John Butcher:** To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 27 March, *Official Report*, column *444*, and his answer to the hon. Member for Bradford, West (Mr. Madden) of 16 March, *Official Report*, column *657*, if he will list the dates on which Ministers considered the entry visa for Mr. Zia Rahman Farooqi; if he will list the written submissions Ministers in his Department received on this subject; and if he will place such submissions in the Library. [19237]

**Mr. Baldry:** As I said in the answer given on 16 March, there was no ministerial involvement in the issue of a visa to Mr. Farooqi.

### Nuclear Non-Proliferation Treaty Conference

**Mr. Llew Smith:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the Ministers and civil servants who will attend the conference on the nuclear non-proliferation treaty, in New York from 17 April; and if he will give the dates or periods of time Ministers and civil servants will be in attendance. [19318]

**Mr. David Davis:** My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs will attend the conference from 18 to 19 April. I will attend the latter part of the conference if a ministerial presence is necessary at the end of the negotiations. Up to 26 officials from different Departments will attend the conference at various times. The official delegation will be led by Sir Michael Weston, UK permanent representative to the conference on disarmament, Geneva.

### BIOMED 2 Grant Applications

**Mr. Wigley:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has

made to the European Commission concerning the difficulties being experienced with the Directorate General XII in Brussels with regard to accessing English language proposal forms for BIOMED 2 grant applications; and if he will make a statement. [18880]

**Mr. David Hunt:** I have been asked to reply. The Office of Science and Technology is responsible for the oversight of the management of this programme.

United Kingdom officials have on many occasions expressed concern to the Commission about the fact that too few English language forms are made available for applicants. Forms for the recent call for proposals ran out in mid-February. Additional forms were made available early March. My officials have again urged the Commission to make better estimates of demand in future.

## TRADE AND INDUSTRY

### Military Goods (Export)

**Mr. Bennett:** To ask the President of the Board of Trade under which military list specification, as specified in group 1 of part III of schedule 1 of SI 1992 No. 3092, goods for export to *(a)* Egypt, *(b)* Gambia and *(c)* Germany were refused an export licence in 1993. [18284]

**Mr. Ian Taylor:** The goods in question were classified under ML4 in respect of Egypt, ML1 in respect of Gambia and ML11 in respect of Germany.

### Civil Servants

**Mr. Byers:** To ask the President of the Board of Trade how many civil servants since January 1988 have left the Export Credits Guarantee Department to join companies that have business contacts with the Department; and what was *(a)* the date on which each civil servant left the Department and *(b)* the company they went to work for. [19520]

**Mr. Needham:** Since January 1988, 11 civil servants have left the ECGD to join companies who have business contacts with the Department. In all cases they obtained the required prior approval under the civil service rules governing the acceptance of outside business appointments. The details are as follows:

| *Date left* | *Company* |
|---|---|
| 29 January 1988 | Lazard Bros |
| 05 August 1988 | Bowring T. L. Dallas Ltd. |
| 31 January 1989 | Varity Corporation |
| 14 July 1989 | Banque Paribas |
| 11 August 1989 | Moscow Narodny Bank |
| 12 January 1990 | Trade Indemnity |
| 04 February 1990 | Alexander Stenhouse UK Ltd. |
| 31 August 1990 | J. Henry Schroder Wagg and Co Ltd. |
| 18 October 1991 | GEC |
| 05 January 1993 | GEC Alsthorn Ltd. |
| 24 February 1995 | Bank of America |

### Export Credits Guarantee Department

**Mr. Cohen:** To ask the President of the Board of Trade what is the expenditure from the Export Credits Guarantee Department in the current financial year due to non-payment by Iraqi authorities; and what proportion of these funds relates to exports of military-related equipment. [18116]

**Mr. Needham:** The ECGD paid £46 million in 1994–95 in respect of claims on business supported in Iraq. The ECGD's current exposure on Iraq is estimated at £652 million, of which £596 million relates to un-recovered claims payments. These figures are provisional pending publication of the ECGD's trading accounts.

Over the period 1985–1990, the ECGD supported about £52 million for exports with potential defence applications. The ECGD's information systems, which reflect the Department's business needs, do not provide a sectoral analysis of claims payments. Extracting the data with reasonable accuracy would involve disproportionate expense.

**Ms Lestor:** To ask the President of the Board of Trade if he will make it his policy that the Export Credits Guarantee Department will not be called on to provide additional export credits to Balfour Beatty and Cementation to cover increases in the cost of the Pergau dam. [18686]

**Mr. Needham:** No approach has been made to the ECGD to provide additional export credits for the Pergau dam project. Any such approach would be considered in the light of the circumstances involved and the ECGD's normal policies and practice.

### Police National Computer

**Mr. Cohen:** To ask the President of the Board of Trade who within his Department is to be authorised to have direct access to the police national computer; and what procedures are being established for ensuring that information gained from this source is handled correctly. [18115]

**Mr. Ian Taylor:** Direct access to police national computer information for security vetting purposes within the DTI will be confined to a small number of personnel within the DTI security section. Staff already handle information from the national identification service and similar levels of operational, technical and physical security will be applied to information obtained from the PNC. In addition, compliance audits will be undertaken by representatives of the police service and Her Majesty's inspectorate of constabulary.

### Chemical Weapons Convention

**Mr. Cohen:** To ask the President of the Board of Trade what is the expenditure by his Department on preparations for the implementation of the chemical weapons convention by Her Majesty's Government in *(a)* the current financial year and *(b)* the financial year 1995–96; and from which subheads of which votes this expenditure is taken. [18117]

**Mr. Heseltine:** The provisional outturn of expenditure in 1994–95 by my Department in preparation for implementation of the chemical weapons convention is

£247,000. All such expenditure falls within class IV vote 1, subhead C1 of the estimates. For the current financial year, it is estimated that the corresponding expenditure could be up to £600,000 and will fall within class IV vote 1, subhead I1 of the estimates.

### Employee Ownership

**Mr. David Marshall:** To ask the President of the Board of Trade what plans he has to ensure that employee ownership is preserved in companies formed as a result of management/employee buyouts; and if he will make a statement. [19138]

**Mr. Jonathan Evans:** This is a matter for individual companies. It is open to companies, for example, to include provisions in their articles of association having the effect of preserving employee ownership.

### Company Directors (Duties)

**Mr. Morgan:** To ask the President of the Board of Trade what legal provisions govern the duties of company directors as regards the reading of papers and minutes for board meetings. [18922]

**Mr. Jonathan Evans:** The reading of papers and minutes for board meetings by a director would be an aspect of his or her conduct which could be taken into account by a court in determining whether the director had complied with the general duties of skill and care imposed on directors under the case law developed by the courts.

### EU Directives (Compliance)

**Sir Cranley Onslow:** To ask the President of the Board of Trade how many complaints against failure by Italian companies to comply with EU directives have been brought to the attention of his Department's single market compliance unit in the past two years. [18349]

**Mr. Needham:** The single market compliance unit took up no complaints in 1993 and 1994 against Italian companies for non–compliance with EU directives.

**Sir Cranley Onslow:** To ask the President of the Board of Trade what estimate he has made of the effect on United Kingdom companies of the Italian Government's failure to enforce EU directives with particular reference to the IT sector. [18350]

**Mr. Needham:** My Department's single market compliance unit, which helps British companies overcome illegal barriers to trade in other countries of the EU, is not aware of any particular problem with the non–enforcement by Italy of EC directives covering the IT sector. If companies have any information which points towards such a problem, the SMCU would like to hear from them.

**Sir Cranley Onslow:** To ask the President of the Board of Trade what steps he takes to satisfy himself that EU directives are being enforced in *(a)* Italy and *(b)* Spain. [18351]

**Mr. Needham:** It is for the Commission and all member states to seek to ensure that Community law is properly enforced. Officials from my Department participate in the Internal Market Advisory Committee, where the Commission chairs meetings of national single market co-ordinators with the tasks of ensuring transposition of legislation, dealing with specific complaints from member states, monitoring the system of co-operation between enforcement officials and exchanging the results of studies of the effectiveness of single market measures. Also in my Department, the single market compliance unit works to help British firms tackle illegal barriers to trade encountered in other member states.

### Cable Laying

**Mr. Gordon Prentice:** To ask the President of the Board of Trade if he will list the cable companies which are laying *(a)* fibre optic and *(b)* copper cable to the kerb. [17808]

**Mr. Ian Taylor:** All cable companies have hybrid optical fibre/copper cable networks. According to industry sources copper cable typically accounts for one in every 5km of cable laid and is mainly in the last drop to the home. In this, cable companies are similar to BT.

### Deregulation

**Mr. Gordon Prentice:** To ask the President of the Board of Trade how many hours per week he and each member of his ministerial team spend on deregulation issues. [19398]

**Mr. Jonathan Evans:** It would be difficult to estimate how many hours are spent on deregulation issues. Deregulation is a central objective of this Department and as such it is taken into account in all policy matters which are brought before Ministers. In addition, my right hon. Friend the President of the Board of Trade and I are responsible for managing the Government's deregulation initiative; I am also the Minister responsible for deregulation within the DTI.

### "Energy Paper 65"

**Ms Ruddock:** To ask the President of the Board of Trade, pursuant to his answer of 13 March, *Official Report*, column *391*, what factors underlie the difference between the figures provided in the answer and those in table 3.2 of "Energy Paper 65" regarding assumptions on gross domestic product growth. [19324]

**Mr. Eggar:** The growth rates in table 3.2 of "Energy Paper 65" are long-run average growth rates, which take effect early in the next century and continue until the end of the projection period. The growth rate for the period to 2000, given in the answer of 13 March, *Official Report*, column *391*, reflects the period of above-trend growth which is expected to follow the period of below-trend growth in the early 1990s.

**Ms Ruddock:** To ask the President of the Board of Trade what assumptions are made concerning the proportion of vehicles fueled by diesel on the road in 2000, under the central forecasts for 2000 in "Energy Paper 65".

**Mr. Eggar:** In the "Energy Paper 65" central GDP growth scenarios the percentage of diesel powered vehicles on the road in 2000 is 20 per cent. for cars and 76 per cent. for light goods vehicles.

### Balance of Trade

**Mr. Sheerman:** To ask the President of the Board of Trade what is the current balance of trade between the United Kingdom and *(a)* Italy, *(b)* Spain, *(c)* Germany and *(d)* France. [19092]

**Mr. Needham:** Information on United Kingdom visible trade is published by the Central Statistical Office in "The Monthly Review of External Trade Statistics", available in the Library of the House.

### Electromagnetic Compatibility Directive

**Dr. Spink:** To ask the President of the Board of Trade what benefits the European Union EMC directive 89/336/EEC will bring to United Kingdom industry and distribution. [17416]

**Mr. Ian Taylor:** The Electromagnetic Compatibility directive harmonises relevant technical requirements throughout the European economic area, thus providing manufacturers with access to a very large market free from barriers created by national regulations. It will help to increase UK competitiveness in the international market place.

### Parliamentary Questions

**Mrs. Ann Taylor:** To ask the President of the Board of Trade (1) how many parliamentary questions to his Department that were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which he has responsibility received an answer which was not printed in the *Official Report* in each year since 1979–80 or for each year that the body or agency has been in existence; [18504]

(2) how many times in each year since 1979–80 his Department has written to a right hon. or hon. Member correcting an answer to a parliamentary question; [18502]

(3) how many parliamentary questions to his Department in each year since 1979–80 requesting a priority written answer or answer on a named day, were answered within three days; how many received a holding reply; and how many of those which received a holding reply then received a substantive answer within a further five, 10, 15, 20 days or longer; [18500]

(4) how many parliamentary questions to his Department were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which he has responsibility in each year since 1979–80 or for each year that the body or agency has been in existence; [18503]

(5) how many parliamentary questions requesting an ordinary written answer were received by his Department in each year since 1979–80; and how many such questions received a substantive answer within 10, 15, 20 days or longer; [18499]

(6) how many times in each year since 1979–80 his Department has given a reply to a parliamentary question which has resulted in the information requested being placed in the Library and not printed in the *Official Report*. [18501]

**Mr. Heseltine:** The information requested is a matter of public record but it could be extracted in the form requested only at disproportionate cost.

### Business Links

**Mr. Wilson:** To ask the President of the Board of Trade what steps he has taken to meet the criticisms contained in the internal audit report on business links development and funding published in January. [18107]

**Mr. Ian Taylor:** The report was an internal management document. It is not the Government's practice to comment on leaked documents.

I refer the hon. Member to the answer given to the hon. Member for Leeds, East (Mr. Battle) by my right hon. Friend the President of the Board of Trade on 5 April 1995, *Official Report*, columns *1726–27*.

**Mr. Wilson:** To ask the President of the Board of Trade if he will list the business links outlets so far established and the principal funders in each instance. [18108]

**Mr. Ian Taylor:** 75 business links are currently open in the areas shown.

Funding in cash and in kind is provided by a number of partners including the local training and enterprise council, the local authority, the chamber of commerce, and local enterprise agencies, and my own Department.

Barnsley
Birmingham
Calderdale and Kirklees
Chester and Ellesmere Port
Devon and Cornwall
Doncaster
Dorset
Dudley
Gloucestershire
Hereford and Worcester
Hertfordshire
Isle of Wight
Leicestershire
Lincolnshire
Manchester
Merseyside
North and Mid-Cheshire
Shropshire
South Derbyshire
South and East Cheshire
Thames Valley
Tyneside
Walsall
Sunderland
Wigan

**Mr. Wilson:** To ask the President of the Board of Trade how many people are now employed in business links outlets. [18109]

**Mr. Ian Taylor:** business links are private companies and as such DTI does not keep this information.

**Mr. Wilson:** To ask the President of the Board of Trade what programme is currently envisaged for the expansion of business links. [18111]

**Mr. Ian Taylor:** Some 75 business links outlets are currently open and I have already approved plans for a further 146. By the end of May, over 100 business links should be operational and we are well on course towards our target of a national network of over 200 outlets, covering all parts of England, by the end of this year.

### Pergau Dam

**Mr. Worthington:** To ask the President of the Board of Trade what approaches he has received from the Government of Malaysia following cost escalation on the Pergau dam project. [19689]

**Mr. Needham:** None.

### Disabled People (Access)

**Mr. Barnes:** To ask the President of the Board of Trade if he will outline the measures taken, facilities offered and adjustments made in his Department and agencies for which he is responsible to facilitate access for disabled people; what plans he has to improve access; and if he will make a statement. [18583]

**Mr. Heseltine** *[holding answer 5 April 1995]:* The Royal Association for Disability and Rehabilitation has carried out site surveys of the buildings my Department occupies in central London. We are acting on the recommendations, and encouraging chief executives of DTI agencies to take similar actions in their buildings where appropriate. We will continue to build on this approach.

The Disability Discrimination Bill, which will apply to all Government Departments, contains new rights for disabled people in employment and creates a right of access to goods, facilities and services. It also establishes the National Disability Council to advise the Government on eliminating discrimination against disabled people.

## NORTHERN IRELAND

### Child Support Agency

**Mr. Beggs:** To ask the Secretary of State for Northern Ireland if he will instruct the Child Support Agency (Northern Ireland) to advise all clients in writing that at least four working days should be allowed to ensure that payments arrive with the agency on the due date and that deduction from earnings orders should be withdrawn by the agency when the agency has failed to give proper instruction without requiring appeal through the magistrates' courts.

**Mr. Moss:** When absent parents' maintenance accounts are set up, they are advised of the amount payable, the due date and the method of payment. Where payments are to be made by paying-in slip through a bank or post office, clients are advised in writing that at least four working days should be allowed for payments to reach the agency.

The circumstances in which a deduction from earnings order may be discharged are contained in the recently amended regulation 20 of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992 and there is no provision for a deduction from earnings order to be discharged in the circumstances described.

### Tourist Board Grants

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland what the Northern Ireland tourist board defines as being within the Greater Belfast area for the purposes of deciding upon grant applications for new hotels.

**Mr. Ancram:** The Northern Ireland tourist board currently defines the Greater Belfast area as the area within a 10-mile radius of Belfast city centre.

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland how many grants or loans have been approved by the Northern Ireland tourist board for *(a)* new hotels, *(b)* extensions to existing hotels and *(c)* licensed guest inns in the Greater Belfast area in the first three months of 1995.

**Mr. Ancram:** In the first three months of 1995, no grants or loans were approved by the Northern Ireland tourist board for new hotels, extensions to existing hotels or licensed guest inns in the Greater Belfast area.

### Trade Missions

**Mr. Morgan:** To ask the Secretary of State for Northern Ireland if he will list the occasions on which he and his ministerial colleagues have been on overseas trade missions in *(a)* 1992–93; *(b)* 1993–94; and *(c)* 1994–95: how many such visits are programmed for 1995–96; and if he will give the outturn, estimated or anticipated cost for each year.

**Mr. Ancram:** Ministers did not accompany any trade missions from Northern Ireland in 1992–93 or 1993–94.

My noble Friend Baroness Denton accompanied three missions in 1994–95, and plans to accompany five missions in 1995–96.

The cost in 1994–95 of ministerial involvement with trade missions amounted to £9,878.96.

It is not possible at this stage to provide a precise figure of the expenditure likely to be incurred in 1995–96. A number of variable factors will influence the final outturn including the length of stay, location and transport costs.

### Educational Administration

**Mr. Murphy:** To ask the Secretary of State for Northern Ireland (1) how many responses he has received regarding proposed changes to further education in Northern Ireland; and of these, how many were in favour of change;

(2) what plans he has to disband the South Eastern Education and Library Board;

(3) when he plans to publish his policy document on education strategy for Northern Ireland.

**Mr. Ancram:** The Government's proposals for the future system of educational administration in Northern Ireland were published on 10 April. Copies are available in the Library and the consultation period on the proposals extends until 9 June 1995.

### Equine Encephalomyelitis

**Mr. Morley:** To ask the Secretary of State for Northern Ireland what was the number of cases of equine encephalomyelitis in each year since 1985.

**Mr. Ancram:** None.

### Warble Fly

**Mr. Morley:** To ask the Secretary of State for Northern Ireland what was the number of cases of warble fly in *(a)* 1984, and *(b)* 1994.

**Mr. Ancram:** There were 17 cases in 1984 and none in 1994.

### Sinn Fein Manifestos

**Mr. Beggs:** To ask the Secretary of State for Northern Ireland if he will investigate the printing of Sinn Fein manifestos at the Belfast institute Brunswick site; what authorisation was given by the institute; and if he will make a statement.

**Mr. Ancram:** I have been assured that the Belfast institute has not authorised the printing of manifestos for any political organisation and that, as far as it is possible to determine, no such material has been printed at the Brunswick street campus.

### Punishment Beatings

**Mr. Wilshire:** To ask the Secretary of State for Northern Ireland if he will list *(a)* the total number of punishment beatings recorded since the start of the ceasefires, *(b)* the numbers attributable to the various paramilitary organisations and *(c)* the types of injury inflicted.

**Sir John Wheeler:** Between 1 September and 5 April, a total of 90 so-called punishment beatings took place of which 33 were attributed to Loyalist and 57 to Republican groups. Some 78 of these have taken place since 13 October 1994.

The question of the type of injury suffered by the victims of these assaults is a medical one.

### Strangford-Portaferry Ferry Service

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland how much it cost to operate the Strangford to Portaferry service in each of the years from 1 April 1991 to 31 March 1995.

**Mr. Moss:** Expenditure on the operation of the Strangford ferry for the period in question has been as follows:

*£000*

| *Year* | *1991–1992* | *1992–1993* | *1993–1994* | *1994–1995*[1] |
|---|---|---|---|---|
| Operational costs | 556 | 650 | 722 | 688 |

[1] Provisional figure.

### Inward Investment

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland how many visits were made by industrialists in connection with potential inward investment projects to each district council area in Northern Ireland from 1 April 1994 to 31 March 1995 and of these how many were repeat visits.

**Mr. Ancram:** During the period 1 April 1994 to 31 March 1995, 480 visits were made to Northern Ireland in connection with potential inward investment projects. Of this number, 315 were first time visits and 165 were repeat visits.

A breakdown of the visits in terms of district council areas is set out in the table.

*Annex A*

| *District council areas* | *First visits* | *Repeat visits* |
|---|---|---|
| Antrim | 32 | 20 |
| Ards | 2 | 3 |
| Armagh | 1 | — |
| Ballymena | 10 | 4 |
| Ballymoney | 5 | — |
| Banbridge | 1 | 1 |
| Belfast: IDB only<br>Belfast: Making Belfast Work Areas<br>Belfast: Others | 120 | 78 |
| Carrickfergus | 12 | 6 |
| Castlereagh | 2 | — |
| Coleraine | 5 | 3 |
| Cookstown | 3 | 1 |
| Craigavon | 12 | 5 |
| Derry | 16 | 8 |
| Down | 7 | 7 |
| Dungannon | 11 | 6 |
| Fermanagh | 2 | 1 |
| Larne | 7 | 2 |
| Limavady | 3 | — |
| Lisburn | 14 | 10 |
| Magherafelt | 5 | — |
| Moyle | — | — |
| Newry/Mourne | 14 | 4 |
| Newtownabbey | 19 | 6 |
| North Down | 6 | — |
| Omagh | 3 | — |
| Strabane | 3 | — |
| Total | 315 | 165 |

### Roads (Expenditure)

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland what has been the capital expenditure on major roads provision in each of the roads divisions from 1 April 1993 to 31 March 1995.

**Mr. Moss:** Expenditure on major roads schemes—that is, mainly those costing over £200,000—in each division of DOE roads service for the period in question, has been as follows:

*Expenditure in £000s*

| | *Financial Year* | |
|---|---|---|
| | *1993–94* | *1994–95*[1] |
| Bally Mena | 1,859 | 1,564 |
| Belfast | 12,713 | 11,281 |
| Coleraine | 1,623 | 1,321 |
| Craigavon | 1,369 | 4,248 |
| Downpatrick | 1,026 | 558 |
| Omagh | 320 | 827 |
| Total | 18,910 | 19,799 |

[1] Provisional figures.

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland what has been the capital expenditure on minor roads provision in each of the roads divisions from 1 April 1993 to 31 March 1995.

**Mr. Moss:** Expenditure on minor roads schemes—that is, mainly those costing less than £200,000—in each division of DOE roads service for the period in question, has been as follows:

*Expenditure in £000s*

| | Financial year 1993–94 | 1994–95[1] |
|---|---|---|
| Bally Mena | 2,258 | 2,373 |
| Belfast | 2,583 | 2,814 |
| Coleraine | 2,663 | 2,517 |
| Craigavon | 2,677 | 2,722 |
| Downpatrick | 2,379 | 2,314 |
| Omagh | 2,598 | 2,448 |
| Total | 15,158 | 15,188 |

[1] Provisional figures.

### Job Creation

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland how many jobs have been created by the Local Enterprise Development Unit from 1 April 1994 to 31 March 1995; and if he will list the location of these jobs.

**Mr. Ancram:** Information on job creation by the Local Enterprise Development Unit client companies during 1994–95 is not yet available. It will be included in the Local Enterprise Development Unit's end of year results, which will be published in mid-May.

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland how many jobs were created by the Industrial Development Board from 1 April 1994 to 31 March 1995; how many were the result of inward investment contracts; and what are the location of these jobs.

**Mr. Ancram:** Information on job creations is not available in the manner requested or by location. However, details of jobs promoted by the Industrial Development Board during the period 1 April 1994 to 31 March 1995 are currently being collated and will be available after the publication of IDB's end of year statement in mid-May.

### Advisers

**Ms Eagle:** To ask the Secretary of State for Northern Ireland how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case.

**Sir John Wheeler:** The Northern Ireland Departments and the Northern Ireland Office employ one political adviser at special adviser grade and one part-time economic adviser.

Salaries for special advisers are negotiated individually and are confidential. They are, however, normally paid on a special adviser's salary spine of 34 points ranging from £19,503 to £67,609, for 41 conditioned hours per week.

The part-time economic adviser works at least one half-day per week and is paid £12,000 per annum.

In addition, economic advice is obtained from career civil servants who may be employed on a variety of working patterns.

### Blood Transfusion Agency

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland when the contract was signed for the new blood transfusion building at Belfast City hospital; what was the contract period for completion; when the building will be ready for occupation; and if he will make a statement.

**Mr. Moss:** The contract for the construction of the headquarters of the Northern Ireland Blood Transfusion Agency at the Belfast City hospital site commenced on 15 March 1993.

Practical completion of the project will be achieved on 15 April 1995 with phased occupancy commencing on 1 May 1995.

## DUCHY OF LANCASTER

### Civil Service College

**Mrs. Ann Taylor:** To ask the Chancellor of the Duchy of Lancaster how many civil servants have attended courses on delegated pay at the Civil Service college in the last 12 months; and what information he has on the numbers who will attend courses in the period up to April 1996. [19220]

**Mr. Horam:** This question concerns operational matters and I have asked the chief executive of the Civil Service college to write to the hon. Member.

*Letter from S.H.F. Hickey to Mrs. Ann Taylor dated 11 April 1995:*

The Parliamentary Secretary has asked me to reply to your question about courses on delegated pay at the Civil Service College (Ref PQ 19220).

The College has run a number of courses and seminars which were wholly or mainly concerned with delegated pay. In the year to 31 March 1995, 329 civil servants attended these events and since then a further 40 have attended.

We have a number of events already planned for the remainder of the year to 31 March 1996 and our current estimate is that these will attract 400 civil servants.

### Official Report

**Mr. Peter Bottomley:** To ask the Chancellor of the Duchy of Lancaster what are the annual discounted prices to a school and to a library for the daily and weekly *Official Reports*. [19234]

**Mr. Horam:** The annual subscription price of the daily *Official Report* to a school is £1,275 and to a publicly funded library £637.50. The annual subscription price of the weekly *Official Report* to a school is £775 and to a publicly funded library £387.50.

### Top People's Seminars

**Mr. Morgan:** To ask the Chancellor of the Duchy of Lancaster how many top people's seminars have been held in 1994–95; how many are proposed for 1995–96; and what is the estimated outturn cost to public funds for 1994–95 and the cost allocated or 1995–96. [18420]

**Mr. David Hunt:** The Cabinet Office runs a development course for grade 3s known as the top management programme. During 1994–95, there were four four-week and five two-week courses and during 1995–96 there is provision for four four-week and four two-week courses. The cost to public funds in 1994–95 was £497,500, the allocated funds for 1995–96 are £539,050.

## Correspondence

**Mr. Dover:** To ask the Chancellor of the Duchy of Lancaster if he will publish the latest figures showing the volume of correspondence received by Ministers and agency chief executives from hon. Members, the targets set for reply and the percentage of replies sent within target. [19750]

**Mr. Horam:** The 1994 correspondence figures are set out in the table. The table also sets out the corresponding figures for 1993, first published on 24 June 1994, *Official Report*, columns *334–38*.

*Annex A*
*Correspondence from Members of Parliament to Ministers and Agency Chief Executives*

| | *1993* | | | *1994* | | |
|---|---|---|---|---|---|---|
| *Department/Agency* | *Target set for reply (working days)* | *Number of letters received* | *Percentage of replies within target* | *Target set for reply (working days)* | *Number of letters received* | *Percentage of replies within target* |
| Ministry of Agriculture, Fisheries and Food | 15 | 11,150 | 69 | 15 | 9,429 | 80 |
| —Intervention Board | — | — | — | 10 | 109 | 96 |
| Cabinet Office (OPSS) | 15 | 911 | 59 | 15 | 941 | 71 |
| —Recruitment and Assessment Services | — | — | — | 15 | 25 | 100 |
| Central Statistical Office | 10 | 63 | 77 | [1]10 | 70 | 67 |
| Crown Prosecution Service | 15 | 229 | 66 | 15 | 206 | 76 |
| Customs and Excise | 18 | 6,457 | 55 | 18 | [2]4,969 | 62 |
| Ministry of Defence | 15 | 6,374 | 75 | 15 | 7,769 | 69 |
| —Defence Accounts Agency | — | — | — | 10 | 51 | 90 |
| —Defence Research Agency | 15 | 53 | 66 | 15 | 48 | 63 |
| Department for Education | 20 | 17,049 | 84 | 20 | [2]12,615 | 85 |
| —Teachers' Pensions Agency | 10 | 98 | 92 | 10 | 70 | 97 |
| Office for Standards in Education[3] | — | — | — | 10 | 96 | 90 |
| Department of Employment | 15 | 7,604 | 85 | 15 | 6,821 | 82 |
| —Employment Service | 15 | 313 | 92 | 15 | 1,156 | 85 |
| Department of the Environment | 15 | 21,057 | 54 | 15 | 17,767 | 57 |
| —Planning Inspectorate Agency | 8 | 555 | 80 | 8 | [4]604 | 80 |
| Foreign and Commonwealth Office | 10 | 9,641 | 83 | 10 | 11,178 | 89 |
| Department of Health | 20 | 19,822 | 72 | 20 | 16,311 | 84 |
| —NHS Pensions Agency | 20 | 14 | 100 | 8 | 93 | 100 |
| Her Majesty's Stationery Office | 5 | 11 | 100 | 5 | 11 | 91 |
| Home Office | 15 | 15,950 | 25 | [5]15 | 14,830 | 20 |
| | 25 | 11,381 | 52 | [5]25 | 12,845 | 51 |
| —Her Majesty's Prison Service | 25 | 348 | 54 | 15 | 1,569 | [6]73 |
| —UK Passport Agency | 15 | 40 | 83 | 15 | 172 | 95 |
| Inland Revenue | 18 | 4,202 | 45 | 18 | [2, 7]5,063 | 50 |
| | 23 | 805 | 39 | 23 | [2, 8]1,048 | 60 |
| —Valuation Office | 23 | 74 | 45 | 15 | [2, 9]23 | 78 |
| Legal Secretariat to the Law Officers | 15 | 675 | 77 | 15 | [10]549 | 76 |
| Lord Chancellors Department | 20 | 6,716 | 84 | 20 | 5,166 | 83 |
| —Her Majesty's Land Registry | 20 | 40 | 100 | 20 | 31 | 90 |
| —Public Trust Office[11] | — | — | — | 15 | 36 | 75 |
| Department of National Heritage | 18 | 1,145 | 83 | 18 | 3,490 | 83 |
| —Royal Parks Agency | — | — | — | 18 | 15 | 80 |
| Northern Ireland Office | 10 | 3,814 | 66 | [12]10 | [2]3,468 | 65 |
| —(inc Northern Ireland Depts) | 15 | 2,057 | 73 | [13]15 | [2]1,924 | 75 |
| —Child Support Agency (NI) | 10 | 27 | 96 | 10 | 48 | 88 |
| —Compensation Agency (NI) | 7 | 80 | 85 | 7 | 102 | 94 |
| —Driver and Vehicle Testing Agency (NI) | — | — | — | 5 | 14 | 100 |
| —Social Security Agency (NI) | 10 | 28 | 82 | 10 | 28 | 93 |
| —Valuation and Lands Agency (NI) | — | — | — | 10 | 14 | 100 |
| Overseas Development Administration | 15 | 4,218 | 87 | 15 | 3,962 | 93 |
| The Scottish Office | 17 | 6,860 | 52 | 17 | 5,562 | 49 |
| —Scottish Prison Service | — | — | — | 17 | 68 | 76 |
| —Historical Scotland | — | — | — | 17 | 13 | 92 |
| Department of Social Security | 20 | 23,518 | 76 | 20 | 23,193 | 64 |
| —Benefits Agency | 20 | 28,242 | 84 | 20 | [14]21,411 | 93 |
| —Child Support Agency | 20 | 2,222 | 13 | 20 | 9,092 | 25 |
| —Contributions Agency | 20 | 264 | 70 | 20 | 299 | 67 |
| —War Pensions[15] | — | — | — | 20 | 522 | 99 |
| Department of Trade and Industry | 10 | 25,988 | 66 | 10 | [2]23,171 | 74 |
| —Companies House | 10 | 159 | 46 | 10 | 79 | 66 |
| —Insolvency Service | 10 | 30 | 97 | 10 | 33 | 88 |
| —Radiocommunications Agency | 10 | 43 | 100 | 10 | 38 | 100 |
| Department of Transport | 15 | 24,754 | 71 | 15 | [2]20,905 | 72 |
| —Coastguard Agency | — | — | — | 15 | [16]20 | 100 |
| —Driver and Vehicle Licensing Agency | 10 | 345 | 95 | 10 | 357 | 95 |
| —Driving Standards Agency | 10 | 91 | 96 | 10 | 87 | 87 |

*Annex A*
*Correspondence from Members of Parliament to Ministers and Agency Chief Executives*

| Department/Agency | 1993 Target set for reply (working days) | 1993 Number of letters received | 1993 Percentage of replies within target | 1994 Target set for reply (working days) | 1994 Number of letters received | 1994 Percentage of replies within target |
|---|---|---|---|---|---|---|
| —Highway Agency | — | — | — | 15 | [16]422 | 47 |
| —Marine Safety Agency | — | — | — | 15 | [17]21 | 100 |
| —Transport Research Laboratory | — | — | — | 15 | 10 | 90 |
| —Vehicle Inspectorate | 15 | 15 | 93 | 15 | 17 | 100 |
| Her Majesty's Treasury | 15 | 11,396 | 58 | 15 | [2]4,728 | 54 |
| Welsh Office | 12 | 3,468 | 81 | 12 | 3,062 | 73 |
| —CADW: Welsh Historic Monuments | 12 | 31 | 91 | 12 | 47 | 93 |

*Notes on 1994 figures*[18]:

[1] Represents target set for CSO to submit replies to Her Majesty's Treasury. In addition, the Chief Executive received 3 letters direct from Members of Parliament, of which 2 were replied to within the 10 working day target.

[2] Includes all ministerial replies, not only those letters to Members of Parliament.

[3] Replies sent by Her Majesty's Chief Inspector of Schools.

[4] Figure includes letters received direct from Members of Parliament as well as via ministers' offices. Figure also includes 43 cases which relate to Wales.

[5] Targets within the Home Office are expressed in calendar days and because of bank holidays, performance will occasionally be measured against fewer than the 15 or 25 working day target. The 25 day target is for replies to Immigration and Nationality Department, Prison Service and UK Passport Agency subjects; the 15 day target is for all other subjects. Members of Parliament are encouraged to write direct to the Immigration and Nationality Department Board. These letters are included in the totals shown.

[6] Due to the installation of a new computerised correspondence tracking system it is not possible to give a figure for replies within target for the whole period. The figure of 73 per cent. is based on 241 cases from 1 October 1994.

[7] Head Office figures.

[8] Local Office figures. Includes 664 "delegated cases", where local officials replied direct to MPs.

[9] In addition the Valuation Office replied to 122 letters on behalf of Treasury Ministers, of which 56 per cent. were replied to within the 23 day target.

[10] This figure excludes letters received by the Legal Secretariat to the Law Officers which were subsequently replied to by the Director of Public Prosecutions.

[11] The Public Trust Office became an Executive Agency on 1 July 1994, and figures given are for all correspondence replied to by the Chief Executive between that date and the 31 December 1994.

[12] Replies signed by the Minister.

[13] Replies signed by Private Secretary to the Minister.

[14] Includes correspondence from Members of Parliament sent direct to district offices.

[15] War Pensions Agency was launched on 1 April 1994.

[16] Figures provided for period 1 April 1994–31 December 1994.

[17] Includes figures for Surveyor General's Organisation for 1 January 1994–31 March 1994.

[18] The 1993 figures are taken from the *Official Report*, 24 June 1994, columns 334-338. Please also refer to notes given with that reply. In addition the following Departments and Agencies received between 1 and 10 letters from Members of Parliament during 1994 but are not shown in the table.

—Ministry of Agriculture, Fisheries and Food: Central Science Laboratory, Veterinary Medicines Directorate and the Central Veterinary Laboratory.
—Cabinet Office: Central Office of Information.
—Ministry of Defence: Army Base Repair Organisation, Chemical and Biological Defence Establishment, Defence Animal Centre, Duke of Yorks Royal Military School, Meterological Office and the RAF Training Group.
—Department of the Environment: The Buying Agency and the Building Research Establishment Agency.
—Department of Health: Medicines Control Agency and NHS Estates.
—Export Credit Guarantee Department.
—Home Office: Forensic Science Service.
—Attorney General: Government Property Lawyers Agency.
—Lord Chancellor's Department: Public Record Office.
—Northern Ireland Office: Rate Collection Agency, Ordnance Survey of NI and Training and Employment Agency (NI).
—Scottish Office: Scottish Agricultural Science Agency.
—Serious Fraud Office.
—Department of Social Security: IT Services Agency and Resettlement Agency.
—Department of Trade and Industry: Accounts Services Agency, National Physical Laboratory, Patent Office and the Laboratory of the Government Chemist.
—Department of Transport: Vehicle Certification Agency.

## Written Answers

**Mr. Eastham:** To ask the Chancellor of the Duchy of Lancaster if he will list the agencies and other bodies to whom questions from hon. Members for written answer are referred for reply and the Departments which answered before the agencies were established. [18848]

**Mr. Horam:** I can answer only for the civil service. It is for Ministers in each Department to decide the best way in which to reply to questions from hon. Members. Where the question concerns operational matters dealt with by an executive agency, the Minister will usually decide that it would be more appropriate and helpful for a reply to be sent by the agency chief executive, who has the detailed

knowledge which the hon. Member is seeking and has the necessary delegated authority to take appropriate action.

All agencies, which are in the following list, remain part of the same Department to which they belonged before they were established.

MINISTERIAL RESPONSIBILITY FOR AGENCIES

*Lord Chancellor*
Court Service
HM Land Registry[1]
Public Record Office[1]
Public Trust Office
*Secretary of State for Foreign and Commonwealth Affairs*
Wilton Park
*Chancellor of the Exchequer*
Central Statistical Office[1]
HM Customs and Excise[2]
Inland Revenue[2]
PAYMASTER[1]
Royal Mint[1]
Valuation Office
*Secretary of State for the Home Department*
Fire Service College
Forensic Science Service
HM Prison Service
United Kingdom Passport Agency
*President of the Board of Trade*
Companies House
Insolvency Service
Laboratory of the Government Chemist
National Physical Laboratory
National Weights and Measures Laboratory
NEL
Patent Office
Radiocommunications Agency

*Secretary of State for Transport*
COASTGUARD
Driver and Vehicle Licensing Agency
Driving Standards Agency
Highways Agency
Marine Safety Agency
Transport Research Laboratory
Vehicle Certification Agency
Vehicle Inspectorate
*Secretary of State for Defence*
Army Base Repair Organisation
Army Base Storage and Distribution Agency
Chemical and Biological Defence Establishment
Defence Accounts Agency
Defence Analytical Services Agency
Defence Animal Centre
Defence Clothing and Textiles Agency
Defence Operational Analysis Centre
Defence Postal and Courier Services
Defence Evaluation and Research Agency
Defence Transport and Movements Executive
Disposal Sales Agency
Duke of York's Royal Military School
Hydrographic Office
Logistic Information Systems Agency
Maintenance Group Defence Agency
Meteorological Office
Military Survey
Naval Aircraft Repair Organisation
Naval Recruiting and Training Agency
Queen Victoria School
RAF Signals Engineering Establishment
RAF Training Group Defence Agency
Service Children's Schools (North West Europe)
*Minister of Agriculture, Fisheries and Food*
ADAS[3]
Central Science Laboratory
Central Veterinary Laboratory
Intervention Board[4]
Meat Hygiene Service
Pesticides Safety Directorate
Veterinary Medicines Directorate
*Secretary of State for National Heritage*
Historic Royal Palaces Agency
ROyal Parks Agency
*Secretary of State for the Environment*
Building Research Establishment
Ordnance Survey[1]
Planning Inspectorate[5]
Queen Elizabeth II Conference Centre
Security Facilities Executive
The Buying Agency
*Secretary of State for Wales*
Cadw (Welsh Historic Monuments)
*Secretary of State for Social Security*
Social Security Benefits Agency
Social Security Child Support Agency
Social Security Contributions Agency
Social Security Information Technology Services Agency
Social Security Resettlement Agency
Social Security War Pensions Agency
*Chancellor of the Duchy of Lancaster*
Central Office of Information[1]
Chessington Computer Centre
Civil Service College
HMSO[1]
Occupational Health Service
Recruitment and Assessment Services Agency
*Secretary of State for Scotland*
Historic Scotland
Registers of Scotland[1]
Scottish Agricultural Science Agency
Scottish Court Service
Scottish Fisheries Protection Agency
Scottish Office Pensions Agency
Scottish Prison Service
Scottish Record Office[1]
Student Awards Agency for Scotland
*Secretary of State for Northern Ireland*
Compensation Agency
Driver and Vehicle Licensing (NI)
Driver and Vehicle Testing Agency
Industrial Research and Technology Unit
Northern Ireland Child Support Agency
Northern Ireland Prison Service
Ordnance Survey of Northern Ireland
Public Record Office of Northern Ireland
Rate Collection Agency
Social Security Agency (NI)
Training and Employment Agency (NI)
Valuation and Lands Agency
*Secretary of State for Education*
Teachers' Pensions Agency
*Secretary of State for Health*
Medical Devices Agency
Medicines Control Agency
NHS Estates
NHS Pensions
*Secretary of State for Employment*
Employment Service
*Attorney General*
Government Property Lawyers
*Minister for Overseas Development*
Natural Resources Institute

*Notes:*

[1] Agencies that are Government Departments.

[2] Government Department operating fully on Next Steps lines.

[3] The Secretary of State for Wales is responsible for ADAS in Wales.

[4] The Secretaries of State for Wales, Scotland and Northern Ireland are responsible for the Intervention Board in Wales, Scotland and Northern Ireland respectively.

[5] The Secretary of State for Wales is responsible for the Planning Inspectorate in Wales.

## ENVIRONMENT

### Homelessness

**Mr. Alfred Morris:** To ask the Secretary of State for the Environment, if he intends to introduce legislation to change the provisions of part III of the Housing Act 1985 in respect of homelessness; and if he will make a statement. [17480]

**Mr. Robert B. Jones:** We are planning to include measures to reform the homelessness legislation in the next Housing Bill.

### Single Regeneration Budget

**Mr. Alfred Morris:** To ask the Secretary of State for the Environment if he will make a statement for timetabling on the next round of bidding for the single regeneration budget. [17874]

**Mr. Curry:** The guidance for the second round of the single regeneration budget challenge fund was issued on 12 April 1995. Copies of the guidance have been placed in the Library of the House. Outline bids for challenge fund support should be submitted to Government offices for the regions by 16 June 1995, and final bids by 18 September 1995. It is hoped to announce final decisions on bids by Christmas 1995.

**Mr. Burden:** To ask the Secretary of State for the Environment by whom and on what occasion representatives of the Birmingham bid for support from the single regeneration budget 1995–96 were told by his Department to prioritise the two components of that bid. [19459]

**Sir Paul Beresford:** The Government office for the west midlands advised all applicants seeking support from the single regeneration budget 1995–96 that bids would need to be prioritised. In Birmingham's case, this advice was contained in a letter dated 29 June 1994 to Birmingham city council.

### Sustainable Development

**Mr. Dafis:** To ask the Secretary of State for the Environment what proposals on the relationship between international trade and sustainable development he will be taking to, or supporting at, the Commission on Sustainable Development meeting. [18353]

**Mr. Atkins:** At the invitation of the UN conference on trade and development and the UN environment programme, my right hon. Friend intends to present to the Commission on Sustainable Development the conclusions of UNCTAD and UNEP's joint high-level meeting on trade, environment and sustainable development held in Geneva on 21 and 22 November 1994.

### Birmingham International Airport

**Mr. Mills:** To ask the Secretary of State for the Environment if he will call-in for a full public inquiry into the first stage of Birmingham international airport's master plan involving extending the aircraft parking apron and widening the taxiway. [18850]

**Sir Paul Beresford:** My right hon. Friend the Secretary of State may give a direction requiring planning applications to be referred to him for decision instead of being dealt with by the local authority, but he cannot use these powers in relation to a master plan. Once a planning application has been submitted to Solihull metropolitan borough council, a decision will be taken as to whether a direction should be issued.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for the Environment what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers: and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19346]

**Sir Paul Beresford:** My Department issued three compliance cost assessments in the first three months of this year, copies of which are in the Library.

**Mr. Steen:** To ask the Secretary of State for the Environment how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions and orders. [19360]

**Sir Paul Beresford:** Twenty-seven rules and regulations were repealed in the first three months of 1995. In the same period 67 rules and regulations were introduced, not including commencement orders, Orders in Council and instruments not subject to parliamentary procedure, of which:

18 revoked earlier instruments or substituted a more favourable regime for business;

2 implemented EU obligations;

2 updated fees and charges.

The remainder related to other issues such as local government and its reorganisation.

None of the rules and regulations introduced new regulatory regimes which had costs for business.

### Stellar's Sea Eagles

**Mr. Stern:** To ask the Secretary of State for the Environment, pursuant to his answer of 8 March, *Official Report*, columns *187-88*, (1) how many applications his Department has received to import specimens of Stellar's sea eagle since the licence referred to was granted; how many birds were involved and from where they originated; [19230]

(2) how many Stellar's sea eagles *(a)* have been imported or *(b)* have been authorised to be imported to any other EU countries; [19231]

(3) if the imported Stellar's sea eagle was intended for a bird zoo; and what were the conservation reasons for the import; [19232]

(4) what is the application of EC regulation 3626/82 to the import of Stellar's sea eagles. [19233]

**Sir Paul Beresford:** EC regulation 3626/82 implements the provisions of the Convention on International Trade in Endangered Species of wild fauna and flora throughout the European Union. For some species it also introduces stricter controls on import, export and sale than those contained in CITES. The Stellar's sea eagle is listed in appendix II of CITES which means that commercial trade would normally be allowed. However, the EC regulation provides that, within the EU, the species should be treated as if listed in appendix I, and commercial trade is effectively banned. Sale of the species within the EU would also need to be covered by a sales exemption issued by my Department.

The permit allowing the import of two birds was issued to an organisation which is licensed under the Zoo Licensing Act 1981. The birds are intended for use in a captive breeding programme, and strict conditions were applied to the permit to ensure that the birds are used for this purpose.

No further applications to import Stellar's sea eagles have been received since the above permit was granted. The European Commission has not yet published records of imports into other EU states during the past two years.

### Radioactive Waste

**Mr. Mullin:** To ask the Secretary of State for the Environment if he has discovered the source of the drums containing radioactive uranium waste which were found at Chelverston in January; and if he will make a statement. [19041]

**Mr. Atkins:** Investigations by Her Majesty's inspectorate of pollution are still under way.

### Hedgerows

**Mr. Bennet:** To ask the Secretary of State for the Environment if the research project on developing a hedgerow evaluation scheme currently being carried out by the Agricultural Development Advisory Service was won by competitive tender; how his Department commissioned the project; and if he will make a statement. [19399]

**Mr. Atkins:** This research project was won by competitive tender. It was commissioned through a research contract under the Department's countryside research and long-term monitoring programme. The tender submitted by the Agricultural Development Advisory Service represented best value for money.

### Caravans

**Ms Walley:** To ask the Secretary of State for the Environment what impact the Valuation Office's increase in valuation for caravans will have on the entitlement of caravan owners to stay on holiday caravan sites. [19390]

**Mr. Robert B. Jones:** None, as far as I am aware.

### Competitive Tendering

**Mrs. Ann Taylor:** To ask the Secretary of State for the Environment how many competitive tendering exercises carried out by his Department in each of the last two years were caught by the provisions of the public services directive but were not subsequently advertised in the *Official Journal* of the European Union in compliance with the relevant regulations. [19223]

**Sir Paul Beresford:** None.

### Lancashire County Council

**Mr. Nigel Evans:** To ask the Secretary of State for the Environment what is the most recent information on the current reserves held by Lancashire county council; and what the figures were 12 and 24 months previously. [19053]

**Mr. Robert B. Jones:** The available information is as follows.

The latest available estimates of the level of reserves as at 1 April 1992 to 1 April 1994 follow. These are split, where possible, into schools' reserves and other—non-local management of schools non—LMS reserves include funds, which may be substantial, held for specified purposes which may not be available to the council for general use—funds to finance capital projects to which the authority is committed; and insurance funds where the authority is bearing its own insurance risks.

These estimates are subject to amendment as authorities finalise their accounts. Compatible data on the use of balances in 1994–95 which would be needed to derive an estimate of the level of reserves at 1 April 1995 are not yet available.

| | *1 April 1992*[1] *£000* | *1 April 1993*[2] *£000* | *1 April 1994*[3] *£000* |
|---|---|---|---|
| LMS | n/a | 31,043 | 32,976 |
| Non-LMS | n/a | 38,322 | 39,138 |
| Total | 26,241 | 69,365 | 72,114 |

*Source:*
[1] Level of reserves, outturn at 1–4–92—RS returns for 1993–93
[2] Level of reserves, outturn at 1–4–93—RS returns for 1993–94
[3] Level of reserves, outturn at 1–4–93 +/- appropriations to/withdrawals from reserves 1993–94—RS returns for 1993–94.

### Uniform Business Rate

**Mrs. Lait:** To ask the Secretary of State for the Environment what was the total rateable value of all businesses after the revaluations in *(a)* 1988 and *(b)* 1993; and what was the total revenue from uniform business rate from the 1988 and 1993 valuations. [19056]

**Mr. Robert B. Jones:** The total rateable value for all businesses for 1 April 1990—based on the market as at 1 April 1988—was £31,882 million. Total revenue from the uniform business rate in 1990–91 was £9,988 million.

The total rateable value of all businesses for 1 April 1995—based on the market as at 1 April 1993—was £32,697 million. Total revenue from the uniform business rate in 1995–96 is expected to be £11,245 million.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for the Environment if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19553]

**Sir Paul Beresford:** Details of my Department's spend on subsistence are as follows—UK only:

| | *£000* |
|---|---|
| 1992–93 | 631 |
| 1993–94 | 571 |
| 1994–95 (forecast) | 533 |

Figures for subsistence for overseas staff are not separately available. Figures for Property Holdings and the Department's agencies are not available without disproportionate cost.

**Mr. David Shaw:** To ask the Secretary of State for the Environment if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as

part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19661]

**Sir Paul Beresford:** The information can be provided only at disproportionate cost.

### Advisers

**Ms Eagle:** To ask the Secretary of State for the Environment how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19424]

**Sir Paul Beresford:** This Department employs two political advisers. The Department also employs, on special adviser terms, one full-time and one part-time expert advisers on environmental and architectural matters respectively. Their salaries and conditions of work are negotiated individually in relation to their previous earnings, and are confidential. Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. The following numbers by grade are full-time equivalents:

| | |
|---|---|
| Grade 3 | 1 |
| Grade 5 | 2 |
| Grade 6 | 2 |
| Grade 7 | 14.6 |
| Assistant Economic Adviser | 9 |

### Lindane

**Mr. Allen:** To ask the Secretary of State for the Environment if his Department has yet located the container of toxic lindane that was washed overboard in the English channel some years ago. [19697]

**Mr. Atkins:** No. Monitoring by the Ministry of Agriculture, Fisheries and Food did not reveal any traces. I understand that the French authorities have also been involved in the search.

### Asylum Seekers

**Mr. Jim Cunningham:** To ask the Secretary of State for the Environment how many refugees are being housed in temporary accommodation; how many refugee families have been accommodated in one or two rooms; and what proposals he has to end the practice of accommodating refugees in one or two-room units. [19462]

**Mr. Robert B. Jones:** At the end of December 1994, 1,018 asylum-seeker households who had been accepted by local authorities as statutorily homeless were occupying temporary accommodation pending the outcome of their application for asylum. Details of the accommodation occupied are not held centrally.

### Cement

**Ms Armstrong:** To ask the Secretary of State for the Environment what is the response of his Department to the formal complaint against the United Kingdom to Ritt Bjerregaard, Commissioner of the European Union, with regard to the use of recycled liquid fuel in the manufacture of cement. [19693]

**Mr. Atkins:** We have received no such complaint.

## TREASURY

### Consultants

**Mr. Bennett:** To ask the Chancellor of the Exchequer what steps are being taken to ensure early retirees are not re-employed by the Treasury as consultants; and if he will ensure that early retirees fully comply with rules not to seek paid employment in the private sector, where market sensitive information may have been obtained during the Treasury employment. [17314]

**Mr. Nelson:** The Treasury has no plans to re-employ early retirees as consultants. Civil servants must abide by the rules governing the acceptance of outside appointments within two years of leaving Crown employment. The rules are set out in the civil service management code—a copy of which is available in the Members' Library.

All Treasury staff were recently issued with a booklet, "Information on Outplacement Services and Redundancy Terms", which includes details of the business appointment rules. In addition, staff are reminded of these rules when they leave Crown employment.

### Early Retirement

**Mr. Bennett:** To ask the Chancellor of the Exchequer how many staff *(a)* volunteered and *(b)* were accepted for early retirement in his Department in 1994–95 and 1995–96; what will be the cost of such early retirement to public funds, and if he will indicate the grades and size of lump sum payments being made by grade and service length. [17313]

**Mr. Nelson:** Since 1 April 1994, 20 staff volunteered for early retirement, and 20 were accepted. In addition, 12 staff were granted early retirements on grounds of ill-health, and there were 12 other approved early retirements.

The total estimated cost to public funds–including lump sum redundancy compensation payment, enhancement of pension lump sum payments and payment of annual compensation up to age 60 will be £4,493,410. This figure may be a slight underestimate since calculations for those whose retirement date is not yet known–but which is likely to be in 1995–96—have been done on the basis of a retirement date of 31 March 95.

Information about lump sum payments in 1994–95 and 1995–96 by grade is as follows:

| Grade | Number of staff 1994–95 | Number of staff 1995–96 | Range of payments[1] £ | Range of service length (years) |
|---|---|---|---|---|
| 2–3 | 2 | 5 | 86,016 to 137,086 | 23–33 |
| 4–5 | 3 | 8 | 47,665 to 90,984 | 16–39 |
| 6–7 | 5 | 2 | 24,147 to 59,225 | 10–36 |
| SEO–EO | 7 | 0 | 17,656 to 38,926 | 22–40 |
| AO/AA/PS | 6 | 0 | 2,189 to 23,861 | 3–34 |
| SGB/SM/Typ | 6 | 0 | 4,283 to 27,627 | 6–33 |

[1]Figures include both lump sum compensation and superannuation lump sum, where appropriate.

### Private Finance Initiative

**Mr. Spellar:** To ask the Chancellor of the Exchequer, pursuant to his answer of 20 February, *Official Report*, column *9*, on how many of the 29 projects for the private finance initiative contracts have been signed; and on how many construction work has commenced. [17717]

**Sir George Young:** Contracts have been signed on two of the projects cited in the original list, of which one is under construction and one is fully operational. In addition, preferred bidders have been announced on three of the 29 projects, and bids received on eight more.

A further two private finance projects were not included in the original list, of which one is under construction and one fully operational.

Projects worth less than £5 million are not recorded centrally, but are considerable in sum. For instance, in the health field over 50 schemes worth over £100 million have already been completed.

### Advertising

**Mrs. Ann Taylor:** To ask the Chancellor of the Exchequer if he will list each non-departmental public body and agency for which he has responsibility and, for each, list separate figures for the spending by that body or agency on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotional materials and activities, *(e)* the totals in each year of *(a)* to *(d)* and *(f)* the proportion of *(e)* that was spent on recruitment advertising, for each year since 1979–80 or for each year of its existence if it has been created since then; and what are his latest estimates of *(a)* to *(f)* 1994–95; and 1995–96. [17626]

**Mr. Nelson:** Expenditure by the Chancellor's agencies is shown in the table. Information relating to all years back to 1979–80 and separate figures for the different types of advertising are not available. There was no expenditure by the non-departmental public bodies on advertising.

| | £ | Recruitment advertising Percentage |
|---|---|---|
| *Paymaster* | | |
| 1993–94 | 6,777 | 96.9 |
| 1994–95 | 53,055 | 95.6 |
| 1995–96 | 27,500 | 30.9 |
| *Valuation Office* | | |
| 1991–92 | 1,900 | 80.0 |
| 1992–93 | 1,200 | 100.0 |
| 1993–94 | 3,800 | 70.0 |
| 1994–95 | 8,900 | 53.0 |
| 1995–96 | 5,000 | 50.0 |
| *Royal Mint* | | |
| 1992–93 | 254,635 | 0.3 |
| 1993–94 | 411,331 | 1.5 |
| 1994–95 | 296,570 | 7.7 |
| 1995–96 | 1,000,000 | 2.5 |
| *Central Statistical Office* | | |
| 1989–90 | 42,200 | [1]— |
| 1990–91 | 69,000 | [1]— |

| | £ | *Recruitment advertising Percentage* |
|---|---|---|
| 1991–92 | 113,100 | 26.7 |
| 1992–93 | 125,100 | 15.6 |
| 1993–94 | 123,000 | 18.8 |
| 1994–95 | 423,800 | 11.3 |
| 1995–96 | 546,500 | 10.5 |

[1] Figures unavailable.

### Internet

**Mr. Allen:** To ask the Chancellor of the Exchequer if he will list the Internet electronic mail addresses of *(a)* his Department and *(b)* each Minister in his Department; and if he will make a statement on his Department's approach to the information super-highway. [17731]

**Mr. Nelson:** The Treasury already sends out information electronically. Its Internet service was launched on 15 November 1994.

Material is provided on the Treasury's own Internet server on the world wide web. In addition to the world wide web, the same information can be obtained by electronic mail or by file transfer—FTP.

The addresses are:

E-mail mailing lists: maillist@hm-treasury.gov.uk
E-mail file transfer: ftpmail@hm-treasury.gov.uk
File transfer (FTP): ftp.hm-treasury.gov.uk
World Wide Web: http: //www.hm-treasury.gov.uk

The Treasury is currently working on expanding the service we offer and it is anticipated that individual e-mail addresses will be allocated later this year.

At the moment, users can also obtain help about the service using electronic mail. The address is info@hm-treasury.gov.uk.

### Tax Planning and Avoidance

**Mr. Neil Hamilton:** To ask the Chancellor of the Exchequer, pursuant to his answer to the hon. Member for Hazel Grove (Sir T. Arnold) of 27 March, *Official Report*, column *431*, on determining the difference between tax planning and tax avoidance by what means he determines the intention of Parliament; and if this is indistinguishable from the intention of Her Majesty's Government. [17680]

**Sir George Young:** In deciding whether to legislate to counter tax avoidance, the Government will consider all the implications, including the apparent artificiality and the extent of the tax potentially at risk, of a particular scheme. Any proposed legislation is open to scrutiny by Parliament, whose intentions are reflected in the statutory provisions as finally enacted.

### Unpaid Taxation

**Mr. Malcolm Bruce:** To ask the Chancellor of the Exchequer what is the total present tax outstanding unpaid by firms covered by the Inland Revenue at 8 Ruby house, Aberdeen; how many firms at this location have outstanding unpaid tax; and how many of these firms have outstanding tax amounts between *(a)* zero and £1,000, *(b)* £1,001 and £5,000, *(c)* £5,001 and £10,000, *(d)* £10,001 and £50,000 and *(e)* over £50,000. [17890]

**Sir George Young:** Details of unpaid tax currently being pursued by the Inland Revenue at 8 Ruby house, Aberdeen are set out. These are the amounts outstanding from all self-employed individuals, partnerships and companies. It is not possible separately to identify tax unpaid by firms. The figures include tax arrears which have been referred to the enforcement office, Scotland. Amounts payable to the accounts office, Cumbernauld are not included as it is not possible to distinguish tax due from Aberdeen taxpayers.

| | *Paye* | *Assessed tax* | *Totals* | | | |
|---|---|---|---|---|---|---|
| | *T/Ps* | *O/S tax£* | *T/Ps* | *O/S tax£* | *T/Ps* | *O/S tax£* |
| £0—1,000 | 1,065 | 219,977 | 2,340 | 943,240 | 3,405 | 1,163,217 |
| £1,001—5,000 | 765 | 1,936,894 | 2,046 | 4,943,254 | 2,811 | 6,880,148 |
| £5,001—10,000 | 158 | 1,113,710 | 598 | 4,213,844 | 756 | 5,327,554 |
| £10,001—50,000 | 108 | 2,070,946 | 459 | 8,743,422 | 567 | 10,814,368 |
| £50,000+ | 20 | 2,960,152 | 32 | 3,270,320 | 52 | 5,960,472 |
| Totals | 2,116 | 8,031,679 | 5,475 | 22,114,080 | 7,591 | 30,145,759 |

### Inland Revenue Purchases

**Mr. Malcolm Bruce:** To ask the Chancellor of the Exchequer in what circumstances it is his policy to buy British and to encourage executive agencies responsible to the Treasury to do the same; what consideration was given to this policy in the purchase of furniture, fittings and building materials for the Inland Revenue office at Castle Meadow, Nottingham; and what considerations were present in this specific case to create a preference for foreign products. [17819]

**Sir George Young:** The Government's approach to the purchasing of goods and services is to seek best value for money in terms of cost and quality; the "whole life cost". If a British firm can offer best value for money, it will be awarded the business. The approach for the construction, fitting out and furnishing of the new Inland Revenue centre in Nottingham was entirely consistent with this approach. There is a legal obligation for contracts above a certain value—currently just under £150,000—to be advertised in the *Official Journal* of the EC.

The total construction cost of the new Inland Revenue centre, which will house 1,800 staff when fully occupied, will be about £55 million, excluding VAT and other overheads. All contracts were awarded in accordance with the approach described above, after a full tender process, and only £3 million-worth of work, excluding VAT, was let to overseas contractors.

### Pension Funds

**Mr. French:** To ask the Chancellor of the Exchequer if he will amend the Government Stock Regulations 1965 to reduce the risk of gilt-edged securities that are owned

by pension funds trustees and are registered in a central gilts office account at the Bank of England being vulnerable to misappropriation or erroneous misallocation by the account holder. [18927]

**Mr. Nelson:** Placing a duty upon the Bank of England, as registrar of gilts and operator of the central gilts office service, to inquire about the propriety of stock transactions made in the name of trustees would reduce the speed and efficiency of the settlement service without adding materially to the protection of pension fund beneficiaries. Such protection is more effectively given by the measures in the Pensions Bill, currently before Parliament.

### Construction Industry

**Sir David Steel:** To ask the Chancellor of the Exchequer (1) what measures he will take to ensure that the introduction of a turnover test with regard to the 714 tax exemption system for construction workers will not be set at a level that will exclude a substantial proportion of those self-employed in the industry. [18868]

(2) if he will reconsider the proposal to introduce a turnover test with regard to the 714 tax exemption system for construction workers; [18869]

(3) what assessment he has made of the effect that the introduction of a turnover test with regard to the 714 tax exemption system for construction workers will have on the ability of employers to take on additional workers. [18867]

**Sir George Young:** The Government intend to proceed with the introduction of the turnover test, which will become one of the statutory conditions that a business must satisfy before qualifying for a subcontractor's 714 certificate. This approach has been recently ratified by the House in the Finance Bill. The test will be an objective means of restricting certificates to the more substantial business in the construction industry, which the Government's intention, thereby reducing the opportunities for certificate misuse and associated tax evasion. A compliance cost assessment, published by the Inland Revenue, and based on input from the industry, indicates that the resulting additional burden on contractors will be minimal. The test should not, therefore, have any significant effect on the ability of employers or contractors to take on additional workers.

### Gross Domestic Product

**Mr. Alton:** To ask the Chancellor of the Exchequer what is the gross domestic product per person on Merseyside; and what is the national average. [18950]

**Mr. Nelson:** Estimates for gross domestic product by county are calculated only for years when there is an annual census of employment. The latest available information for GDP per head by county is for 1987, 1989 and 1991 which was published in the December 1993 issue of "Economic Trends", a copy of which is available in the House of Commons Library.

### Incomes

**Dame Elaine Kellett-Bowman:** To ask the Chancellor of the Exchequer what has been the change in real take-home pay for families with one earner and two children since 1979 and between 1974 and 1979 in the Lancaster travel-to-work area. [18795]

**Sir George Young:** Real take-home pay for a one-earner couple on male average earnings in Great Britain with two children has risen by around 40 per cent.—over £80 a week—since 1978–79. It rose by less than 1 per cent. between 1973–74 and 1978–79. No figures are available for the Lancaster travel-to-work area.

**Dame Elaine Kellett-Bowman:** To ask the Chancellor of the Exchequer what has been the change in real take-home pay for single men in the lowest 10 per cent. of earnings since 1979 and between 1974 and 1979 in the Lancaster travel-to-work area. [18794]

**Sir George Young:** Real take-home pay for a single man at the lowest decile of male earnings in Great Britain has risen by nearly a quarter since 1978–79. It fell slightly between 1973–74 and 1978–79. No figures are available on a regional or sub-regional basis.

### Caravans

**Ms Walley:** To ask the Chancellor of the Exchequer on what basis the Valuation Office has changed the basis for valuation for caravans; and what assessment he has made of the implications of the increase in the rateable assessment for caravans. [18667]

**Mr. Nelson:** The basis of assessment for business rates remains rental value. The last revaluation in 1990 had regard to April 1988 rental levels whereas for the 1995 revaluation assessments is based on valuation officers' opinions of values in April 1993. Valuation officers have also reconsidered their assessments of caravans so that they are more comparable with other classes of holiday accommodation.

The Government have considered the implications of substantial increases in rating assessments for various types of property and have introduced a scheme of transitional relief to ensure that no ratepayers will face increases of more than 10 per cent. plus inflation.

### Chargeable Gains

**Mr. Mandelson:** To ask the Chancellor of the Exchequer what were the total chargeable capital gains and the number of individuals having them in each year between 1979 and 1991–92 for those people having gains of *(a)* over £500,000, *(b)* £100,000 *(c)* £50,000 and *(d)* £5,000. [19088]

**Sir George Young:** Figures on assessed chargeable gains for individuals, including trusts, and estimated numbers of taxpayers since 1978–79 are published in table 14.1 and table 1.4 respectively in the 1994 edition of "Inland Revenue Statistics"—a copy of which is available in the Library. Because of time lags, assessment figures for the more recent years are less complete.

A more detailed breakdown for individuals, including trusts, who sold assets in 1991–92 with net chargeable gains exceeding the specified limits is given:

| *Net chargeable gains over (£)* | *Number of taxpayers* | *Net chargeable gains (£ million)* |
|---|---|---|
| 500,000 | 1,300 | 1,488 |
| 100,000 | 7,400 | 2,514 |
| 50,000 | 14,700 | 2,930 |
| 5,500[1] | 90,000 | 3,971 |

[1] £2,750 for trusts.

### Incapacity Benefit

**Mr. Dewar:** To ask the Chancellor of the Exchequer what allowances will be taken into account when the Benefits Agency issues a tax code and deducts tax at source from someone liable to pay tax but whose only income is incapacity benefit. [19279]

**Sir George Young:** Initial tax codes allocated by the Benefits Agency to new claimants of incapacity benefit will take account of entitlement to the basic personal tax allowance and, depending on information supplied by the individual on the incapacity benefit claim form, the married couple's allowance and blind person's allowance. In most cases, that initial code is likely to be the correct one. However, in some cases a new tax code may be issued soon afterwards by the Inland Revenue where further information comes to light after checking its records. That subsequent code—selected from the limited number of further codes available—may take account, where relevant, of entitlement to other allowances.

**Mr. Dewar:** To ask the Chancellor of the Exchequer if he will set out the procedures for reclaiming an overpayment of tax in cases where deductions have been made at source by the Benefits Agency as a result of the decision to tax incapacity benefit. [19280]

**Sir George Young:** Where deductions of tax from incapacity benefit have been made at source by the Benefits Agency, any overpayment of tax which arises will automatically be refunded by the Inland Revenue at the end of the tax year or when the claim to incapacity benefit ceases, whichever is the sooner. Alternatively, taxpayers can claim a repayment during the tax year from the Inland Revenue. In addition, from October, any overpayments which arise because too much tax has been deducted by the Benefits Agency will be remedied automatically under the pay-as-you-earn system operated by the Benefits Agency.

### Inland Revenue, Bradford

**Mr. Sutcliffe:** To ask the Chancellor of the Exchequer what are the proposed building development plans for the Inland Revenue in Bradford. [19135]

**Sir George Young:** The Inland Revenue is planning to bring its operations currently housed in four buildings in the Bradford area into a single occupation by the spring of 1997.

Options to meet this requirement are under consideration.

**Mr. Sutcliffe:** To ask the Chancellor of the Exchequer what will happen to the leases on buildings that the Inland Revenue holds in Bradford when the Inland Revenue moves into new buildings.

**Sir George Young:** All the leases will be terminated at the break dates and the Inland Revenue will seek to relet or reuse any vacant accommodation in the interim.

### Mr. D. C. Cartman

**Mr. Beith:** To ask the Chancellor of the Exchequer when he expects the inspector of taxes at Newcastle 3 district to advise Mr. D. C. Cartman of Wooler, Northumberland, of the outcome of the consideration of the taxation of subsistence expenses to which the Financial Secretary referred in his letter to the right hon. Member for Berwick-upon-Tweed of 14 October 1994. [19087]

**Sir George Young:** The Inland Revenue wrote to the taxpayer concerned on 11 April 1995, explaining the current position about his tax affairs.

### Civil Service Pay

**Mrs. Ann Taylor:** To ask the Chancellor of the Exchequer how many Treasury officials are involved in supporting national civil service pay negotiations; and what is the cost. [19229]

**Sir George Young:** In 1994–95, there were 135 staff in the Treasury directorate which looks after civil service management and pay, excluding staff administering the principal civil service pension scheme. The cost of these staff was £6.5 million.

### Corporation Tax

**Mr. Jon. Owen Jones:** To ask the Chancellor of the Exchequer if he will provide figures for corporation tax paid in each of the financial years since 1987–88 for *(a)* building societies, *(b)* friendly societies, *(c)* industrial and provident societies, *(d)* credit unions and *(e)* co-operative societies which are currently aggregated in "Inland Revenue Statistics"; and if he will take steps to provide this information in future editions of "Inland Revenue Statistics". [19452]

**Sir George Young:** Figures of mainstream corporation tax paid by industrial and provident societies, building societies, and co-operative societies published in "Inland Revenue Statistics", as shown, are based on a sample of cases and cannot reliably be broken down at the level of detail requested. However, it is estimated that building societies typically account for in excess of 99 per cent. of the tax shown.

*Mainstream corporation tax paid by industrial and provident societies, building societies, co-operative societies*

| | *£ million* |
|---|---|
| 1987–88 | 620 |
| 1988–89 | 820 |
| 1989–90 | 650 |
| 1990–91 | 600 |
| 1991–92 | 860 |
| 1992–93 | 690 |
| 1993–94 | 720 |

*Source:*
"Inland Revenue Statistics."

### Executive Agencies

**Mr. Flynn:** To ask the Chancellor of the Exchequer if he will list the jobs that have been lost to agencies in his Department in the past two years that have *(a)* been taken over by contractors and *(b)* disappeared. [18336]

**Sir George Young** *[holding answer 4 April 1995]:* The following functions formerly undertaken in the Treasury have been transferred to agencies in the past two years. The numbers of posts are those which existed in the Treasury immediately prior to the transfer. The agencies will make a commercial decision on the number of staff required to undertake these functions in future:

| Function | Number of posts | Date transferred | Agency |
|---|---|---|---|
| Security Guard | 44 | 1 February 1995 | Security Facilities Executive (SAFE) (DOE Agency) |
| Superannuation Awarding | 36.5 | 1 April 1995 | Paymaster |

### Exchange Rate Mechanism

**Sir Teddy Taylor:** To ask the Chancellor of the Exchequer if it is the policy of Her Majesty's Government that the House will be formally advised before any decision is taken to link the value of sterling, formally or informally, to other currencies. [18151]

**Mr. Nelson** *[holding answer 4 April 1995]:* As the Prime Minister has made clear, the Government have no plans to rejoin the ERM in the lifetime of this Parliament. He has also made it clear that any future decision to seek to join a single currency would need the approval of Parliament. The details of exchange rate arrangements are, of course, market sensitive and it has been the practice of successive Governments not to announce them in advance.

### Disabled People (Access)

**Mr. Barnes:** To ask the Chancellor of the Exchequer if he will outline the measures taken, facilities offered and adjustments made in his Department and agencies for which he is responsible to facilitate access for disabled people; what plans he has to improve access; and if he will make a statement. [18599]

**Mr. Nelson** *[holding answer 5 April 1995]:* The Chancellor's Departments and agencies have an on-going programme to ensure that the disabled have access to buildings and services. Many measures have already been taken to improve access including building adaptations and the provision of equipment and services. The Departments and agencies concerned are committed to keeping the situation under review and building on these initiatives.

## SOCIAL SECURITY

### War Widows

**Mr. Flynn:** To ask the Secretary of State for Social Security what would be the annual cost of paying war widows a pension for life regardless of their marital status and other income or savings. [18155]

**Mr. Arbuthnot:** It is estimated that the additional gross cost would be about £220 million in a full year. That estimate does not take into account savings in other benefits which would normally be offset against the war widow's pension.

### Invalidity Benefit

**Mr. Dewar:** To ask the Secretary of State for Social Security what estimate he has made of the number of women who will be entitled *(a)* to enhanced invalidity benefit payments and *(b)* back payment of benefits if his Department's appeal against the commissioner's decision in the case of Mrs. Rose Graham fails; and what estimate he has made of the additional costs to be met by his Department in that event. [17345]

**Mr. Hague:** Increased awards of invalidity benefit are being made by adjudication officers with effect from 1 April 1992, the date of the commissioner's decision. Increases are being suspended pending the outcome of the appeal by the Secretary of State and the chief adjudication officer, except in cases of hardship. Any benefit which has been suspended will be paid in full if the commissioner's decision is upheld. Information about the number of women affected and the estimated costs is in the tables.

*Suspensions of increased Invalidity Benefit awarded as a result of commissioner's decision CS 27/91*

| Cases in which suspension applied | Hardship applications | Cases in which suspension lifted on hardship grounds |
|---|---|---|
| 41,560 | 1,604 | 994 |

*Note:*
1. Figures relate to 31 March 1994, the latest date for which information is available centrally.
*Source:* Manual count in Benefits Agency offices.

*Estimated net costs if the commissioner's decision CS 27/91 is upheld*

| 1995–96 | 1996–97 | 1997–98 |
|---|---|---|
| £210 million | £85 million | £95 million |

*Notes:*
1. Estimates are net offsetting reductions in income-related benefit expenditure.
2. Estimates for 1995–96 include arrears to 1 April 1992, the date of the commissioner's decision.
3. Estimates assume the commissioner's decision is upheld on the same terms. Actual costs will depend on the precise terms of the final ruling.
4. Estimates are provisional, and subject to revision.

### Habitual Residence Test

**Mr. Timms:** To ask the Secretary of State for Social Security how many people were refused income support due to the habitual residence requirement, in each month since the requirement was introduced; and how many of those affected were *(a)* British nationals, *(b)* European economic area nationals and *(c)* others. [17878]

**Mr. Roger Evans:** The information is set out in the table.

| | British nationals | EEA nationals | Others |
|---|---|---|---|
| August 1994 | 238 | 474 | 290 |
| September 1994 | 372 | 1,094 | 934 |
| October 1994 | 454 | 1,500 | 1,224 |
| November 1994 | 584 | 1,308 | 1,433 |
| December 1994 | 444 | 801 | 1,427 |
| January 1995 | 507 | 849 | 1,631 |
| February 1995 | 558 | 878 | 971 |

*Notes:*
1. "Others" include asylum seekers who had the test applied to them but were paid benefit under other provisions.
2. The figures for January and February are provisional.

**Ms Ruddock:** To ask the Secretary of State for Social Security if crisis loans are available, as interim payments, to those claimants who have been refused income support because they have failed the habitual residence test and are now waiting for their appeal to be heard by the Independent Tribunal Service; and what is the latest information on the number of such claimants who go on to win their appeals. [18899]

**Mr. Hague:** Crisis Loans are available to applicants who are not in receipt of benefit and may be paid to those who fail the habitual residence test. The information requested on the number who succeed at appeal is not available and could be obtained only at disproportionate cost.

### Benefit Expenditure

**Mr. Frank Field:** To ask the Secretary of State for Social Security, pursuant to his answer to the hon. Member for Mid-Kent (Mr. Rowe), of 23 March, *Official Report*, column *342*, why the figures for benefit expenditure as a percentage of GDP are different for the years 1978–79, 1980–81, 1989–90, 1990–91, 1991–92 and 1992–93 from those given in "The Growth of Social Security", Department of Social Security 1993. [17776]

**Mr. Hague:** "The Growth of Social Security" was published in 1993 and since then benefit expenditure has reflected certain changes.

(a) From 3 October 1994 responsibility for special pension payments to certain categories of war widows was transferred to DSS from the Ministry of Defence. Total benefit expenditure from 1990–91, when the special payments began, has been adjusted to reflect the transfer.

These figures have been shown in the 1995 departmental report, table 1.

(b) Outturn figures for housing benefit have been adjusted from 1989–90 to reflect actual costs incurred in respect of each financial year and have been updated in line with the latest actual outturn data available from the local authorities. Previous totals had included interim estimates from the local authorities.

These figures have been shown in the 1995 departmental report, tables 2 and 3.

The differences for 1978–79 and 1980–81 are caused by different rounding conventions.

### Council Tax Benefit

**Mr. Bradley:** To ask the Secretary of State for Social Security how many people, not on other benefits, are now receiving a disability premium with council tax benefit on the ground that they are incapable of work; and how many *(a)* existing recipients of the premium and *(b)* new claimants he estimates will be found capable of work in (i) 1995–96, (ii) 1996–97 and (iii) 1997–98. [18801]

**Mr. Hague:** Within council tax benefit, the number of people receiving the disability premium without other benefits is negligible. It is therefore not possible to estimate how many will be found capable of work in future years.

### Incapacity Benefit

**Mr. Bradley:** To ask the Secretary of State for Social Security what is his latest estimate of the savings expected to arise from the introduction of incapacity benefit, including the application of the new incapacity test to people on a disability premium and severe disablement allowance for each of the years 1995–96, 1996–97, 1997–98 and total for the years 1995 to 1998. [18802]

**Mr. Hague:** I refer the hon. Member to the reply given to the hon. Member for Clydesdale (Mr. Hood) on 27 January, *Official Report*, Column *425*.

**Mr. Bradley:** To ask the Secretary of State for Social Security, pursuant to his statement of 23 February, *Official Report, Standing Committee B*, column *555*, what discussions took place with the Social Security Advisory Committee regarding the Government's proposals to reduce by 20 per cent. the income support paid to people who choose to appeal on the decision to withdraw their incapacity benefit; and if he will publish the information given to the Social Security Advisory Committee which led to its decision to waive its right to be consulted on the proposals. [18804]

**Mr. Hague:** The proposal was considered by the Social Security Advisory Committee on 3 February 1995, and as a consequence a revised proposal was submitted for discussion on 16 February 1995. Copies of the original and revised proposals presented to the Committee have been placed in the Library.

### Housing Benefit

**Mr. Bradley:** To ask the Secretary of State for Social Security how many people, not on other benefits, are now receiving a disability premium with their housing benefit on the ground that they are incapable of work; and how many *(a)* existing recipients of the premium and *(b)* new claimants he estimates will be found capable of work in (i) 1995–96, (ii) 1996–97 and (iii) 1997–98. [18803]

**Mr. Hague:** Within housing benefit, the number of people receiving the disability premium without other benefits is negligible. It is therefore not possible to estimate how many will be found capable of work in future years.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Social Security what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19353]

**Mr. Hague:** Officials in this Department follow the guidance set out by the Department of Trade and Industry and agreed by the Government that a compliance cost assessment should be prepared in the following circumstances:

in support of all papers for Cabinet and Cabinet Committees, and minutes to the Prime Minister for collective discussion that deal with proposals which may have an impact on business;

in support of all regulatory proposals which may have an impact on business submitted for consideration under the annual legislative bids process;

as part of the advice to Ministers on the line to be taken on a private Member's Bill which affects business;

when preparing statistical surveys which will involve business;

alongside all draft primary, secondary and EC legislation having an impact on business when it is presented to Parliament.

All compliance cost assessments accompanying draft legislation are published. This Department issued eight of

these in the first three months of this year, copies of which are in the Library.

## PRIME MINISTER

### Engagements

**Sir Peter Tapsell:** To ask the Prime Minister if he will list his official engagements for Tuesday 18 April. [17981]

**Mr. Harry Greenway:** To ask the Prime Minister if he will list his official engagements for Tuesday 18 April 1995. [17982]

**The Prime Minister:** This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further meetings later today.

## EDUCATION

### Foreign Language Institutions

**Mr. MacShane:** To ask the Secretary of State for Education what percentage of primary schools in England teach a foreign language; and which languages are most commonly taught. [19057]

**Mr. Forth:** The Centre for Information on Language Teaching and Research recently carried out a survey, "Modern Foreign Languages in Primary Schools", which covered England, Wales, Northern Ireland, the Channel Islands and the Isle of Man. Fifty three out of 125 local education authorities responded, 48 of those being English authorities. The results showed that some 1,919 primary schools, or 22 per cent. of those in the sample, provided some foreign language tuition. The most commonly taught language was French—1,795 schools—followed by German—67 schools—and Italian—64 schools.

### Under-five Provision

**Ms Estelle Morris:** To ask the Secretary of State for Education if she will publish a table showing the number of children under five years in *(a)* public sector nursery schools, *(b)* public sector primary schools, broken down into full and part-time and *(c)* non-maintained schools, broken down into full and part-time and showing what proportion of children aged three or four years is accounted for by each category in each year since 1970 until the most recent date available. [19368]

**Mr. Forth:** Information is shown in the table.

*Pupils under 5 years of age[1] in maintained nursery and primary schools and independent schools 1974–1994*

*Position in January each year*

| | *Maintained Nursery Schools* | | | *Maintained Primary Schools* | | | *Independent Schools* | | |
|---|---|---|---|---|---|---|---|---|---|
| *Year* | *Full-time pupils* | *Part-time pupils* | *Total pupils as a percentage of the population[2]* | *Full-time pupils* | *Part-time pupils* | *Total pupils as a percentage of the population[2]* | *Full-time pupils* | *Part-time pupils* | *Total pupils as a percentage of the population[2]* |
| 1974 | 13,696 | 27,614 | 3 | 268,335 | 74,260 | 24 | n/a | n/a | n/a |
| 1975 | 13,740 | 29,777 | 3 | 270,642 | 89,727 | 25 | n/a | n/a | n/a |
| 1976 | 13,497 | 32,062 | 3 | 285,235 | 109,205 | 29 | n/a | n/a | n/a |
| 1977 | 13,657 | 34,043 | 4 | 250,873 | 133,098 | 30 | 16,687 | 11,198 | 2 |
| 1978 | 14,138 | 34,359 | 4 | 224,240 | 142,328 | 30 | 16,758 | 11,576 | 2 |
| 1979 | 14,219 | 34,258 | 4 | 232,690 | 147,473 | 33 | 17,588 | 11,297 | 2 |
| 1980 | 14,079 | 34,377 | 4 | 230,342 | 150,122 | 35 | 18,910 | 10,832 | 3 |
| 1981 | 13,717 | 34,437 | 4 | 224,544 | 155,399 | 36 | 18,050 | 11,500 | 3 |
| 1982 | 13,295 | 35,694 | 4 | 220,052 | 167,639 | 36 | 18,533 | 11,033 | 3 |
| 1983 | 12,611 | 36,940 | 4 | 225,328 | 183,318 | 36 | 16,723 | 12,770 | 3 |
| 1984 | 12,214 | 37,192 | 4 | 251,340 | 194,272 | 37 | 17,520 | 13,836 | 3 |
| 1985 | 11,890 | 37,723 | 4 | 257,409 | 205,545 | 39 | 18,501 | 14,274 | 3 |
| 1986 | 11,698 | 37,685 | 4 | 247,079 | 212,161 | 39 | 18,450 | 14,519 | 3 |
| 1987 | 11,478 | 38,024 | 4 | 252,401 | 214,861 | 40 | 19,028 | 15,586 | 3 |
| 1988 | 11,216 | 38,570 | 4 | 257,089 | 226,058 | 41 | 20,579 | 16,580 | 3 |
| 1989 | 10,931 | 39,239 | 4 | 259,440 | 237,954 | 41 | 23,134 | 18,158 | 3 |
| 1990 | 10,429 | 41,096 | 4 | 275,183 | 250,513 | 42 | 24,639 | 18,910 | 3 |
| 1991 | 10,085 | 42,009 | 4 | 286,410 | 265,082 | 44 | 25,869 | 19,330 | 4 |
| 1992 | 9,734 | 42,470 | 4 | 299,699 | 277,808 | 45 | 26,461 | 19,405 | 4 |
| 1993 | 9,461 | 43,527 | 4 | 316,788 | 286,417 | 47 | 26,477 | 20,620 | 4 |
| 1994 | 8,930 | 43,332 | 4 | 326,447 | 295,887 | 48 | 26,402 | 21,212 | 4 |

### Learning Credits

**Mr. Blunkett:** To ask the Secretary of State for Education (1) what discussions she has had with the Cabinet's Home Social Affairs Committee on the report from Coopers and Lybrand on the feasibility of learning credits; and if she will make a statement; [19477]

(2) what plans she has to introduce learning credits for 16 to 19-year-olds; and if she will make a statement. [19442]

**Mr. Boswell:** The Government are considering the issue of learning credits for 16 to 19-year-olds in the light of advice from Coopers and Lybrand, and will announce their conclusions in due course.

### Further Education Colleges

**Mr. Eastham:** To ask the Secretary of State for Education, pursuant to her answer of 23 March, *Official Report*, columns *358–59*, when the Further Education

Funding Council's chief executive will write to the hon. Member for Manchester, Blackley. [19497]

**Mr. Boswell:** Sir William Stubbs, chief executive of the Further Education Funding Council, wrote to the hon. Member on 7 April.

### "Education means Business"

**Mr. Tipping:** To ask the Secretary of State for Education how many copies of the booklet, "Education means Business" have been produced; to whom it has been circulated; and what was the total cost. [18851]

**Mr. Forth:** I refer the hon. Member to the answer I gave to the hon. Member for Wakefield (Mr. Hinchcliffe) on Friday 17 March, *Official Report,* column *735.*

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Education how many rules and regulations she repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19358]

**Mr. Boswell:** Some 24 statutory instruments were revoked in the first three months of 1995. In the same period, 29 statutory instruments were introduced. These figures do not include local instruments.

The great majority of these concerned the maintained system of education and imposed no regulatory requirements on business.

**Mr. Steen:** To ask the Secretary of State for Education what requirements there are for officials in her Department to introduce a compliance cost assessment for all the rules and regulations coming before her and her Ministers; and how many compliance cost assessments have been issued by her Department in the first three months of this year. [19344]

**Mr. Forth** My Department issued one compliance cost assessment in the first three months of this year, a copy of which has been placed in the Library.

### Higher Education (Staff)

**Mr. Sheerman:** To ask the Secretary of State for Education what percentage of *(a)* university professors and *(b)* heads of university departments are women. [19099]

**Mr. Boswell:** Some 5 per cent. of full-time professors at former University Funding Councils funded universities in Great Britain in 1992–93 were women. For the same year in former Polytechnics and Colleges Funding Councils funded English polytechnics granted university status, 15 per cent. of full-time professors wholly institute-financed were women.

Data on the gender of the heads of university departments are not collected centrally.

**Mr. Sheerman:** To ask the Secretary of State for Education what percentage of staff in United Kingdom universities are women. [19101]

**Mr. Boswell:** Some 23 per cent. of full-time academic staff in former UFC funded universities in England in 1992–93 are women. For the same year in former PCFC-funded English polytechnics granted university status, 34 per cent. of full-time academic staff wholly institute-financed were women.

**Mr. Sheerman:** To ask the Secretary of State for Education (1) how many university staff in United kingdom universities are now on short-term contracts. [19097]

(2) how many staff in the university of Wales are now on short-term contracts. [19086]

**Mr. Boswell:** This information is not held centrally.

Responsibility for employment conditions of university staff, however funded, rests with the universities as employers.

I stated in a reply to the hon. Member on 21 March 1995, *Official Report,* column *165,* the Higher Educational Statistical Agency, which has now assumed responsibility for the collection of statics on staff, students and finance in all UK higher education institutions, will identify, in its 1994–95 academic staff record, data on staff numbers in institutions on permanent or other form of contracts.

The University Statistical Record has collected staff data on behalf of former University Funding Council-funded universities, but does not distinguish by type of staff contracts.

### Higher Education (Students)

**Mr. Sheerman:** To ask the Secretary of State for Education (1) what percentage and numbers of students in United Kingdom universities are women; [19102]

(2) what percentage of postgraduate students in United Kingdom universities are women. [19100]

**Mr. Boswell:** The numbers of home-domiciled women students in former UFC-funded universities and former PCFO-polytechnics in England in academic year 1993–94 was 386,600, 47 per cent. of all home-domiciled students. The numbers of home-domiciled women postgraduate students was 63,100, 46 per cent. of home-domiciled postgraduate students.

### Higher Education Applicants (Qualifications)

**Mr. Sheerman:** To ask the Secretary of State for Education what percentage and how many students are now admitted to higher education courses on the basis of national vocational qualifications rather then A-levels. [19098]

**Mr. Boswell:** Information published in the Universities and Colleges Admissions Service annual report 1993–94 shows that 159,300 applicants were accepted to first degree and HND courses in autumn 1994 with A-level qualifications—63 per cent. of home acceptances. The remainder gained entry with a range of other qualifications, including the new general national vocational qualifications, NVQs, and predecessor vocational qualifications.

### Postgraduate Vocational Training Courses

**Mr. Blunkett:** To ask the Secretary of State for Education how many language graduates have taken up bursaries for postgraduate vocational interpreter and translator training courses over the last three years. [18902]

**Mr. Boswell:** The number of language graduates who have taken up bursaries through the Department's postgraduate awards scheme for postgraduate vocational interpreter and translator training courses over the last three academic years is 136.

**Mr. Blunkett:** To ask the Secretary of State for Education how many people have taken up bursaries for postgraduate vocational training courses over the last three years. [18901]

**Mr. Boswell:** The number of people who have taken up bursaries through the Department's postgraduate awards scheme for postgraduate vocational training courses in the last three academic years is 1,905.

**Mr. Blunkett:** To ask the Secretary of State for Education how many bursaries will be available for language graduates wishing to take vocational interpreter and translator training courses next year. [18903]

**Mr. Boswell:** My right hon. Friend has reviewed the provision of bursaries for postgraduate studies in interpreting and translating studies and has now agreed to provide 20 bursaries for language graduates wishing to take postgraduate vocational interpreter and translator training courses in the next academic year.

## Allowances

**Mr. Shaw:** To ask the Secretary of State for Education if she will list the total amount paid by her central Department and each agency for which she is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19551]

**Mr. Boswell:** The subsistence costs in respect of UK travel for the Department and Teachers' Pension Agency are as follows. The Department does not keep separate figures of the subsistence costs incurred in foreign travel. No foreign travel and subsistence costs have been incurred by the TPA.

| | *DFE* £ | *Teachers' pension agency* £ |
|---|---|---|
| 1992–93[1] | 290,847 | 34,642 |
| 1993–94 | 207,189 | 56,550 |
| 1994–95 | 216,936 | 44,375 |

[1]Figures exclude T and S provision for HM inspectorate, now Ofsted.

**Mr. Shaw:** To ask the Secretary of State for Education if she will list for each agency and the central Department for which she is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19663]

**Mr. Boswell:** No removal costs were incurred by the Teachers Pension Agency. The information requested in respect of the Department is as follows:

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| Total | 60,457 | 62,650 | 19,785 |
| Highest claim | 10,163 | 10,281 | 11,250 |
| The average costs were: | 5,496 | 5,695 | 9,892 |

## Public Bodies

**Mr. Don Foster:** To ask the Secretary of State for Education what are the total running costs of all non-departmental public bodies sponsored by her Department including the National Council for Vocational Qualifications and Ofsted for each year since 1987.

**Mr. Boswell** *[pursuant to his reply, 30 March 1995 c. 718]:* The running cost of non departmental public bodies that are the responsibility of my Department are given in the table.

*Net running costs (in thousands) of all non-departmental public bodies sponsored by DFE*

| | | *1987–88 outturn* | *1988–89 outturn* | *1989–90 outturn* | *1990–91 outturn* | *1991–92 outturn* | *1992–93 outturn* | *1993–94 outturn* | *1994–95 estimated outturn* | *1995–96 forecast* |
|---|---|---|---|---|---|---|---|---|---|---|
| Central Bureau for Educational Visits and Exchanges (CBEVE) | 1 | 1,760 | 1,813 | 2,184 | 3,021 | 3,498 | 3,848 | 4,052 | 4,194 | 3,867 |
| Centre for Information on Language Teaching and research (CILT) | — | 398 | 435 | 501 | 576 | 670 | 937 | 816 | 964 | 930 |
| Education Assets Board (EAB) | 2 | — | — | 1,420 | 551 | 537 | 839 | 764 | 858 | 986 |
| Funding Agency for Schools (FAS) | 3 | — | — | — | — | — | — | — | 10,927 | 11,500 |
| Further Education Funding Council for England (FEFCE) | 4 | — | — | — | — | — | 4,300 | 18,800 | 23,800 | 24,200 |
| Higher Education Funding Council for England (HEFCE) | 5 | — | — | — | — | — | 500 | 10,355 | 11,775 | 12,025 |
| League for Exchange of Commonwealth Teachers (LECT) | — | 440 | 497 | 507 | 524 | 585 | 668 | 636 | 617 | 569 |
| National Council of Educational Technology (NCET) | 6 | — | 1,152 | 2,072 | 2,387 | 2,960 | 3,003 | 3,334 | 3,336 | 3,157 |

*Net running costs (in thousands) of all non-departmental public bodies sponsored by DFE*

| | | 1987–88 outturn | 1988–89 outturn | 1989–90 outturn | 1990–91 outturn | 1991–92 outturn | 1992–93 outturn | 1993–94 outturn | 1994–95 estimated outturn | 1995–96 forecast |
|---|---|---|---|---|---|---|---|---|---|---|
| National Youth Agency (NYA) | 7 | — | — | — | — | 1,691 | 1,574 | 1,566 | 1,649 | [1]— |
| National Curriculum Council (NCC) (superseded by SCAA) | 8 | — | — | 4,293 | 3,401 | 3,780 | 3,734 | 2,255 | — | — |
| School Examinations and Assessment Council (superseded by SCAA) | 8 | — | — | 4,278 | 4,930 | 6,195 | 7,226 | 3,142 | — | — |
| School Curriculum and Assessment Authority (SCAA) | 9 | — | — | — | — | — | — | 4,310 | 9,339 | 9,140 |
| Teaching as a Career Unit (TASC) (superseded by TTA) | 10 | 346 | 375 | 400 | 699 | 954 | 818 | 752 | 366 | — |
| Teaching Training Agency (TTA) | 11 | — | — | — | — | — | — | — | 1,640 | 2,618 |
| Office for Standards in Education (OFSTED) | 12 | — | — | — | — | — | 22,145 | 30,908 | 28,755 | 28,150 |
| Total net expenditure | | 2,944 | 4,272 | 15,655 | 16,089 | 20,870 | 49,592 | 81,690 | 98,220 | 97,142 |

*Notes:*

1. Until December 1993 CBEVE was a NDPB. Since then it has been part of the British Council. However DFE, SOED and DENI continue to have full funding and policy responsibility for CBEVE.
2. EAB was set up in August 1988. However it was agreed that the initial start-up costs etc., should be accounted for as part of a single twenty month accounting period in 1989–90. All the figures quoted include expenditure on sub-contracted legal work and regional caseworkers.
3. FAS was set up with effect from 1 April 1994.
4. The figure for 1992–93 reflects the establishment of FEFCE in July 1992.
5. HEFCE was established on 6 May 1992, but did not assume its full responsibilities until 1 April 1993.
6. NCET was formed on 1 April 1988 by the merger of the Microelectronics Education Support Unit and the Council for Educational Technology.
7. NYA was formed out of the National Youth Bureau on 1 April 1991.
8. The first years figures cover the period from the establishment of NCC and SEAC on 15 August 1988 to 31 March 1990. 1993–94 figures do not include redundancy payments to NCC and SEAC employees.
9. SCAA was established on 1 October 1993 after which NCC and SEAC were wound up on 31 December 1993.
10. The figure quoted in 1993–94 covers the period 1 April to 13 October 1994, when TASC was subsumed within TTA.
11. The 1993–94 figure includes the running costs of the information section (formally TASC) from 13 October 1994 to 31 March 1995, and expenditure on establishing the TTA as well as running costs.
12. This figure does not include part-year costs incurred in 1991–92 and transferred from DFE.

[1] still under negotiation

### Distance Learning

**Mr. Allen:** To ask the Secretary of State for Education how many educational institutions in the United Kingdom use new technology to facilitate distance learning; and if she will list them. [18689]

**Mr. Forth:** Many educational institutions offer programmes through distance learning and it is not possible to list them individually. Opportunities to study by both open and distance learning are increasing rapidly and particularly in the further and higher education sectors. The Department is funding a number of pilot projects in the use of new technologies including their use in distance learning.

### Information Super-highway

**Mr. Allen:** To ask the Secretary of State for Education what research her Department has funded into the educational potential of the information super-highway. [18691]

**Mr. Forth:** The Department has funded several initiatives, including projects piloting multi-media technologies, which help to indicate the educational potential of information super-highways. The UK Education Departments will shortly publish a consultation paper which will explore the use of broadband communications in education and encourage the development of broadband pilot projects in all sectors of education.

## EMPLOYMENT

### Asbestos

**Mr. Worthington:** To ask the Secretary of State for Employment if he will make a statement about the findings of the Health and Safety Executive/Peto report "Continuing Increase in Mesothelioma Mortality in Britain" and its consequences for his Department's policy. [17075]

**Mr. Oppenheim:** The report predicts that the number of deaths from mesothelioma in British men will continue to grow for at least 15, and more likely 25 years, reaching a peak of between 1,300 and 3,300 annual deaths. The most recent available annual total is for 1991 and was 861. Virtually all these deaths are associated with exposure to asbestos. The latent period between first exposure to asbestos and the development and diagnosis of mesothelioma is seldom less than 15 years and can be as long as 60 years. The deaths now occurring and most

of those expected to occur in the future reflect industrial conditions of the past rather than the effectiveness of current law and work practices. The report further showed that those employed in the building industry, such as plumbers, carpenters and electricians, account for about a quarter of all mesothelioma deaths to date. It concluded that workers in these trades may still be at risk from exposure to asbestos dust from materials put into buildings many years ago. The Health and Safety Executive's current asbestos awareness campaign is specifically targeted at building maintenance workers. The findings of the report underline the need to maintain the UK's strict policy on asbestos, supported by the comprehensive regulatory controls already in place.

**Mr. Worthington:** To ask the Secretary of State for Employment how many deaths from asbestos-related diseases have occurred in each year since 1979. [17079]

**Mr. Oppenheim:** The number of death certificates mentioning asbestosis or the asbestos-related cancer mesothelioma were published in the Health and Safety Commission's statistical supplement to the 1993–94 annual report, a copy of which was placed in the Library.

Asbestos-related diseases also include lung cancer caused by asbestos exposure. Such cases cannot be distinguished medically from lung cancer due to other causes, principally smoking. Based on epidemiological evidence, there are likely to be one or two deaths from asbestos-related lung cancer for each death from mesothelioma.

### Health and Safety Executive

**Mr. Bennett:** To ask the Secretary of State for Employment what is the cost to public funds of the current early retirement scheme in the Health and Safety Executive; and how many more such schemes are envisaged for the fiscal year 1995–96. [17306]

**Mr. Oppenheim:** The cost to public funds of the Health and Safety Executive 1994–95 early retirement scheme was £2.77 million during the 1994–95 financial year. On-going costs of the scheme will be approximately £1.15 million a year, diminishing as individuals reach the age of 60.

Currently there are no plans for any further early retirement schemes for HSE professional grades in HSE during the 1995–96 fiscal year.

**Mr. Bennett:** To ask the Secretary of State for Employment how many of the employees of the Health and Safety Executive have qualifications in *(a)* computing, *(b)* personnel management, *(c)* accountancy, *(d)* management and *(e)* training; and how many are currently undergoing study for qualifications in these areas. [17316]

**Mr. Oppenheim:** The information can be provided only at disproportionate cost.

**Mr. Bennett:** To ask the Secretary of State for Employment how many staff who have taken early retirement from the Health and Safety Executive have subsequently been offered contracts as consultants with the Health and Safety Executive. [17307]

**Mr. Oppenheim:** I will write to the hon. Member, and place a copy in the Library.

**Mr. Bennett:** To ask the Secretary of State for Employment what is the current salary of the director general of the Health and Safety Executive; at what rate his successor's position is being advertised and for what reasons; who will sit on the appointing panel; and whether salary bargaining will take place at, or before, the interviews of the shortlisted candidates. [17315]

**Mr. Oppenheim:** The current salary of the director general of the Health and Safety Executive is £87,435 for the financial year 1994–95. The salary of a successor was advertised as circa £90,000, with more available for an exceptional candidate, for an appointment in June 1995. The appointing panel consists of members of the Health and Safety Commission together with a representative of my right hon. Friend the Secretary of State, whose approval is required both of the appointment and the salary. No salary bargaining took place during the interviews or before them.

**Mr. Bennett:** To ask the Secretary of State for Employment if the Health and Safety Executive's buildings adjacent to St. John's house in Bootle suffer from sick building syndrome; and if he will make a statement on their future. [17309]

**Mr. Oppenheim:** The Health and Safety Executive has no evidence suggesting that any of its headquarters buildings at Bootle, adjacent to St. John's house, suffer from sick building syndrome. The majority of leases at HSE's offices at Bootle headquarters expire in approximately 10 years' time. HSE will be undertaking a review of its headquarters accommodation needs over the short, medium and longer terms. The outcome of that review will determine its future strategy.

**Mr. Bennett:** To ask the Secretary of State for Employment what assessment he has made of the extent to which the procedure for recruiting and salary level offered to the new director general of the Health and Safety Executive complies with current public sector pay policy. [17317]

**Mr. Oppenheim:** The procedure for recruitment and salary determination in the appointment of director general of the Health and Safety Executive reflects the provisions of the Health and Safety at Work, etc. Act 1974 and the Government's announced policies on the pay of the senior civil service.

**Mr. McCartney:** To ask the Secretary of State for Employment, what are the implications for both inspection and supply services staff of the Health and Safety Executive of the Gas Bill. [18044]

**Mr. Oppenheim** *[holding answer 3 April 1995]:* The Health and Safety Executive will carry out a number of new tasks following the opening up to competition of the British domestic gas market. Those are set out in the Health and Safety Commission's report, "Britain's Gas Supply: A Safety Framework".

Copies of the report were placed in the Library on 1 March 1995.

**Mr. McCartney:** To ask the Secretary of State for Employment (1) if he will place in the Library all Health and Safety Executive reports on the assessment of risk management to deal with the consequences of the Gas Bill; [18047]

(2) if he will place in the Library all Health and Safety Executive reports setting out the implications, including resources, for the executive as a consequence of the Gas Bill. [18045]

**Mr. Oppenheim** *[holding answer 3 April 1995]:* Copies of the Health and Safety Commission's report

"Britain's Gas Supply: A Safety Framework" were placed in the Library on 1 March 1995.

**Mr. McCartney:** To ask the Secretary of State for Employment if he will publish details of the numbers of additional inspection and supply staff the Health and Safety Executive will have to recruit to deal directly with the consequences of the Gas Bill. [18046]

**Mr. Oppenheim** *[holding answer 3 April 1995]:* The issue of how many additional staff the Health and Safety Executive will require following the opening up to competition of the British domestic gas market is still under consideration.

However, an estimate of the likely costs of the additional resources was included in the Health and Safety Commission's report "Britain's Gas Supply: A Safety Framework", copies of which were placed in the Library on 1 March 1995.

### Competitive Tendering

**Mrs. Ann Taylor:** To ask the Secretary of State for Employment how many competitive tendering exercises carried out by his Department in each of the last two years were caught by the provisions of the public services directive but were not subsequently advertised in the *Official Journal* of the European Union in compliance with the relevant regulations. [19226]

**Miss Widdecombe:** In each of the last two years there have been no recorded cases in any of the constituent parts of the Employment Department group of non-compliance with EC Council directive 92/50/EEC regulating the award of public services contracts.

### Workstart

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment (1) where the pilot scheme for workstart in Coventry is to be located; [19063]

(2) which Department is responsible for the workstart scheme in Coventry; [19059]

(3) if an approved qualification will be granted at the end of the workstart course in Coventry; [19065]

(4) what is the level of subsidies that an employer would be entitled to under the workstart scheme in Coventry; [19061]

(5) what is to be the content of the training for the workstart scheme in Coventry; and what will be the duration of that training; [19064]

(6) what is the level of funding for the workstart scheme in Coventry; [19060]

(7) what is the target number of people to be involved in the workstart scheme in Coventry. [19062]

**Miss Widdecombe:** Workstart pays a subsidy to employers who recruit very long-term unemployed people. Initial pilots were run in four areas between July 1993 and December 1994. Further pilots, offering 5,000 places, were announced in last November's Budget. These new workstart pilots begin this month in the west midlands conurbation, Greater Manchester and Cheshire and are administered through local Employment Service jobcentres. All jobcentres in Coventry will be involved.

In the west midlands, lower and upper limits of £700 and £2,800 have been set for the subsidy with a duration varying between three and 12 months. No targets have been set for the number of people who will participate on workstart in Coventry, and no financial ceilings have been set for individual areas. Some £8 million is available for the pilots as a whole.

Employers receiving a workstart subsidy are not required to offer training leading to an approved qualification. The purpose of the scheme is to help people unemployed over two years back into work.

I wrote on 6 April 1995 to all hon. Members whose constituencies are covered by the workstart pilots informing them of the pilots and enclosing a copy of the press notice.

### Training

**Mr. Hanson:** To ask the Secretary of State for Employment what is his policy towards individuals being obliged by their employers to contribute to the costs of national vocational qualification training schemes as a condition of their continued employment. [19391]

**Mr. Paice:** Matters such as whether or not employees should contribute towards the costs of training are for discussion and agreement between employers and employees, or their representatives, without Government intervention.

**Mr. McMaster:** To ask the Secretary of State for Employment how many people are currently engaged under Government sponsored training schemes by multiple retailers, retail co-operative societies, and other retailers; and what proportion of the total number of people undergoing such training is represented by those engaged in retail distribution. [19068]

**Mr. Paice:** The information requested is not available.

### Grays Unemployment Benefit Office

**Mr. Mackinlay:** To ask the Secretary of State for Employment for what purpose Permetherin pesticide was sprayed in the Grays benefit office on 8 October 1991. [19394]

**Miss Widdecombe:** Responsibility for the subject of the question has been delegated to the Employment Service Agency under its chief executive. I have asked him to arrange for a reply to be given.

*Letter from M. E. G. Fogden to Mr. Andrew Mackinlay, dated 18 April 1995:*

The Secretary of State has asked me to reply to your question about the use of Permethrin pesticide in the Grays Unemployment Benefit Office on 8 October 1991.

A product known as "Stapro Insecticide", which contains Permethrin, was used in the Grays office on 8 October 1991, in response to a suspected infestation of insects. Spraying was carried out by an external contractor.

The contractor has assured the Employment Service that the insecticide used was approved under the Control of Pesticides Regulations 1986 and that the manufacturers instructions were followed. I am further assured by the Health and Safety Executive that this pesticide is approved for use under these circumstances. Indeed, Permethrin is an active ingredient in a wide range of products, including household fly sprays and flea treatments.

I hope this is helpful.

### Allerton Outreach Team

**Mr. Madden:** To ask the Secretary of State for Employment what assessment he has made of the activities undertaken by the Allerton outreach team; what funding his Department has made to support the project; if he will extend such funding to enable the team to maintain its presence in the local community; and what plans there are to fund similar projects in other parts of Bradford and the United Kingdom. [19066]

**Mr. Paice:** Performance figures for the Allerton outreach team to 6 April 1995 are: 56 clients into employment, target 10, and 25 training starts, target 20. A summary report of the project for the period funded by the Employment Service is currently being produced. ES contributed £5,894.00 to the project from the programme development fund which equated to 50 per cent. of salary costs for a three month period. The PDF has now been absorbed into the single regeneration budget challenge fund which provides flexible support for local initiatives. Whilst outreach work, both in Bradford and elsewhere in the country, falls clearly within the scope of the SRB challenge fund objectives, its inclusion in round 2 bids is an option which it is appropriate for local partnerships to consider alongside other needs and priorities. The Bradford training and enterprise council has offered to part-fund an outreach worker for 1995–96 and discussions between the TEC and Bradford council are continuing.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Employment if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19662]

**Miss Widdecombe:** The information requested in *(a)* is set out in the following table. The information requested in *(b)* and *(c)* is not readily available and could be obtained only at disproportionate cost.

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| Rest of the Employment Department Group[1] | 9,264,436 | 5,192,388 | 4,599,474 |
| Employment Service | 5,171,919 | 4,537,032 | 3,480,173 |
| Total | 14,436,355 | 9,729,420 | 8,079,647 |

[1] Comprises Employment Department, Health and Safety Executive and the Advisory, Conciliation and Arbitration Service.

**Mr. David Shaw:** To ask the Secretary of State for Employment if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19552]

**Miss Widdecombe:** The information is not readily available in the form requested and could be obtained only at disproportionate cost. The following table shows the total cost of travel and subsistence payments for journeys within the United Kingdom.

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| Rest of the Employment Department Group[1] | 10,493,206 | 9,752,161 | 9,461,173 |
| Employment Service | 5,624,341 | 4,045,228 | 3,579,461 |
| Total | 16,117,547 | 13,797,389 | 13,040,634 |

[1]Comprises the Employment Department, Health and Safety Executive and the Advisory, Conciliation and Arbitration Service.

### Overtime

**Mr. David Shaw:** To ask the Secretary of State for Employment if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19671]

**Miss Widdecombe:** *(a)* The total hours of overtime worked for the last three financial years is shown in the following table:

| | *1992–93* | *1993–94* | *1994–95* |
|---|---|---|---|
| Employment Department (ED) | 257,755 | 261,128 | 216,771 |
| Employment Service (ES) | 427,031 | 590,624 | 276,599 |
| Health and Safety Executive (HSE) | 52,308 | 48,867 | 58,927 |
| Arbitration, Conciliation and Arbitration Service (ACAS) | 2,597 | 1,406 | 2,324 |
| Total | 739,691 | 902,025 | 554,621 |

*(b)* The total amount paid in overtime for the last three financial years in pounds is shown in the following table:

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| ED | 1,905,659 | 1,970,987 | 1,726,760 |
| ES | 2,714,692 | 3,849,480 | 2,029,850 |
| HSE | 344,814 | 372,940 | 444,900 |
| ACAS | 18,674 | 9,505 | 18,243 |
| Total | 4,983,839 | 6,202,912 | 4,219,753 |

(c) Data on total time in days lost through sickness for 1994 are not yet available. However, the figures for 1992 and 1993 calendar years in days are shown in the following table:

| | *1992* | *1993* |
|---|---|---|
| ED | 71,953 | 80,620 |
| ES | 482,875 | 595,291 |
| HSE | 30,917 | 40,576 |
| ACAS | 4,166 | 6,116 |
| Total | 589,911 | 722,603 |

No records are available which give figures for the monetary equivalent for time lost through sickness.

### Advisers

**Ms Eagle:** To ask the Secretary of State for Employment how many advisers his Department employs

broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19425]

**Miss Widdecombe:** The Department employs one political adviser. Salaries and conditions of work for political advisers are negotiated individually in relation to their previous earnings, and are confidential.

Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. Their grades range from grade 3 to assistant economist.

### Training and Enterprise Councils

**Mr. Chidgey:** To ask the Secretary of State for Employment how many elected councillors are currently serving on training and enterprise council boards; and what was the number in 1992, 1993 and 1994. [19534]

**Mr. Paice:** There are currently 14 elected councillors on training and enterprise council boards representing local authorities. There are seven other board members who are councillors, although they are appointed to TEC boards to represent private sector companies.

I am unable to provide the information requested for previous years as this information is not held centrally.

### Disabled People (Access)

**Mr. Barnes:** To ask the Secretary of State for Employment if he will outline the measures taken, facilities offered and adjustments made in his Department and agencies for which he is responsible to facilitate access for disabled people; what plans he has to improve access; and if he will make a statement. [18582]

**Miss Widdecombe** *[holding answer 5 April 1995]:* The Employment Department group is committed to estates and accommodation policies which seek to ensure that access and facilities are suitable for disabled people, whether staff or the public. These policies will be adapted to take account of the Cabinet Office "Programme for Action for Disabled People" and in future to embody the requirements of the Disability Discrimination Bill in all estates provision and accommodation facilities. In many cases, existing buildings and offices have been modified to provide or improve access for disabled people, both staff and the public. New buildings and refurbishment projects take the need for this provision into account from their beginning. Some 3.9 per cent. of the employees of the Employment Department group are registered disabled people, compared with the quota of 3 per cent.

### Deregulation

**Mr. Steen:** To ask the Secretary of State for Employment what targets he has for withdrawing regulations within his Department. [15547]

**Mr. Oppenheim** *[holding answer 27 March 1995]:* I refer my hon. Friend to the reply given on 27 March by my hon. Friend the Under-Secretary of State for Corporate Affairs, *Official Report*, column *410*, explaining the Government's deregulation initiative. Within the Employment Department group, the recent review of health and safety regulations by the Health and Safety Commission has recommended substantial simplification and modernisation of health and safety legislation. Seven pieces of primary legislation and 100 sets of regulations have been identified for removal, and HSC has included a programme of legislative reform in its "Plan of Work", which will be published shortly.

## TRANSPORT

### Design, Build, Finance and Operate Projects

**Mr. Legg:** To ask the Secretary of State for Transport what progress has been made in assessing if DBFO contracts could be extended to the whole road building programme. [18842]

**Mr. Watts:** Four DBFO projects were tendered on 9 January and expressions of interest in a further four were requested on 15 February. All contain road building schemes which have been legally authorised following completion of statutory procedures, including public inquiry. Much of the road programme is in earlier stages of preparation.

### Private Finance Initiative

**Mr. Legg:** To ask the Secretary of State for Transport what PFI projects *(a)* have been completed, *(b)* are at construction stage, *(c)* are at planning state and *(d)* are under consideration; and what is the value of each project. [18841]

**Mr. Watts:** In November 1994, the Department published its document, "Building Tomorrow's Transport Network", which described developments in private funding for transport projects. It included projects under construction, such as the Heathrow express rail link and second Severn crossing, and the Queen Elizabeth II bridge at Dartford, which was opened in 1991. The document also set out a wide range of future opportunities for private sector participation under the PFI.

Since then the Channel Tunnel Rail Link Bill has begun its passage through Parliament, and bids have been received to build and run the new line; we have announced that the signalling and train control system for the upgraded west coast main line will be secured with private finance; we have announced a second tranche of four design, build, finance and operate road schemes; London Transport has signed the final contract with GEC Alsthom for the supply of privately financed new trains for the Northern line; BR has invited tenders for a possible further trunk of Networker express trains; and we have approved funding in principle for the Croydon Tramlink and line one of the Midland Metro light rail schemes, subject to satisfactory contributions from the private sector.

### ScotRail

**Mr. Charles Kennedy:** To ask the Secretary of State for Transport if he was consulted by ScotRail over its proposal to include in its draft timetable additional passenger services involving Cowlairs north curve and south-west junction, Springburn junction and Cumbernauld; and if he will make a statement. [19832]

**Mr. Watts:** No.

**Mr. Charles Kennedy:** To ask the Secretary of State for Transport if he will estimate the costs and passenger fare revenue involved in the provision of additional passenger services by ScotRail, involving Cowlairs north curve and south-west junction, Springburn and Cumbernauld, respectively, as outlined in its draft timetable; and if he will make a statement. [19833]

**Mr. Watts:** These are matters for the management of British Rail.

## WALES

### Animal Diseases

**Mr. Morley:** To ask the Secretary of State for Wales how many cases of Aujesky's disease were reported in each year since 1985. [17810]

**Mr. Gwilym Jones:** One case of Aujesky's disease was reported in Wales in 1988.

**Mr. Morley:** To ask the Secretary of State for Wales how many cases of blue tongue were reported in each year since 1980. [17815]

**Mr. Gwilym Jones:** No cases of blue tongue have occurred in Wales since 1 June 1991. This disease only became notifiable on that date and official records prior to that were not collected, although I am not aware that there has ever been a case of this disease in Great Britain.

**Mr. Morley:** To ask the Secretary of State for Wales how many cases of cattle plague were reported in each year since 1985. [18616]

**Mr. Gwilym Jones:** No cases of cattle plague have occurred in Wales since 1985. As far as I am aware the last known case in Great Britain was in 1877.

### Raytheon Corporate Jets

**Dr. John Cunningham:** To ask the Secretary of State for Wales what discussions he has had with the United States Administration on asking Raytheon to reconsider its decision to close its Broughton factory in Britain and move production to the United States of America. [17835]

**Mr. Redwood:** I have asked Raytheon on a number of occasions to reverse its decision to close its plant at Broughton. These representations have been drawn to the attention of the US embassy.

### General Medical Council

**Mr. Barry Jones:** To ask the Secretary of State for Wales how many general practitioners have been struck from the register by the General Medical Council for serious professional misconduct in each year since 1983. [18097]

**Mr. Richards:** The General Medical Council has provided the following information about the number of general practitioners and locums in the United Kingdom erased from the medical register for serious professional misconduct each year since 1983.

| *Year* | *1983* | *1984* | *1985* | *1986* | *1987* | *1988* | *1989* | *1990* | *1991* | *1992* | *1993* | *1994* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| GPs | 6 | 2 | 6 | 2 | 1 | 4 | 4 | 6 | 4 | 3 | 6 | 11 |
| Locums | 1 | — | — | — | 1 | — | — | — | — | — | — | — |

*Notes:*
1. One of the GPs erased from the Register in 1994 currently has an appeal against the Professional Conduct Committee's direction pending.
2. These figures have not been validated.

**Mr. Barry Jones:** To ask the Secretary of State for Wales, what plans he has to review the situation whereby general practitioners struck from the register of the General Medical Council for serious professional misconduct might continue to practice while considering an appeal; and if he will make a statement. [18098]

**Mr. Richards:** The General Medical Council is an independent statutory body whose constitution and functions are regulated by the Medical Act 1983. Adequate powers already exist to ensure that practitioners shall remain suspended from the register during the appeal process in circumstances where the GMC is satisfied that this is necessary for the protection of members of the public or would be in the best interest of the doctor. The way in which those powers are exercised is entirely a matter for the GMC.

### Free School Meals, Clwyd

**Mr. Barry Jones:** To ask the Secretary of State for Wales what is his estimate of the *(a)* percentage and *(b)* number of school children in (i) primary and (ii) secondary schools entitled to free schools meals in Clwyd; and if he will make a statement. [18145]

**Mr. Richards:** The number and percentage of children entitled to free school meals in maintained primary and secondary schools in Clwyd, as at January 1994, are shown as follows:

| | *Number* | *Percentage of total* |
|---|---|---|
| Primary schools | 7,540 | 18.5 |
| Secondary schools | 3,815 | 14.3 |

*Source:*
School Census, January 1994.

### Hospices

**Mr. Barry Jones:** To ask the Secretary of State for Wales what is his policy concerning hospices, and if he will list each of the hospices in each of the counties of Wales. [18102]

**Mr. Richards:** I will write to the hon. Member and place a copy of my reply in the Library of the House.

### Nursing Home Residents

**Mr. Barry Jones:** To ask the Secretary of State for Wales how many residents there are in private nursing homes; and what was the total in 1980. [18103]

**Mr. Richards:** Not all nursing homes provide information on the number of residents. On 31 March 1994, there were 10,661 residents in the private nursing homes which did provide data. Information was collected for the first time in 1991 when private nursing homes reported 7,964 residents.

### Clinical Outcome Indicators

**Mr. Bayley:** To ask the Secretary of State for Wales, pursuant to his answer of 29 March, *Official Report* column 666, if his office is seeking to agree suitable clinical outcome indicators for individual hospitals and trusts in Wales in addition to those for Welsh health authorities. [18411]

**Mr. Richards:** Clinical outcome indicators currently being considered by the medical and nursing professions in Wales are national indictors of value both to health authorities and hospitals.

Any additional local indicators will be a matter for health authorities to negotiate in contracts with their local providers.

### Homelessness

**Mr. Barry Jones:** To ask the Secretary of State for Wales what is his estimate of the number of homeless people in each of the parliamentary constituencies in Wales. [18104]

**Mr. Gwilym Jones:** The information requested is not available by parliamentary constituency. Numbers of people who were accepted as homeless for each local authority in 1994 are shown in the following table.

*People accepted as homeless by local authority, 1994*

| | *Number of people* |
|---|---|
| Aberconwy | 187 |
| Alyn and Deeside | 476 |
| Arfon | 74 |
| Blaenau Gwent | 591 |
| Brecknock | 359 |
| Cardiff | 4,638 |
| Carmarthen | 282 |
| Ceredigion | 266 |
| Colwyn | 241 |
| Cynon Valley | 241 |
| Delyn | 414 |
| Dinefwr | 519 |
| Dwyfor | 65 |
| Glyndwr | 58 |
| Islwyn | 807 |
| Llanelli | 241 |
| Lliw Valley | 190 |
| Meirionnydd | 145 |
| Merthyr Tydfil | 296 |
| Monmouth | 355 |
| Montgomery | 251 |
| Neath | 526 |
| Newport | 1,540 |
| Ogwr | 2,258 |
| Port Talbot | 308 |
| Preseli Pembrokeshire | 269 |
| Radnor | 100 |
| Rhondda | 192 |
| Rhuddlan | 111 |
| Rhymney Valley | 340 |
| South Pembrokeshire | 192 |
| Swansea | 3,072 |
| Taff-Ely | 612 |
| Torfaen | 737 |
| Vale of Glamorgan | 391 |
| Wrexham Maelor | 692 |
| Ynys Mon | 176 |
| Wales | 22,212 |

### Waiting Times

**Mr. Hanson:** To ask the Secretary of State for Wales what are the current estimated waiting times for spinal surgery in Wales by county. [18141]

**Mr. Richards:** The numbers of people currently on waiting lists and their current waiting times are recorded centrally by consultant specialty and not by surgical or other procedure. Under the specialty of spinal injury, the numbers reported as waiting at 31 December 1994 were as follows:

| | *Number waiting for in-patient admission* |
|---|---|
| Clwyd District Health Authority | 1 |
| Gwynedd District Health Authority | 5 |

All of these patients had been waiting for less than 12 months.

**Mr. Wigley:** To ask the Secretary of State for Wales if he will list for each specialty and each health district in Wales the new target waiting times for NHS treatment. [18876]

**Mr. Richards:** The national standards and guarantees for hospital waiting times are shown in the patients charter for Wales. Information on any detailed local targets can be obtained from individual health authorities.

### Press Releases (E-mail)

**Mr. Morgan:** To ask the Secretary of State for Wales when he proposes to introduce E-mail for his press releases. [18916]

**Mr. Redwood:** Some press notices are distributed to the media in London by the Central Office of Information's electronic service. My Department keeps in touch with the demands of the media and the matter is kept under review.

### Trade Missions

**Mr. Morgan:** To ask the Secretary of State for Wales on how many occasions he or his junior Ministers have taken part in trade missions in 1993–94 and 1994–95; what is the proposed number for 1995–96; and if he will list the destinations. [18791]

**Mr. Redwood:** In 1993–94, my hon. Friends led Welsh Office trade missions on six occasions. In 1994–95 parliamentary business allowed them to lead missions on only three occasions, although four other missions were led by officials.

During 1995–96, my ministerial colleagues hope to lead five trade missions to Argentina/Chile, Italy, Spain, the Gulf states, and Indonesia/Singapore. Three other trade missions led by officials will visit Japan, the United States of America, and India.

### Welsh Development Agency

**Mr. Win Griffiths:** To ask the Secretary of State for Wales (1) what was the capital value of Welsh Development Agency factories where new rents were negotiated in 1989; what was the average rental per £100,000 of capital value; and what is the estimated capital value of these factories currently; [18864]

(2) how many tenants of the Welsh Development Agency have been offered the opportunity of purchasing their factories before block sales of whole estates, or significant parts of them, in each of the last five years; what percentage of tenants were made such an offer; and what percentage accepted; [18860]

(3) how many companies have approached the Welsh Development Agency seeking reductions in their rent during the last year, and how many people they employ; [18862]

(4) how many jobs have been lost in factories rented from the Welsh Development Agency following factory closures following the rises in each of the last three years; and what estimate has been made of the likely job losses in the current year. [18863]

**Mr. Redwood:** I will arrange for the chief executive of the agency to write to the hon. Member and for a copy of his letter to be placed in the Library of the House.

**Mr. Wigley:** To ask the Secretary of State for Wales, pursuant to his answer of 12 December to the hon. Member for the Vale of Glamorgan (Mr. Sweeney), *Official Report*, column *515-16*, if he will list the papers reported to be derived by Cynon Valley borough council to the Grant Thornton inquiry; and if he will make a statement. [18928]

**Mr. Redwood:** The papers to which the Grant Thornton inquiry was not granted access concerned the decision of the council to put Cynon Valley Transport into members' voluntary liquidation.

**Mr. Wigley:** To ask the Secretary of State for Wales on what dates operating guidelines have been issued to the Welsh Development Agency during the past 10 years; on what dates they have come into effect; and to what degree new guidelines have superseded previous ones. [18879]

**Mr. Redwood:** In the last 10 years, guidelines have come into effect as follows:

| *Date* | *Guidelines* |
|---|---|
| May 1988 | General Advisory Function |
| August 1989 | DRIVE |
| May 1992 | Urban Development |
| September 1993 | Rural Conversion Grant (1st revise) |
| July 1994 | Urban Development (1st revise) |
| July 1994 | Land Reclamation (1st revise) |
| July 1994 | Property Development (1st revise) |
| July 1994 | Environmental Improvement (1st revise) |
| July 1994 | Rural Development |
| April 1995 | Urban Development (2nd revise) |
| April 1995 | Land Reclamation (2nd revise) |
| April 1995 | Property Development (2nd revise) |
| April 1995 | Environmental Improvement (2nd revise) |
| April 1995 | Rural Development (1st revise) |
| April 1995 | Business Services (replaced General Advisory Function) |
| April 1995 | Investment (replaced Industrial Investment, 1980) |
| April 1995 | Inward Investment |
| April 1995 | Marketing |

New or revised guidelines replace earlier versions in their entirety.

**Mr. Llew Smith:** To ask the Secretary of State for Wales what recent representations he has received regarding plans by the Welsh Development Agency to recover derelict land in south Wales. [19322]

**Mr. Gwilym Jones:** My right hon. Friend received one letter from a member of the public this year about the land reclamation scheme at Rhoose point, South Glamorgan.

**Mr. Alan W. Williams:** To ask the Secretary of State for Wales if he will list for every financial year since 1988–89 and the plans until 1997–98 for *(a)* the amount of the Welsh Office grant in aid to the Welsh Development Agency, *(b)* the amount raised internally by rental and sale of its property, *(c)* the total revenue received in grants from the European Community and *(d)* its total budget. [17698]

**Mr. Redwood** *[holding answer 4 April 1995]:* The information requested is set out in the following table:

*£ million*

| | *1988–89* | *1989–90* | *1990–91* | *1991–92* | *1992–93* | *1993–94* | [1]*1994–95* | *1995–96 Plans* | *1996–97 Plans* | *1997–98 Plans* |
|---|---|---|---|---|---|---|---|---|---|---|
| GIA | 61.9 | 69.8 | 81.2 | 87.2 | 78.4 | 69.5 | 51.7 | 25.4 | [2]28 | [2]85 |
| Rental and sale of property | 32.5 | 43.4 | 54.8 | 56.9 | 79.5 | 70.7 | 80.3 | 103.6 | [6]— | [6]— |
| Grants received from European Community | — | — | — | — | — | — | 11.0 | [3]15.03 | [4]— | [4]— |
| Total domestic budget plus estimated ERDF | 115.1 | 133.4 | 149.2 | 158.3 | 165.2 | 151.7 | 157.1 | [5]153.4 | — | — |

[1] Estimated outturn. [2] Central Government expenditure: cash plans (CM 2815).
[3] Agency's estimate of grant for additional projects to be funded from ERDF.
[4] No firm estimates have been made for future years, although the Agency has made indicative estimates of possible additional items of expenditure in compiling its corporate plan.
[5] Gross expenditure which takes into account GIA and Agency estimates of all receipts.
[6] Not yet available

### Nu-Kote International Ltd.

**Mr. Barry Jones:** To ask the Secretary of State for Wales if he has asked the Welsh Development Agency to assist Nu-Kote International, Deeside industrial park; and if he will make a statement. [18783]

**Mr. Redwood:** I have not asked the Welsh Development Agency to assist NK International, but the agency stands ready to help in any way that it can.

**Mr. Barry Jones:** To ask the Secretary of State for Wales, on what occasions he has visited NK

International, Deeside industrial park; and if he will make a statement. [18781]

**Mr. Redwood:** I have not visited Nu-Kote International.

**Mr. Barry Jones:** To ask the Secretary of State for Wales what is the amount his Department and the Welsh Development Agency have paid in grants since the NK International factory was located on Deeside industrial park; and if he will make a statement. [18784]

**Mr. Redwood:** A regional development grant of £92,500 was paid to the company in 1991–92. A subsequent offer of regional selective assistance was made to the company in 1992–93, although no RSA payments have been claimed. The Welsh Development Agency has not paid any grants to the company.

**Mr. Barry Jones:** To ask the Secretary of State for Wales how many redundancies are proposed at NK International Deeside industrial park; and if he will make a statement. [18782]

**Mr. Redwood:** Nu-Kote International Ltd. has announced that it proposes to make 140 people redundant at its premises on the Deeside industrial park.

I very much regret these job losses which, I understand, are due to take place by the end of the year. This was, however, a commercial decision for the company.

The local training and enterprise council and the development agencies stand ready to help in any way that they can.

### Welsh Health Common Services Authority

**Mr. Morgan:** To ask the Secretary of State for Wales (1) in what form his direction to the Welsh Health Common Services Authority, in relation to the option appraisals for National Blood Transfusion Services Wales and the Artificial Limb and Appliance Service Wales set pre-conditions requiring their separation from the authority on the same basis as in the option appraisal for Breast Test Wales; [18798]

(2) by what means he instructed the Welsh Health Common Services Authority in its review of its own future that the three clinical divisions should not be permitted to consider the option of remaining within the authority. [18790]

**Mr. Redwood:** My Department wrote initially on 28 March 1994, on a management in confidence basis, to advise the authority that the three clinical services would transfer out for management purposes. No further pre-conditions were established for the option appraisals undertaken by the services.

### Trainee Dentists

**Mr. Llwyd:** To ask the Secretary of State for Wales (1) how many trainee dentists there are in the county of Mid Glamorgan; how many there were in 1989; and if he will make a statement; [18891]

(2) how many trainee dentists there are in the county of Gwynedd; how many there were in 1990; and if he will make a statement. [18883]

**Mr. Richards:** At 31 December 1994, there were four dentists undergoing vocational training in general dental practice in Mid Glamorgan FHSA and none in Gwynedd FHSA. The earliest date at which this data are available is 30 September 1991 when the figures were the same.

### Dental Services, Gwynedd

**Mr. Llwyd:** To ask the Secretary of State for Wales how many dental practitioners with fewer than two years' post-qualification experience there are in the county of Gwynedd; and if he will make a statement. [18227]

**Mr. Richards:** According to information supplied by the family health services authority, there is one dentist in Gwynedd with fewer than two years' post-qualification experience.

**Mr. Llwyd:** To ask the Secretary of State for Wales (1) how many representations his Department has received from people in Gwynedd on the subject of the provision of dental services in the county; and if he will make a statement; [18882]

(2) what proposals he has to improve the provision of dental services in the county of Gwynedd, and if he will make a statement. [18885]

(3) how many representations he has received from people in Meirionnydd Nant Conwy during the past 12 months on the subject of the provision of dental services; and if he will make a statement. [18888]

**Mr. Richards:** In the past 12 months, 93 representations have been received about dental services in Gwynedd, including 57 from Members of Parliament. Information relating only to people living in Meirionnydd Nant Conwy is not readily available.

During the same period, the Gwynedd family health services authority has received nearly £7,000 to cover the cost of local initiatives aimed at increasing NHS dental provision. A location incentive grant has also been agreed by the Welsh Office to assist a dentist to open a new practice in Dolgellau.

The Welsh Office has also provided a grant of £50,000 to the health authority to enable it to purchase extra community dental sessions and continues to support the Gwynedd family health service authority salaried dental service.

On 30 January, the Secretary of State announced that he is making a further £2.5 million available to improve dental services in the community. Proposals from the Gwynedd health authorities are being considered.

On 5 April, the Government announced their plans for the reform of NHS dentistry following consultation on their Green Paper, "Improving NHS Dentistry". The Government believe that the measures proposed will provide stability and security for NHS dentistry, deliver increased quality of treatment for patients and promote better use of resources by targeting care on areas of greatest need.

### Dental Services, Gwent

**Mr. Llwyd:** To ask the Secretary of State for Wales how many representations he has received in the last 12 months from persons living in Gwent on the question of the delivery of dental services; and if he will make a statement. [18893]

**Mr. Richards:** In the past 12 months, seven representations on the subject of general dental services have been received either from or on behalf of persons living in Gwent.

**Mr Llwyd:** To ask the Secretary of State for Wales how many dental practitioners with less than four years'

post-qualification experience there are in practice in the county of Gwent. [18886]

**Mr. Richards:** According to information supplied by Gwent health commission, there are 13 general dental practitioners with less than four years, post-qualification experience, in practise in the county of Gwent.

### Dental Services, Mid Glamorgan

**Mr. Llwyd:** To ask the Secretary of State for Wales how many dental practitioners there are in the county of Mid Glamorgan taking new NHS patients; and if he will make a statement. [18884]

**Mr. Richards:** The information is not available centrally in the form requested.

Family health services authorities are best placed to provide information on local availability of NHS general dental services, and to provide advice and assistance to any patient seeking to register with a dentist under NHS arrangements.

### Dental Services, Clwyd

**Mr. Llywd:** To ask the Secretary of State for Wales how many dental technicians there are in practice in the county of Clwyd; how many there were in 1990; and if he will make a statement. [18892]

**Mr. Richards:** Information on the number of dental technicians employed by general dental practitioners or self employed is not collected centrally.

However, at 31 December 1994, there were six whole-time equivalent dental technicians directly employed by the NHS in the Clwyd health authority area. At 30 September 1990 the equivalent figure was five.

### Children's Teeth

**Mr. Llwyd:** To ask the Secretary of State for Wales how many children in Wales had one or more teeth extracted in each year since 1990; and if he will make a statement. [18890]

**Mr. Richards:** The information is not available centrally.

### Breast Test Wales

**Mr. Morgan:** To ask the Secretary of State for Wales if he will place in the Library a copy of the Breast Test Wales Option appraisal document date 30 November 1994 and the comparable document concerning the Artificial Limb and Appliance Service Wales and the Blood Transfusion Service Wales. [18788]

**Mr. Redwood:** I refer the hon. Member to the reply I gave him on 31 January 1995, column 639.

### Natural Beauty Products Ltd., Bridgend

**Mr. Win Griffiths:** To ask the Secretary of State for Wales what was the capital value of the factory rented by Natural Beauty Products Ltd., at Weston avenue, Bridgend, when its rent was re-negotiated in 1989; what is the estimated value currently; and if he will make it his policy to allow flexibility in rental charges to reflect market conditions. [18861]

**Mr. Redwood:** The setting of rental levels is an operational matter. I will arrange for the chief executive of the Welsh Development Agency to write to the hon. Member with details of this particular property and for a copy of his letter to be placed in the Library of House.

### Crickhowell House

**Mr. Morgan:** To ask the Secretary of State for Wales what consultations he has had with the chairman of the Welsh Health Common Services Authority concerning covenants restricting the use of Crickhowell house to public sector purposes; and if he will make a statement. [18874]

**Mr. Redwood:** None. There are no covenants restricting the use of Crickhowell House to the public sector.

### Countryside Council for Wales

**Mr. Ron Davies:** To ask the Secretary of State for Wales what subjects he discussed with the Countryside Council for Wales during their meeting on 24 January. [18834]

**Mr. Redwood:** We discussed a wide-range of subjects including the proposed action plan, Tir Cymen, the Countryside Council for Wales's green housekeeping policies, the role of local authorities in local environmental management, the protection of designated sites and the environmental agenda for Wales.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Wales, what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19357]

**Mr. Redwood:** My officials are expected to comply with Government-wide requirements for the preparation and publication of compliance cost assessments for all legislation with an impact on business. No Wales-only legislation affecting business and hence requiring a compliance cost assessment was brought forward in the first three months of this year.

**Mr. Steen:** To ask the Secretary of State for Wales how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19373]

**Mr. Redwood:** Eleven regulations and orders were repealed in the first three months of 1995. In the same period, 78 regulations and orders were introduced, none of which placed a burden on business. Most of them related to NHS trusts, local government, the council tax, education and roads.

### Health Promotion Authority For Wales

**Mr. Morgan:** To ask the Secretary of State for Wales, what proposals he has for revamping the structure of the Health Promotion Authority for Wales; and if he will make a statement. [19257]

**Mr. Redwood:** I refer the hon. Member to the reply I gave him on Friday 31 March 1995, column *871*.

### NHS Pay Increases

**Mr. Morgan:** To ask the Secretary of State for Wales what arrangements he has made for awarding pay

increases to the chairmen and board members of NHS trusts and health authorities in Wales. [18246]

**Mr. Redwood** *[holding answer 4 April 1995]:* Chairmen's pay has not increased since 1991; non-executive directors since 1990.

Executive directors holding national contracts received a pay award of 2.2 per cent. from September 1994, excluding individual performance awards. Those on NHS trust terms have pay determined by the trust's remuneration committee. The director, Welsh Office Health Department wrote on 25 January 1995 to authorities and NHS trusts informing them that increases in pay for executive directors must be justifiable and publicly defensible, since all NHS bodies are parts of the public sector.

### NHS Forms

**Mr. Morgan:** To ask the Secretary of State for Wales, how many forms he has extended in respect of the numbers of questions requiring an answer, in a manner analogous to the extension to form PHS1 as provided for in guidance note FHSL [W] 50/94 of 16 December 1994 on local pharmacy budgets; and if he will make a statement. [17996]

**Mr. Redwood** *[holding answer 3 April 1995]:* Of the 106 Welsh Office forms to the NHS reviewed in 1993–94 and 1994–95, additional information needs were identified on six occasions. Some 35 forms were discontinued in the first phase of the review. On 28 March, I announced a further reduction of 30 per cent. on the information collected on remaining statistical returns.

Form PHS1 is issued by the Department of Health and is included in its rolling programme of information reviews.

## SCOTLAND

### Blue Tongue

**Mr. Morley:** To ask the Secretary of State for Scotland, how many cases of blue tongue were reported in each year since 1980. [17814]

**Sir Hector Monro:** No cases of blue tongue have been reported since it was made notifiable on 1 June 1991. Official records are not available before that date.

### Aujeszky's Disease

**Mr. Morley:** To ask the Secretary of State for Scotland how many cases of Aujeszky's disease were reported in each year since 1985. [17809]

**Sir Hector Monro:** No cases of Aujeszky's disease have been recorded in Scotland since 1985.

### Homicide

**Mr. Peter Bottomley:** To ask the Secretary of State for Scotland if he will estimate the ratio and the causes of the difference in the homicide rates in Scotland as compared with England and Wales. [18920]

**Lord James Douglas-Hamilton:** For the period 1989 to 1993 the homicide rate in Scotland per million population, measured by the number of victims, for cases currently recorded as homicide as at 15 October 1994, was 20.4. In England and Wales, over the same period for cases currently recorded as homicide as at 5 August 1994, it was 11.4. Thus the ratio of the homicide rate in Scotland to that in England and Wales for the period was 1.8:1.

The higher rate for Scotland may in part be attributed to different recording practices. The numbers of homicides are those recorded by the police, but allowing for changes as a result of decisions that may arise during the course of criminal proceedings. However, in England and Wales cases cease to be recorded as homicide where an accused is acquitted of homicide on grounds of self-defence or accident or where the prosecution subsequently concludes that no homicide has occurred, whereas in Scotland such cases continue to be recorded as homicides. This difference in practice may account for up to one quarter of the difference in the recorded homicide rate. Differences may also arise from differences in the criminal law in each jurisdiction.

### Further Education Colleges

**Mr. McFall:** To ask the Secretary of State for Scotland if he will list those further education colleges in Scotland which, by 8 March, had received that portion of their grant in aid from 1994–95 which had previously been withheld subject to flexibility arrangements on conditions for their staff; and on what date the sum was released for each college. [18685]

**Lord James Douglas-Hamilton:** By 8 March 1995, 20 colleges had received the 2 per cent. of recurrent grant being held back pending progress towards the introduction of more flexible conditions. These colleges are listed, together with the date when the sum was released.

| *College* | *Date* |
|---|---|
| Aberdeen college | 24 January |
| Angus college | 21 February |
| Anniesland college | 24 January |
| Ayr college | 24 January |
| Borders college | 21 February |
| Cambuslang college | 21 February |
| Cardonald college | 21 February |
| Cumbernauld college | 24 January |
| Dumfries and Galloway college | 24 January |
| Elmwood college | 24 January |
| Glasgow college of building and printing | 21 February |
| Inverness college | 21 February |
| James Watt college of further and higher education | 24 January |
| Moray college | 24 January |
| Motherwell college | 21 February |
| North Glasgow college | 24 January |
| Perth college | 21 February |
| Stow college | 24 January |
| Telford college | 24 January |
| Thurso college | 24 January |

### Lockerbie

**Mr. Dalyell:** To ask the Secretary of State for Scotland what contacts he had with the Scottish *Sunday Mail* over the affairs of Dr. Barbouti in relation to Lockerbie. [18951]

**Lord James Douglas-Hamilton :** None.

### Listed Buildings

**Mr. Maclennan:** To ask the Secretary of State for Scotland what representations he has received from Historic Scotland about window replacements proposed to

listed buildings in Campbell street, Thurso, Breadalbane crescent, Wick and the Customs house, Helmsdale; and what response he has given. [18965]

**Sir Hector Monro:** It would not be appropriate to comment on the advice which Ministers received from their officials. I can, however, confirm that in respect of those listed buildings my right. hon. Friend has decided to call in for his own decision applications for listed building consent. The applicants and the councils may now decide whether they wish the application to be determined by a public local inquiry or by an exchange of written submissions and a site inspection.

### Witness Protection

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will make a statement on the protection available to witnesses and informants who pass on to the police information relating to the protection of drug dealers. [19029]

**Lord James Douglas-Hamilton:** Decisions about the appropriate protection to provide in individual cases are an operational matter for the police.

### Eider Ducks

**Mr. Graham:** To ask the Secretary of State for Scotland how many field visits his staff made in 1994 to assess reported damage by eider ducks at shellfish farms prior to the issue of a licence for the killing of this bird. [19149]

**Sir Hector Monro:** A site visit was made prior to the approval of the one licence to shoot eiders issued during 1994.

**Mr. Graham:** To ask the Secretary of State for Scotland how many applications his staff have received for licences to kill eider ducks at shellfish farms during each year since 1987. [19141]

**Sir Hector Monro:** Since 1987 three applications have been received under the Wildlife and Countryside Act 1981 to kill eider ducks at shellfish farms in Scotland. One application was received in 1991, one in 1994 and one in 1995.

**Mr. Graham:** To ask the Secretary of State for Scotland how many licences have been issued during each year since 1981 under the Wildlife and Countryside Act 1981 for the killing of eider ducks at shellfish farms; and what bag limits were imposed on these licences. [19147]

**Sir Hector Monro:** Two licences have been issued since 1981 both in respect of the same site. The first, for the period 23 November to 31 December 1994, had a limit of 50 eider ducks and eight were reported as shot. The second was from 14 March to 30 April 1995 with a limit of 20 birds.

**Mr. Graham:** To ask the Secretary of State for Scotland what representations he has received from Scottish Natural Heritage about the siting of mussel farms in relation to eider duck populations. [19139]

**Sir Hector Monro:** None. The siting of mussel farms is primarily a matter for the Crown Estate Commissioners, who consult SNH and other appropriate interests before granting leases for such developments.

**Mr. Graham:** To ask the Secretary of State for Scotland what advice he has received from Scottish Natural Heritage on the issuing of licences to kill eider ducks during 1994; and if he will publish it. [19150]

**Sir Hector Monro:** SNH advised against the issue of a licence on the single application received in 1994. The basis of SNH's advice was that the farm had been badly sited and that the solution to the predation problem was to relocate it.

**Mr. Graham:** To ask the Secretary of State for Scotland what evidence is used to justify the granting of a licence to allow the killing of eider ducks at a shellfish farm; and if he will make it his practice to publish it. [19148]

**Sir Hector Monro:** Before any licence application is considered, evidence is required on the amount and significance of the expected damage to shellfish at the farm. It is not the practice to publish information on actual or likely damage in relation to specific businesses.

**Mr. Graham:** To ask the Secretary of State for Scotland what methods of non-lethal predator control his staff insist must be tried at shellfish farms before any licence is issued for the killing of eider ducks. [19140]

**Sir Hector Monro:** Each application is assessed on its merits. However a range of non-lethal methods, such as nets and scarers, must have been tried before a licence to shoot is considered.

### Correspondence

**Mr. McMaster:** To ask the Secretary of State for Scotland what is the average time his Department takes in replying to letters from right hon. and hon. Members; what is the *(a)* shortest and *(b)* longest time it has taken to reply in full in the last calendar year; and if he will make a statement. [18989]

**Mr. Lang:** My Department has a target of replying to correspondence received from right hon. and hon. Members within 17 working days of receipt. The average time taken to reply to the 5,562 letters received during the 1994 calendar year was 19.6 working days. The shortest time taken to reply in full was one working day and the longest time was 92 working days.

### Economic Statistics

**Mr. McMaster:** To ask the Secretary of State for Scotland what statistics he keeps on the effect of Renfrew district on the Scottish economy; and if he will make a statement. [18997]

**Mr. Kynoch:** Available official economic data include employment and unemployment statistics, data from the annual census of production, number of manufacturing and other units, data on the size and characteristics of the labour force from the labour force survey, VAT registrations and deregistrations, and detailed data on economic activity from the census of population. Because of the different dates and frequency of compilation, and the possible changes in boundary definitions over time, data from different sources cannot be reliably compared. Further details are given in the table.

| Source | Frequency | Latest available data | Key statistics |
|---|---|---|---|
| Census of Employment | Biennial | 1991 | Employment by industry and gender status number of units |
| Scottish Register of Employment | Annual | 1992 | Manufacturing employment units |
| Unemployment | Monthly | March 1995 | Gender, age and duration (Note: rates are not available at district level) |
| Annual Census of Production | Annual | 1992 | Output, employment and purchases for production industries |
| Labour Force Survey | Quarterly | Winter 1994/95 | Characteristics of the labour force, numbers economically active, inactive. Data is limited at district level |
| VAT Registrations | Annual | 1993 | Registrations, deregistrations and end of year stocks, by broad industry group |
| Census of Population | Decennial | 1991 | Wealth of detail on economic activity, by industry, social class, and socio-economic group |

Availability of official data at district level or for similar sized areas is, in general, limited due to the relatively small sample sizes of key national surveys falling within districts. This applies across the United Kingdom/Great Britain. Further, districts do not match travel-to-work areas, creating conceptual and practical difficulties in providing some labour market statistics. Key statistics such as earnings and gross domestic product estimates have been produced at district level on an ad hoc basis, but are generally available only at Scottish regional level or above. Planned developments in data on services are at an all Scotland level, and not below in geographical terms.

### Photo-identity Passes

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will list the current uses of photo-identity passes by central and local government in Scotland; and if he will make a statement. [19007]

**Mr. Lang:** Photographic security passes which are issued by my Department to staff and other authorised personnel form part of the access control security procedures in place in the main Scottish Office buildings. In addition, photographic identity cards are issued to staff who, during the course of their official or statutory duties, may be required to identify themselves. Arrangements in local government are a matter for local authorities.

### Loitering

**Mr. McMaster:** To ask the Secretary of State for Scotland what plans he has to amend the laws on loitering; and if he will make a statement. [18983]

**Lord James Douglas-Hamilton:** There is no criminal offence of loitering in Scotland and there are no plans to introduce one.

A law against loitering would unduly restrict the rights of assembly and movement of law-abiding citizens. Instead, there are a number of common law and statutory offences which target specific types of anti-social and criminal behaviour associated with loitering. In particular, section 46 of the Civic Government (Scotland) Act 1982 makes it an offence for any person to loiter in a public place for the purposes of prostitution. Section 53 of the same Act makes it an offence for a pedestrian in a public place wilfully to obstruct the lawful passage of others. In addition, behaviour likely to cause alarm or annoyance may constitute the common law crime of breach of the peace.

### Street Traders

**Mr. McMaster:** To ask the Secretary of State for Scotland what plans he has to review the laws governing street traders, with particular reference to regulating their right to compete with bona fide shopkeepers; what plans he has to legislate on the council tax liability of street traders; and if he will make a statement. [18988]

**Mr. Kynoch:** The licensing provisions governing street traders are contained in the Civic Government (Scotland) Act 1982. A review of the Act will be carried out once reorganisation of local government is complete.

### Barnacle Geese

**Mr. Graham:** To ask the Secretary of State for Scotland what bag limit was imposed on licences to kill barnacle geese under the Wildlife and Countryside Act 1981 in Orkney in the last year; and what non-lethal measures were taken to avoid serious damage to crops before the licence was issued. [19146]

**Sir Hector Monro:** Only one licence has been issued in respect of barnacle geese in Orkney. The licence is not subject to a bag limit but can be revoked at any time.

The applicant carried out non-lethal scaring measures as recommended by the Department before a licence was issued.

### Police (Court Time)

**Mr. McMaster:** To ask the Secretary of State for Scotland what plans he has to make legislative and procedural changes to ensure that the time spent in court by police officers waiting to give evidence which is not heard on the date or at the time they are called to give evidence is minimised; and if he will make a statement. [19030]

**Lord James Douglas-Hamilton:** Proposals in the Criminal Justice (Scotland) Bill, including mandatory first and intermediate diets and provisions for the leading of

certificate evidence and the agreement of evidence in advance of trial, will lead to a substantial reduction in the time spent by police officers waiting to give evidence in court. Additionally, police forces and courts are currently introducing a number of administrative changes to reduce police waiting times.

### Urban Aid, Glasgow

**Mr. David Marshall:** To ask the Secretary of State for Scotland how many people are employed *(a)* full time and *(b)* part time in urban aid projects in the east end of Glasgow; and of these, how many reside in the area. [19142]

**Lord James Douglas-Hamilton:** Information obtained—which from Strathclyde regional council and Glasgow district council are responsible for the management of urban programme projects in the area—shows that 161 people are employed full time and 37 part time in such projects in the east end of Glasgow. Information on how many of these people are resident in the area is not held centrally and could be obtained only at disproportionate cost.

### Mining Subsidence

**Mr. McMaster:** To ask the Secretary of State for Scotland what is the most recent information available to him on the stability of the disused coal mineworkings which lie under the town of Johnstone and the village of Elderslie; if he will commission a study into the need for further ground stabilisation measures; and if he will make a statement. [18990]

**Mr. Kynoch:** Where properties suffer damage as a result of coal mining subsidence, the Coal Authority or the relevant mine owner is responsible for repair or compensation under the Coal Mining Subsidence Act 1991 as amended by the Coal Industry Act 1994. I understand that the Coal Authority is not aware of any stability problems relating to the mineworkings under the town of Johnstone or the village of Elderslie.

### Advisers

**Ms Eagle:** To ask the Secretary of State for Scotland how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19417]

**Mr. Lang:** My Department employs two political advisers. Their salaries and conditions of work are negotiated individually in relation to their previous earnings.

Economic advice is obtained from career civil servants, who are employed on standard civil service terms and conditions. The following numbers by grade are full-time equivalents:

Senior economic adviser—unified grade 5—3
Economic adviser—unified grade 7—10.6
Economic assistant/senior economic assistant—11.6

### Council Tax

**Sir David Steel:** To ask the Secretary of State for Scotland what was the average council tax band D bill for the changeover period between the poll tax and the council tax. [19523]

**Mr. Lang:** In 1993–94, the Scottish average band D council tax levels excluding council water charge were as follows: regional average, £397; islands average, £423; district average, £163. In calculating the averages, no allowance has been made for the effects of council tax transitional relief and council tax benefit in reducing the amounts to be paid.

**Mrs. Fyfe:** To ask the Secretary of State for Scotland what was the cost of establishing (a) the poll tax and *(b)* the council tax. [17902]

**Mr. Kynoch** *[holding answer 4 April 1995]:* Costs incurred by local authorities in establishing the community charge and the council tax, which were reimbursed by my Department through grant schemes and capital allocations are set out in table 1. Known costs for administering local taxation collection are shown in table 2.

*Table 1*

*£ thousand*

| | *1987–88* | *1988–89* | *1989–90* | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *1994–95* |
|---|---|---|---|---|---|---|---|---|
| Capital allocation for introduction of community charge | 6,000 | 15,000 | — | — | — | — | — | — |
| Community charge grant | — | — | — | — | 437,000 | 16,000 | 9,000 | 7,400 |
| Community charge transitional relief | — | — | — | 24,000 | 2,000 | — | — | — |
| Community charge reduction scheme | — | — | — | — | 140,000 | 107,000 | 3,050 | 900 |
| Community charge rebilling grant | — | — | — | — | 4,000 | — | — | — |
| Council tax transitional relief | — | — | — | — | — | — | 17,000 | 3,100 |
| Council tax valuation grant | — | — | — | — | 1,000 | 7,000 | 1,600 | 0 |

*Table 2*

*£ thousand*

| | *1989–90* | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *1994–95*[1] |
|---|---|---|---|---|---|---|
| Community charge registration | 9,645 | 11,709 | 14,048 | — | — | — |
| Council tax valuation | — | — | — | 11,342 | 13,798 | 9,176 |
| Community charge collection | 10,426 | 25,817 | 25,618 | 29,595 | — | — |

*Table 2*

*£ thousand*

| | *1989–90* | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *1994–95*[1] |
|---|---|---|---|---|---|---|
| Local tax collection | — | — | — | — | 40,128 | 28,800 |
| Council tax preparation costs | — | — | — | 7,302 | — | — |

[1] Figures based on budget estimates.

### Public Information Telephone Lines

**Mr. Donohoe:** To ask the Secretary of State for Scotland if he will make a statement on the public information telephone inquiry lines operated by his Department, in each case indicating the costs of establishing, operating and publicising these lines and the number of calls made to them up until this point; when they were established; and what assessment his Department has made of their effectiveness. [17460]

**Mr. Lang** *[holding answer 3 April 1995]:* The Scottish Office inquiry line and the free telephone lines from Scottish Office information points were established in October 1993. The cost of establishing these lines was £8,864 and telephone operating costs are approximately £5,000 per annum. All calls to these lines are dealt with by the Scottish Office central inquiry unit. The handling cost per call is less than £1. Initial publicity for the information points and lines cost £150,000. No further publicity costs have been incurred.

There have been some 6,600 calls to the inquiry line from all sources since its inception to 24 March 1995.

A telephone call back survey to assess customer satisfaction levels with the service on these lines has just been completed.

### Advertising

**Mrs. Ann Taylor:** To ask the Secretary of State for Scotland if he will list each non-departmental public body and agency for which he has responsibility and, for each, list separate figures for the spending by that body or agency on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotion materials and activities, *(e)* the totals in each year of *(a)* to *(d)* and *(f)* the proportion of *(e)* that was spent on recruitment advertising for each year since 1979–80 or for each year of its existence if it has been created since 1979–80; and what are his latest estimates of *(a)* to *(f)* for the years 1994–95 and 1995–96. [17608]

**Mr. Lang** *[holding answer 3 April 1995]:* Details of the relevant expenditure by agencies for which I have responsibility are set out in the following table. Information on individual items of expenditure by non-departmental public bodies is not held centrally.

*Advertising expenditure by agencies within the responsibility of the Secretary of State for Scotland*

*£ thousand*

| | *Date of agency launch* | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *1994–95 estimate outturn* | *1995–96 plans* |
|---|---|---|---|---|---|---|---|
| *Historic Scotland* | April 1991 | | | | | | |
| a. television | | n/a | 42 | Nil | Nil | 129 | 129 |
| b. radio | | n/a | Nil | Nil | Nil | 5 | 5 |
| c. newspaper | | n/a | 380 | 253 | 260 | 93 | 93 |
| d. other promotion | | n/a | Nil | 65 | 65 | 70 | 70 |
| e. total | | n/a | 422 | 318 | 325 | 297 | 297 |
| f. proportion of total spent on recruitment | | n/a | 3.6 per cent. | 3.5 per cent. | 3.4 per cent. | 7.1 per cent. | 5.4 per cent. |
| *Registers of Scotland* | April 1991 | | | | | | |
| a. television | | Nil | Nil | Nil | Nil | Nil | Nil |
| b. radio | | Nil | Nil | Nil | Nil | Nil | Nil |
| c. newspaper | | Nil | Nil | [1]1 | 7 | 1 | 5 |
| d. other promotion | | Nil | Nil | Nil | Nil | Nil | Nil |
| e. total | | Nil | Nil | 1 | 7 | 1 | 5 |
| f. proportion of total spent of recruitment | | Nil | Nil | 3.0 per cent. | 29.9 per cent. | 29.9 per cent. | 9.0 per cent. |
| *Scottish Agricultural Science Agency* | April 1992 | | | | | | |
| a. television | | n/a | n/a | Nil | Nil | Nil | Nil |
| b. radio | | n/a | n/a | Nil | Nil | Nil | Nil |
| c. newspaper | | n/a | n/a | 6 | 6 | 11 | 10 |
| d. other promotion | | n/a | n/a | Nil | 1 | 1 | 1 |
| e. total | | n/a | n/a | 6 | 7 | 12 | 11 |
| f. proportion of total spent on recruitment | | n/a | n/a | 100 per cent. | 85.7 per cent. | 91.7 per cent. | 90.9 per cent. |

*Advertising expenditure by agencies within the responsibility of the Secretary of State for Scotland*

*£ thousand*

| | *Date of agency launch* | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *1994–95 estimate outturn* | *1995–96 plans* |
|---|---|---|---|---|---|---|---|
| *Scottish Fisheries Protection Agency* | April 1991 | | | | | | |
| a. television | | n/a | Nil | Nil | Nil | Nil | Nil |
| b. radio | | n/a | Nil | Nil | Nil | Nil | Nil |
| c. newspaper | | n/a | 1 | 1 | 1 | 1 | 1 |
| d. other promotion | | n/a | 5 | Nil | 14 | 20 | Nil |
| e. total | | n/a | 6 | 1 | 15 | 21 | 1 |
| f. proportion of total spent on recruitment | | n/a | Nil | Nil | Nil | Nil | Nil |
| *Scottish Prison Service* | April 1993 | | | | | | |
| a. television | | n/a | n/a | n/a | Nil | Nil | Nil |
| b. radio | | n/a | n/a | n/a | Nil | Nil | Nil |
| c. newspaper | | n/a | n/a | n/a | 37 | 66 | 15 |
| d. other promotion | | n/a | n/a | n/a | Nil | Nil | Nil |
| e. total | | n/a | n/a | n/a | 37 | 66 | 15 |
| f. proportion of total spent on recruitment | | n/a | n/a | n/a | 100 per cent. | 100 per cent. | 100 per cent. |
| *Scottish Record Office* | April 1993 | | | | | | |
| a. television | | n/a | n/a | n/a | Nil | Nil | Nil |
| b. radio | | n/a | n/a | n/a | Nil | Nil | Nil |
| c. newspaper | | n/a | n/a | n/a | 3 | 1 | 2 |
| d. other promotion | | n/a | n/a | n/a | Nil | Nil | Nil |
| e. total | | n/a | n/a | n/a | 3 | 1 | 2 |
| f. proportion of total spent on recruitment | | n/a | n/a | n/a | Nil | Nil | Nil |
| *Scottish Court Service* | April 1995 | | | | | | |
| *Scottish Office Pensions Agency* | April 1993 | | Nil in all years | | | | |
| *Student Awards Agency for Scotland* | April 1994 | | | | | | |

[1] Estimate: not separately identified.

## HOME DEPARTMENT

### Police, Hampshire

**Mr. Barry Field:** To ask the Secretary of State for the Home Department when the chief constable is required to report the promised increase in police numbers for the Isle of Wight and Hampshire to his Department. [18806]

**Mr. Maclean:** Police complements are now a local matter, and there are no formal requirements for reporting recruitment plans.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for the Home Department what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19349]

**Mr. Howard:** Details of when a compliance cost assessment is required are set out in today's reply by my hon. Friend, the Parliamentary Under-Secretary of State for Corporate Affairs, in response to a similar question. In the Home Office no compliance cost assessments have been prepared in the first three months of 1995.

### Ethnic Minorities

**Mr. Pendry:** To ask the Secretary of State for the Home Department what was the total amount of section 11 funding for each of the last two years; and what are the projected totals for 1995–96 and 1996–97. [19085]

**Mr. Nicholas Baker:** The following table shows expenditure out-turn figures for 1993–94 and 1994–95, and current financial provision figures for 1995–96 and 1996–97.

| | *£ million* |
|---|---|
| 1993–94 | 131.20 |
| 1994–95 | 115.02 |
| 1995–96 | 91.55 |
| 1996–97 | 86.76 |

The figures take into account projects originally approved by the Home Office under section 11, but for which responsibility for funding was transferred with effect from 1 April 1994 to the Department of the Environment's single regeneration budget.

**Mr. Gerrard:** To ask the Secretary of State for the Home Department what is his latest estimate of the number of teaching posts likely to be lost in 1995–96 as a result of reductions in section 11 grant. [19129]

**Mr. Nicholas Baker:** It is not possible to make such an estimate. Increases or reductions in the numbers of section 11-funded posts in particular areas between 1994–95—when many projects ended their planned life—and 1995–96 may be due to a variety of factors. These include changes in levels of need, changes of approach adopted by local authorities in addressing such need, changes in the priorities of local authorities, and the availability of funding under other programmes—such as the single regeneration budget, which embraces such need but is structured quite differently. It is not possible to gauge the effect of a single factor.

### Refugees

**Mr. Jim Cunningham:** To ask the Secretary of State for the Home Department how many people were assisted by the Refugee Council in the last year when figures were recorded. [19463]

**Mr. Nicholas Baker:** During 1993, 5,613 cases were assisted by the Refugee Council's advice service. The number of individuals assisted will have been higher than this, as a case may comprise an individual or an individual plus dependants. In the first ten months of 1994–figures are not yet available for the full year—the advice service assisted 5,970 cases.

The Refugee Council also administers a panel of advisers to assist unaccompanied child asylum seekers. Between March 1994, when the panel started operations, and February 1995, the latest date for which figures are available, 324 children were assisted by the panel.

The Refugee Council has a leading role in assisting those received under the Government's scheme to accept 1,000 vulnerable people from the former Yugoslavia, and their dependants. During 1994–95, 562 were assisted by the Refugee Council.

The Refugee Council also has a substantial role in advising and supporting local refugee organisations, and in the training and employment of refugees.

**Mr. Jim Cunningham:** To ask the Secretary of State for the Home Department what information he has on the funding available to refugees in *(a)* the United Kingdom and *(b)* each of the other EU member states. [19465]

**Mr. Nicholas Baker:** Home Office funding is available to national and regional refugee organisations to assist refugees and asylum seekers in the United Kingdom. In 1994–95, this funding amounted to £3.3 million, with additional sums for the reception and settlement of refugees from the former Yugoslavia. No information is available about funding for refugees in EU member states.

**Mr. Jim Cunningham:** To ask the Secretary of State for the Home Department what studies have been made by his Department of the needs of refugees in the last five years; and what proposals have been brought forward as a result of these studies. [19464]

**Mr. Nicholas Baker:** The report of a study by the Home Office into the settlement of refugees in Britain was published on 31 March. The report does not make specific recommendations, but its possible implications for policy are being considered. The report of a similar study of the settlement of Vietnamese refugees is in the final stages of preparation.

### Political Advisers

**Ms Eagle:** To ask the Secretary of State for the Home Department how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19421]

**Mr. Howard:** My Department employs two political advisers. Their salaries and conditions of work are

negotiated individually in relation to their previous earnings, and are confidential. Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. The following numbers by grade are full-time equivalents:

Grade 6—1
Grade 7—1
Senior Economic Assistant—1
Senior Scientific Officer—1

### Police

**Mrs. Roche:** To ask the Secretary of State for the Home Department how many beat officers in each police authority have been replaced with special constables in each of the last three years. [18708]

**Mr. Maclean:** The deployment of all police officers, whether regulars or specials, is a matter for chief officers. But, according to the information we have available centrally, no chief officer has cut the number of regular beat officers in order to replace them with special constables. Specials are volunteers who work part-time to supplement, rather than to replace, the efforts of the regular police.

### Asylum Seekers

**Sir David Steel:** To ask the Secretary of State for the Home Department if he will list for each of the last 10 years *(a)* the number of asylum seekers, *(b)* the number of persons granted refugee status, *(c)* the number of persons granted exceptional leave to remain and *(d)* the total number of applicants held in detention; and if he will list for each year the six major countries of origin of the applicants. [18870]

**Mr. Nicholas Baker:** Information on the number of asylum applications and decisions made during 1994 is given in the table. The countries with the largest number of nationals applying for asylum in the United Kingdom in 1994 were Nigeria, Sri Lanka, Turkey, India, Ghana and Somalia.

Information on asylum applications and decisions for the years 1985 to 1993 is published in table 1.2 of the Home Office Statistical Bulletin, "Asylum Statistics United Kingdom 1993", issue 17/94. Information on the nationalities of asylum applicants in the years 1985 to 1993 is published in table 2.1 of the same publication, a copy of which is available in the Library.

As at 29 March 1995, 619 persons who had sought asylum were detained. This included persons awaiting an initial decision on their claim for asylum and those pending appeal or awaiting the setting of removal directions. Information on the number of persons who have applied for asylum held in detention during 1990 to 1995 is not available.

*Decisions on applications for asylum[1] received in the United Kingdom, excluding dependants, 1994*
*Numbers of principal applicants*

| | |
|---|---|
| Asylum applications[2] | 32,830 |
| Total Decisions[2,3] | 20,990 |
| Recognised as a refugee and granted asylum | 825 |
| Not recognised as a refugee but granted exceptional leave to remain[4] | 3,660 |
| Total refused[5] | 16,500 |

[1] Provisional figures rounded to the nearest 5, with = 1 or 2.
[2] Figures exclude information on applications made overseas.
[3] Decisions do not necessarily relate to applications made in the same year.
[4] Usually granted for a year in the first instance, subject then to further review.
[5] Includes refusals made after full consideration, refusals under para 340 (para 180F prior to 1 October 1994) for failure to provide evidence to support the asylum claim within a reasonable period, and refusals on the grounds that the applicant had arrived from a safe third country.

### Combat 18

**Mr. Cox:** To ask the Secretary of State for the Home Department what actions his Department will take against the organisation known as Combat 18; and if he will make a statement. [18580]

**Mr. Maclean:** The Government consider the activities of Combat 18, and any other group which advocates violence, reprehensible. I am satisfied that the police have the resources and powers they need effectively to respond to such groups. For instance, the Criminal Justice and Public Order Act 1994 made the offence of publication and distribution of material likely to incite racial hatred an arrestable one, and created an imprisonable offence of intentional racial harassment.

### Police National Computer

**Mr. Cohen:** To ask the Secretary of State for the Home Department how many access requests are expected to be made by Government Departments and agencies to the police national computer in the coming year for security vetting purposes and if those subject to the vetting procedure give prior consent to the police national computer check. [18413]

**Mr. Maclean:** About 150,000 PNC checks per year are currently made on employees, potential employees, and contractors through the national identification service at the request of the Departments and agencies concerned. The introduction of direct access is not expected to affect either the number of checks carried out or the existing arrangements for obtaining the prior consent of subjects.

**Mr. Cohen:** To ask the Secretary of State for the Home Department (1) if access requests made by Government Departments and agencies to the police national computer will return information on bind-overs, cautions and the seriousness of the crime; [18145]

(2) what categories of information outside departments and agencies will have access to on the police national computer. [18146]

**Mr. Maclean:** Access to the police national Computer by the Departments and agencies concerned will be by means of a discrete application, which will indicate only whether or not a subject is recorded on the criminal names index or listed as wanted or missing. No details of any criminal convictions or other disposals or of the circumstances in which the subject may be reported wanted or missing will be revealed. The response will

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confirm the name, age, sex, colour, and height of the subject of the inquiry.

**Mr. Cohen:** To ask the Secretary of State for the Home Department (1) under what terms and conditions outside Departments and agencies will have access to information held on the police national computer; [18119]

(2) what restrictions will be placed on the use of information from the police national computer by outside Departments and agencies when they have access to information held there; [18120]

(3) what measures he has taken to ensure that Government Departments and agencies do not misuse direct access to the police national computer; and if he is able to trace each access request to the individual making the request. [18412]

**Mr. Maclean:** The arrangements under which each of the Departments and agencies concerned will have limited access to the police national computer will be set out in a memorandum of agreement. The first of these memoranda, with the United Kingdom Atomic Energy Authority, has now been signed. A copy will be placed in the Library.

All security vetting transactions on the police national computer are logged and the automatic record made identifies both the user's identification code and the terminal from which the inquiry originated. Users will also be required to enter details of the relevant subject file as part of the police national computer transaction. The memoranda of agreement will specify that the information is to be used solely for the purpose of undertaking security vetting checks on employees, potential employees, and contractors.

**Mr. Cohen:** To ask the Secretary of State for the Home Department if he will list the safeguards he has put in place in relation to access requests made by Government Departments and agencies to the police national computer to protect those subject to the vetting procedure, should a false positive be indicated. [18414]

**Mr. Maclean:** The limited access provided to the six Departments and agencies concerned will be sufficient to eliminate those who have no record on the police national computer, but not to identify positively those who do have records. For those who appear to have a record, recourse will be made to the national identification service, who will, as now, make the definitive identification.

**Mr. Cohen:** To ask the Secretary of State for the Home Department who, within his Department, is to be authorised to have direct access to the police national computer; and what procedures are being established for ensuring that information gained from this source is handled correctly. [18118]

**Mr. Maclean:** Access to the police national computer within the Home Office is currently restricted to authorised staff at the Hendon data centre, which operates the computer, and in the technical and policy division for maintenance and development purposes.

Access by the Home Office security division for security vetting purposes has also been approved but not yet implemented. As is the case under the existing manual arrangements, any direct access to police national computer information for security vetting purposes within the Home Office will be confined to a small number of personnel within the security division who already handle information from the national identification service. Guidelines will ensure operational, technical and physical security. Regular internal audits will take place to ensure that correct procedures are adhered to. In addition, compliance audits will be undertaken by representatives of the police service and Her Majesty's inspectorate of constabulary.

### Buckley Hall Prison

**Mr. George Howarth:** To ask the Secretary of State for the Home Department (1) what is the current ratio of prisoner custody officers to prisoners at Buckley Hall prison; and what is the current prisoner population; [18286]

(2) on what date Buckley Hall prison started to admit prisoners; what was the full staff complement by grade on that date; how many ex-prison personnel and what grade were initially employed by Group 4; how many and what grade of staff have been sacked to date; how many of these were ex-prison service staff; and on what dates staff have left and on what dates they have been replaced; [18287]

(3) what is the latest figure for the total number of assaults on *(a)* custody officers and *(b)* prisoners at Buckley Hall prison. [18285]

**Mr. Michael Forsyth:** Responsibility for these matters has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. George Howarth, dated 18 April 1995:*

The Home Secretary has asked me to reply to your recent Questions about Buckley Hall prison.

On 31 March, Buckley Hall prison held 90 prisoners. The ratio of custody officers to prisoners was 70 custody officers to 90 prisoners which equates to 1 custody officer to 1.28 prisoners.

Buckley Hall started to admit prisoners on 14 December 1994. The staffing complement by grade was as follows:

1 Director
1 Head of Programmes
2 Residential Managers
2 Duty Security Managers
67 Prison Custody Officers (PCO)
14 Administrative Staff

Of these the Director, Head of Programmes, Residential Managers and Duty Security Managers were former Prison Service personnel.

Their former Prison Service grades were as follows:

| *Buckley Hall grade* | *Former Prison Service grade* |
|---|---|
| Director | Governor 3 |
| Head of Programmes | Senior Psychologist |
| 2 Residential Managers | 1 x Supervisor |
| | 1 x Prison Officer |
| 2 Duty Security Managers | 1 x Governor 4 |
| | 1 x Supervisor |

To date no staff at Buckley Hall have been sacked. Details of resignations and recruitment are contained in the attached table.

There has been one assault on a member of staff at Buckley Hall prison since it was re-opened, and no assaults on prisoners.

*Details of resignations and staff recruitment at Buckley Hall prison*

| *Date* | *Resigned* | *Recruited* |
|---|---|---|
| 10 October 94 | PCO | |
| 7 November 94 | PCO x 2 | |
| 30 November 94 | PCO | |

*Details of resignations and staff recruitment at Buckley Hall prison*

| *Date* | *Resigned* | *Recruited* |
|---|---|---|
| 16 January 95 | | PCO x 8<br>P/T PCO x 22 |
| 17 January 95 | PCO<br>Security Officer[1] | |
| 19 January 95 | PCO | |
| 23 January 95 | PCO | |
| 7 February 95 | P/T PCO | |
| 23 February 95 | PCO<br>Personnel Clerk<br>Facilities Co-ordinator | |
| 24 February 95 | | Facilities Co-ordinator |
| 20 March 95 | PCO | |
| 24 March 95 | Security Officer[1] | |
| 27 March 95 | | Personnel Clerk |

[1] The Security Officers have not been replaced to date and their duties are being covered by PCOs.

**Mr. George Howarth:** To ask the Secretary of State for the Home Department (1) on how many occasions to date Group 4 has defaulted in its contract for Buckley Hall prison; which of the terms of the contract for Buckley Hall prison Group 4 has failed to comply with; what penalties have been incurred for each failure to comply with the contract; and what was the basis of the Prison Service's decision not to penalise on each occasion on which that decision was reached. [18288]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. George Howarth, dated 18 April 1995:*

The Home Secretary has asked me to reply to your recent Question about the number of occasions Group 4 has defaulted in its contract for Buckley Hall prison.

Buckley Hall prison opened in December 1994. There has been no occasion since opening when Group 4 has been in default of contract.

## Strip Searches

**Dr. Lynne Jones:** To ask the Secretary of State for the Home Department (1) pursuant to his answer of 14 April 1993, *Official Report*, column *286*, what new methods have been introduced since April 1993 to detect syringe needles concealed within a person's clothing or body as an alternative to strip searching; [18136]

(2) what is the amount of drugs and explosives that have been detected for each of the past five years as a result of strip searching of convicted and remand prisoners in *(a)* female and *(b)* male establishments; [18135]

(3) what assessment he has made of the impact the availability of hand held search tools to locate metal objects concealed under a person's clothing and methods to detect whether a person has been in contact with explosives or drugs have had on the number of strip searchings being carried out in prisons or in other locations where strip searches are permitted. [18137]

**Mr. Michael Forsyth:** Responsibility for these matters has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Dr. Lynne Jones, dated 18 April 1995:*

The Home Secretary has asked me to reply to your recent Questions about the strip searching of prisoners.

Since April 1993 the Home Office Police Scientific Development Branch has sponsored work on new methods to detect syringe needles concealed within a person's clothing or body as an alternative to strip searching, but it is still at the developmental stage and there is not yet a metal detector available which is sufficiently sensitive to detect syringe needles with any degree of certainty.

Information on the number of strip searches conducted in prisons is not recorded and there are no figures available on drugs and explosives found as the result of particular types of search.

It is not possible to say whether the availability of either hand held or fixed metal detectors, or the availability of new methods of detecting traces of drugs or explosives have affected the number of strip searches.

## Open Prisons

**Mr. Prentice:** To ask the Secretary of State for the Home Department what criteria are used in deciding whether a person convicted of theft should serve all or part of his sentence in an open prison. [18401]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. Gordon Prentice, dated 18 April 1995:*

The Home Secretary has asked me to reply to your recent Question about the criteria used in deciding whether a person convicted of theft should serve all or part of his sentence in an open prison.

The type of establishment to which a sentenced adult male prisoner is allocated depends on his security category which is decided on the basis of the level of risk he is assessed to present. Only those adult male prisoners placed in category D, the lowest security category, are allocated to open prisons.

The criteria and procedures to be used in decisions on the categorisation and allocation of adult male prisoners are set out in Circular Instruction 7/1988 and the Prison Service Manual on Security, copies of which are available in the Library of the House. Security category assessment is a continuous responsibility of Prison Service staff both at establishments, in the case of prisoners categorised B, C and D, and at headquarters, in the case of Category A prisoners.

The criteria and procedures for the allocation of sentenced females and young offenders are set out in Circular Instruction 2/1991, a copy of which is also available in the Library of the House. These prisoners, apart from those who are considered to warrant category A conditions, are not categorised but are allocated to either closed or open conditions according to their level of risk.

## Homelessness

**Mr. Jim Cunningham:** To ask the Secretary of State for the Home Department what estimate he has made of the costs that will be incurred by *(a)* the police, *(b)* the courts and *(c)* prisons, as a result of released short sentence prisoners re-offending because of homelessness arising from changes to their housing benefit entitlement; and what assessment he has made of the likelihood of increases in re-offending caused by this factor. [18218]

**Mr. Nicholas Baker:** Changes to housing benefit for persons serving a custodial sentence are not expected to result in increased rates of re-offending on release.

### Prisoner Statistics

**Mr. George Howarth:** To ask the Secretary of State for the Home Department what is the proportion of prisoners held in establishments where prisoners are normally unlocked for a total of at least 12 hours a day from Monday to Friday inclusive, excluding prisoners who are in segregated or a special secure unit, for each of the past 12 months in prisons in England and Wales. [16268]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. George Howarth, dated 18 April 1995:*

The Home Secretary has asked me to reply to your recent Question about the proportion of prisoners held in establishments where prisoners are normally unlocked for a total of a least 12 hours per weekday.

The latest available information is as follows:

*Percentage of prisoners unlocked for 12 hours per day*

| *Months* | *1994* |
|---|---|
| February | 27 |
| March | 29 |
| April | 31 |
| May | 32 |
| June | 33 |
| July | 35 |
| August | 36 |
| September | 37 |
| October | 38 |
| November | 36 |
| December | 39 |
| | *1995* |
| January | 38 |
| February | 40 |

In my response to your Question of 27 January and my letter to you of 1 March, I indicated that 36% of prisoners were being unlocked for at least 12 hours on weekdays in January 1995. This has been revised to a final figure of 38%. The figure for September 1994 has also been revised from 36% to 37%.

### Illegal Drugs

**Mr. Flynn:** To ask the Secretary of State for the Home Department what is his most recent estimate of the percentage of prisoners who *(a)* use illegal drugs and *(b)* are addicted to illegal drugs. [18157]

**Mr. Michael Forsyth** *[holding answer 4 April 1995]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. Paul Flynn, dated 18 April 1995:*

The Home Secretary has asked me to reply to your recent Question on the extent of drug misuse and addiction in prisons.

Information on prisoners who use illegal drugs is not currently available. However, the first phase of a mandatory drug testing programme has already begun in seven establishments. This is being carefully monitored and will help to guide the implementation of testing in all Prison Service establishments. As part of the programme, prisoners are required to participate in random drug testing. This will provide information on the level of drug misuse in prison.

The information currently available on the extent of drug addition amongst prisoners is limited to that provided by the Home Office Addicts Index. During 1994 4,784 drug addicts were identified by prison medical officers in England, Scotland and Wales.

### Mentally Ill Prisoners

**Mr. Flynn:** To ask the Secretary of State for the Home Department what is his estimate of the number of prisoners who were judged to be mentally ill in each of the past 10 years who were transferred from prison to mental institutions. [18161]

**Mr. Michael Forsyth** *[holding answer 4 April 1995]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. Paul Flynn, Dated 18 April 1995:*

The Home Secretary has asked me to reply to your recent Question seeking an estimate of the number of prisoners who were judged to be mentally ill in each of the past 10 years who were transferred from prison to mental institutions.

The enclosed table gives the number of transfers to hospital from 1985 onwards under sections 47 and 48 of the Mental Health Act 1983. This shows that there has been a marked increase in the number of transfers over the last 10 years, with more than double the number of transfers in 1994 when compared with 1990.

*Transfers of prisoners to hospital by direction of the Home Secretary under Sections 47 and 48 of the Mental Health Act 1983*

| | *1985* | *1986* | *1987* | *1988* | *1989* | *1990* | *1991* | *1992* | *1993* | *[1]1994* |
|---|---|---|---|---|---|---|---|---|---|---|
| After sentence S47 | 100 | 107 | 127 | 121 | 131 | 156 | 193 | 230 | 290 | 234 |
| Before sentence S48 | 41 | 53 | 77 | 85 | 100 | 181 | 264 | 380 | 486 | 512 |
| Total | 141 | 160 | 204 | 206 | 231 | 337 | 457 | 610 | 776 | 746 |

[1] Provisional figures.

## AGRICULTURE, FISHERIES AND FOOD

### Arable Land Subsidies

**Mr. Wigley:** To ask the Minister of Agriculture, Fisheries and Food how many individuals, partnerships or agricultural companies received agricultural subsidy payments for arable land *(a)* in excess of £50,000 per annum *(b)* in excess of £100,000 per annum and *(c)* in excess of £200,000 per annum in each year since 1991. [17224]

**Mr. Jack:** Statistics for 1991 and 1992 are not available as payments under the arable area payments

scheme did not begin until 1993. Since 1993, under the integrated administration and control system, applicants have had to make a single application covering all the land which they farm in the United Kingdom and some applications may, therefore, cover a number of holdings which are farmed quite separately on a day-to-day basis. Figures are not gathered which distinguish between individuals, partnerships and agricultural companies.

The following information relates to 1993 UK IACS applications, rather than to individual farms and farmers:

| | *Number* |
|---|---|
| Total number of AAPS claims | 45,774 |
| Number of claims receiving in excess of £50,000 pa | 3,246 |
| Number of claims receiving in excess of £100,000 pa | 694[1] |
| Number of claims receiving in excess of £200,00 pa | 106[1] |

[1] Each of these is included in the total immediately above.

Figures for 1994–95 are not yet available as the final oilseed payments are still being made. I will write to the hon. Member when they are.

### Advertising

**Mrs. Ann Taylor:** To ask the Minister of Agriculture, Fisheries and Food if he will list each non-departmental public body and agency for which he has responsibility and, for each, list separate figures for the spending by that body or agency on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotion materials and activities, *(e)* the totals in each year of *(a)* to *(d)* and *(f)* the proportion of *(e)* that was spent on recruitment advertising for each year since 1979–80 or for each year of its existence if it has been created since 1979–80; and what are his latest estimates of *(a)* to *(f)* for the years 1994–95 and 1995–96. [17610]

**Mr. Jack:** Listed are the details requested for each of the agencies for which my right hon. Friend the Minister of Agriculture, Fisheries and Food has responsibility:

*ADAS*

| | *1992–93* | *1993–94* | *1994–95* | *1995–96* |
|---|---|---|---|---|
| *(a)* Television | — | — | — | Not available |
| *(b)* Radio | — | — | — | Not available |
| *(c)* Newspaper | Minimal | Minimal | Minimal | Not available |
| *(d)* Other | £278,000 | £313,000 | £359,000 | Not available |
| *(e)* Total | £278,000 | £313,000 | £359,000 | Not available |
| *(f)* Proportion of *(e)* spent on recruitment advertising | Minimal | Minimal | Minimal | Not available |

1. "Other" expenditure includes costs of exhibitions and shows.

*Central science laboratory*

| | *1992–93* | *1993–94* | *1994–95* | *1995–96* |
|---|---|---|---|---|
| *(a)* Television | — | — | — | — |
| *(b)* Radio | — | — | — | — |
| *(c)* Newspaper | £47,000 | £81,000 | £78,000 | £58,000 |
| *(d)* Other | £3,000 | £7,000 | £15,000 | £15,000 |
| *(e)* Total | £50,000 | £88,000 | £93,000 | £73,000 |
| *(f)* Proportion of *(e)* spent on recruitment advertising | 88 per cent. | 89 per cent. | 81 per cent. | 75 per cent. |

1. "Other" expenditure in 1994–95 includes costs of promotional materials and activities in connection with launch of the enlarged agency.

*Central veterinary laboratory*

| | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *1994–95* | *1995–96* |
|---|---|---|---|---|---|---|
| *(a)* Television | — | — | — | — | — | — |
| *(b)* Radio | — | — | — | — | — | — |
| *(c)* Newspaper | £24,011 | £24,593 | £63,686 | £7,656 | £13,429 | £15,780 |
| *(d)* Other | — | — | — | — | — | — |
| *(e)* Total | £24,011 | £24,593 | £63,686 | £7,656 | £13,429 | £15,780 |
| *(f)* Proportion of *(e)* spent on recruitment advertising | 99 per cent. | 99 per cent. | 99 per cent. | 99 per cent. | 99 per cent. | 99 per cent. |

1. CVL figures for 1990–91 to 1993–94 inclusive are at 1994 prices. The figures shown under c) for these years include associated administration and other costs.

*Intervention board*

| | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *1994–95* | *1995–96* |
|---|---|---|---|---|---|---|
| *(a)* Television | — | — | — | — | — | — |
| *(b)* Radio | — | — | — | — | — | — |
| *(c)* Newspaper | £19,409 | £14,210 | £1,640 | £2,108 | £4,469 | £16,000 |
| *(d)* Other | £6,000 | £6,200 | £8,833 | £6,500 | £6,500 | £6,500 |
| *(e)* Total | £25,409 | £20,410 | £10,473 | £8,608 | £10,969 | £22,500 |
| *(f)* Proportion of *(e)* spent on recruitment advertising | 76 per cent. | 70 per cent. | 16 per cent. | 24 per cent. | 41 per cent. | 71 per cent. |

*Pesticides safety directorate*

| | *1993–94* | *1994–95* | *1995–96* |
|---|---|---|---|
| *(a)* Television | — | — | — |
| *(b)* Radio | — | — | — |
| *(c)* Newspaper | £481 | £4,400 | £5,000 |
| *(d)* Other | £14,990 | — | — |
| *(e)* Total | £19,471 | £4,400 | £5,000 |
| *(f)* Proportion of *(e)* spent on recruitment advertising | 2.5 per cent. | 100 per cent. | 100 per cent. |

1. "Other" expenditure in 1993–94 includes costs of promotional materials and activities in connection with the agency launch.

*Veterinary medicines directorate*

| | *1991–92* | *1992–93* | *1993–94* | *1994–95* | *1995–96* |
|---|---|---|---|---|---|
| *(a)* Television | — | — | — | — | — |
| *(b)* Radio | — | — | — | — | — |
| *(c)* Newspaper | — | — | — | — | — |
| *(d)* Other | £15,505 | £11,515 | £3,378 | — | — |
| *(e)* Total | £15,505 | £11,515 | £3,378 | — | — |
| *(f)* Proportion of *(e)* spent on recruitment advertising | 100 per cent. | 100 per cent. | 100 per cent. | — | — |

*Notes:*
Although the VMD was established as an agency in April 1990 it did not maintain its own accounts until 1991–92. Expenditure in 1990–91 was included in core-MAFF figures.
Figures do not include costs of publications and reports.

The relevant information in respect of non-departmental public bodies could be provided only at disproportionate cost and is not included.

**Mrs. Ann Taylor:** To ask the Minister of Agriculture, Fisheries and Food if he will list, for 1992–93 and 1993–94, separate figures for the spending by his Department on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotion materials and activities, *(e)* the totals in each year of *(a)* to *(d)* the proportion of *(e)* that was spent on recruitment advertising; and what are his latest estimates for the years 1994–95. [17609]

**Mr. Jack:** Expenditure by the Department in 1992–93 and for each subsequent year was as follows:

£

| | *Recruitment advertising* | *Television advertising* | *Radio advertising* | *Press advertising* | *Other publicity and promotional activities* |
|---|---|---|---|---|---|
| 1992–93 | n/a | 494,000 | nil | nil | 3,723,000 |
| 1993–94 | 125,000 | 371,000 | nil | 21,000 | 3,920,000 |
| 1994–95 | 31,000 | nil | nil | 181,000 | [1]4,450,000 |
| 1995–96 | 65,000 | nil | nil | 350,000 | [1]4,050,000 |

[1] Forecasts.

Figures for 1992–93 include expenditure for recruitment advertising but they can be separated out only at disproportionate cost.

The purpose of MAFF's publicity and promotional activities is to provide information, on a wide range of issues, to the general public and the agriculture/food industry.

## Parliamentary Questions

**Mrs. Ann Taylor:** To ask the Minister of Agriculture, Fisheries and Food how many parliamentary questions requesting an ordinary written answer were received by his Department in each year since 1979–80; and how many such questions received a substantive answer within 10, 15, 20 days or longer. [18467]

**Mr. Jack:** The information which is available only from 1993–94 is as follows:

| | *Parliamentary Session* | |
|---|---|---|
| *Number* | *1993–94* | *1994–95 upto 5 April 1995* |
| Total received: | 943 | 411 |
| Answered within: | | |
| 10 days | 889 | 388 |
| 15 days | 33 | 6 |
| 20 days or longer | 21 | 17 |

Details for the earlier years are a matter of public record but could be provided only at disproportionate cost.

**Mrs. Ann Taylor:** To ask the Minister of Agriculture, Fisheries and Food how many parliamentary questions to his Department in each year since 1979–80 requesting a priority written answer or answer on a named day, were answered within three days; how many received a holding reply; and how many of those which received a holding reply then received a substantive answer within a further five, 10, 15, 20 days or longer. [18468]

**Mr. Jack:** The information which is available only from 1993–94 is as follows:

| Number | Parliamentary Session 1993–94 | 1994–95 upto 5 April 1995 |
|---|---|---|
| Answered on named day | 564 | 317 |
| Answered within: | | |
| 5 days | 86 | 83 |
| 10 days | 37 | 14 |
| 15 days | 6 | 3 |
| 20 days or longer | 45 | 2 |

Details for the earlier years are a matter of public record but could be provided only at disproportionate cost.

**Mrs. Ann Taylor:** To ask the Minister of Agriculture, Fisheries and Food how many parliamentary questions to his Department that were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which he has responsibility received an answer which was not printed in the *Official Report* in each year since 1979–80 or for each year that the body or agency has been in existence. [18472]

**Mr. Jack:** Parliamentary questions are not transferred to chief executives or other officials, although chief executives are asked to write to the Member concerned when the question seeks information about operational matters delegated to them. Information on the number of occasions letters have been written since 1979–80 which were not printed in the *Official Report* could be provided only at disproportionate cost.

**Mrs. Ann Taylor:** To ask the Minister of Agriculture, Fisheries and Food how many times in each year since 1979–80 his Department has written to an hon. or right hon. Member correcting an answer to a parliamentary question. [18470]

**Mr. Jack:** The information could be provided only at disproportionate cost.

**Mrs. Ann Taylor:** To ask the Minister of Agriculture, Fisheries and Food how many times in each year since 1979–80 his Department has given a reply to a parliamentary question which has resulted in the information requested being placed in the Library and not printed in the *Official Report.* [18469]

**Mr. Jack:** The information requested is a matter of public record but it could be extracted in the form requested only at disproportionate cost.

**Mrs. Ann Taylor:** To ask the Minister of Agriculture, Fisheries and Food how many parliamentary questions to his Department were transferred for answer to the chief executive or other senior official of a non–departmental public body or agency for which he has responsibility in each year since 1979–80 or for each year that the body or agency has been in existence. [18471]

**Mr. Jack:** Parliamentary questions are not transferred to chief executives or other officials, although chief executives are asked to write to the Member concerned when the question seeks information about operational matters delegated to them. Information on the number of occasions this has happened is readily available only from the 1993–94 Session of Parliament and is as follows:

| | 1993–94 | 1994–95 upto 5 April 95 |
|---|---|---|
| Agency Chief Executives invited to write as a result of Parliamentary Questions | 16 | 6 |

Details for the earlier years are a matter of public record but could be provided only at disproportionate cost.

## Notifiable Animal Diseases

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food if he will list the notifiable diseases of animals in *(a)* 1975, *(b)* 1980, *(c)* 1985, *(d)* 1990 and *(e)* 1995. [18268]

**Mrs. Browning:** The information is as follows:

*(a) 1975*

African horse sickness
Anthrax
Bovine tuberculosis
Brucellosis melitensis (in cattle)
Cattle plague
Dourine
Epizootic lymphangitis (in equines)
Equine viral encephalomyelitis
Equine infectious anaemia
Foot and mouth disease
Fowl pest (includes fowl plague and Newcastle disease)
Glanders or farcy (in equines)
Parasitic mange (in equines)
Pleuropneumonia (in cattle)
Rabies
Sheep pox
Sheep scab
Swine fever
Swine vesicular disease
Teschen disease

*(b) 1980*

African horse sickness
African swine fever
Anthrax
Aujeszky's disease
Bovine tuberculosis
Brucellosis melitensis (in cattle)
Cattle plague
Dourine
Enzootic bovine leukosis
Epizootic lymphangitis (in equines)
Equine viral encephalomyelitis
Equine infectious anaemia
Foot and mouth disease
Fowl pest (includes fowl plague and Newcastle disease)
Glanders and Farcy (in equines)
Parasitic Mange (in equines)
Pleuropneumonia (in cattle)
Rabies
Sheep pox
Sheep scab
Swine fever
Swine vesicular disease
Teschen disease

*(c) 1985*

African horse sickness
African swine fever
Anthrax
Aujeszky's disease
Brucella melitensis (cattle)

Cattle plague
Classical swine fever
Dourine
Enzootic bovine leukosis
Enzootic lymphangitis
Equine infectious anaemia
Equine viral encephalomyelitis
Foot and mouth disease
Fowl pest (includes fowl plague and Newcastle disease)
Glanders and farcy (in equines)
Pleuropneumonia (in cattle)
Rabies
Sheep pox
Sheep scab
Swine vesicular disease
Teschen disease
Tuberculosis (in cattle)
Warble fly

*(d) 1990*

African horse sickness
African swine fever
Anthrax
Aujeszky's disease
Bovine spongiform encephalopathy
Brucella melitensis (cattle)
Cattle plague
Classical swine fever
Dourine
Enzootic bovine leukosis
Enzootic lymphangitis
Equine viral encephalomyelitis
Equine infectious anaemia
Foot and mouth disease
Fowl pest (includes fowl plague, Newcastle disease, avian influenza and paromyxovirus)
Glanders and farcy (in equines)
Pleuropneumonia (in cattle)
Rabies
Sheep pox
Sheep scab
Swine vesicular disease
Teschen disease
Tuberculosis (in cattle and deer)
Warble fly

*(e) 1995*

African horse sickness
African swine fever
Anthrax
Aujeszky's disease
Bovine spongiform encephalopathy
Blue tongue
Brucella melitensis (cattle, sheep and goats)
Cattle plague
Classical swine fever
Contagious agalactia
Contagious epidydimitis
Contagious equine metritis
Dourine
Enzootic bovine leukosis
Enzootic lymphangitis
Equine viral encephalomyelitis
Equine infectious anaemia
Foot and mouth disease
Fowl pest (includes Newcastle disease and avian influenza)
Glanders or farcy (in equines)
Goat pox
Lumpy skin disease
Paromyxovirus in pigeons
Peste des petits ruminants
Pleuropneumonia
Rabies
Rift valley fever
Scrapie
Sheep pox
Swine vesicular disease
Teschen disease
Tuberculosis (in cattle and deer)
Vesicular stomatitis
Viral haemorrhagic disease (rabbits)
Warble fly

## Rabies

**Mr. David Shaw:** To ask the Minister of Agriculture, Fisheries and Food how many reported cases there were of fox vectored rabies in Belgium in *(a)* 1993 and *(b)* 1994 or to the latest available date for which figures are available. [18410]

**Mrs. Browning:** The Ministry does not hold comprehensive data on the vector species for rabies cases outside the United Kingdom.

## Cattle (Tuberculosis)

**Mr. Michael Spicer:** To ask the Minister of Agriculture, Fisheries and Food what information he has about the extent of tuberculosis in cattle; and if he will make a statement. [18825]

**Mrs. Browning:** There were 362 new confirmed TB cattle herd breakdowns in Great Britain during 1994. They are largely confined to the south west of England—274 new confirmed outbreaks—and Wales—62 new confirmed outbreaks. Following investigations, 88 per cent. of new and continuing confirmed outbreaks in the south west of England and 3 per cent. in Wales are considered to have resulted from infection by badgers.

## Sheep Quota

**Mr. Barry Field:** To ask the Minister of Agriculture, Fisheries and Food (1) what part was played in the refusal by the Exeter office to register the special quota leased and purchased by Spence and Sons Ltd, of New Barn farm for 1993, 1994 and 1995 by the delay in informing Spence and Sons Ltd of the outcome of their application, ref.16006001; and what plans he has to assist Spence and Sons Ltd. on this matter; [19154]

(2) if he will set out the reasons for the delay in informing Spence and Sons Ltd. of New Barn farm, reference number 16006001 about their application for special quota. [19155]

**Mr. Jack:** My hon. Friend has written to me about this complex case which involves an application to the sheep quota national reserve and the transfer and lease of sheep quota and I will write to the hon. Gentlemen shortly explaining the matter in full.

## Agriculture Council

**Mr. Luff:** To ask the Minister of Agriculture, Fisheries and Food what was the outcome of the Agriculture Council held in Luxembourg on 10 April; and if he will make a statement. [19236]

**Mr. Waldegrave:** This Council, at which I represented the United kingdom, again discussed the situation created by the strengthening of the German, Dutch, Belgian, Austrian and Danish currencies, which should result in

the revaluation of the corresponding green rates of exchange used in the common agricultural policy. All other member states could agree to a proposal that these revaluations, which the Commission had already delayed under its own powers, should be further delayed until after the Council's next meeting on 29 May.

I objected on the grounds that neither the trade distortions generated by these delays nor the budgetary costs of alternative courses of action had been properly considered; and that no clear indication had been given of how these problems would be tackled at the end of any further period of delay. The proposal was not adopted and it was agreed that these matters would be discussed urgently.

The Council adopted, with Portugal voting against, an extension of the existing sugar arrangements with some changes. The main changes are to enable beet sugar production quotas to be cut if necessary to enable the Community to observe its obligation under the GATT to restrict subsidised net exports; and to improve the guarantee of supplies of imported raw cane sugar to refiners.

I made it clear, as did the Swedish Minister, that I would have preferred a genuine reform of the sugar system but there was no support for this from others. The formula for allocating quota reductions, which all other member states were ready to accept as a compromise, means that the share of any cut that would fall on the United Kingdom is a lot less than our share of Community sugar production. It will be important to work for the export limit to be met by means other than quota cuts. The guarantee of raw sugar supplies is welcome and the details of the guarantee are considerably better than those in the Commission's original proposal.

### Veal Crates

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food (1) what representations he has received from Gerald Barling QC on the lawfulness of export restrictions on calves to be reared in veal crates, and if he will make a statement. [18622]

(2) if he will make a further statement on the export of calves to be reared in veal crates. [18623]

(3) if he will make a further statement on the use of article 36 of the treaty of Rome to stop the export of calves to be reared in veal crates. [18624]

**Mrs. Browning:** I refer the hon. Member to the reply given to my hon. Friend the Member for Plymouth, Sutton (Mr. Streeter) on 4 April 1995, *Official Report* column *1057–58.*

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 15 March, *Official Report*, column *630*, whether he expects veal crates to be banned throughout Europe before or after 2000. [17771]

**Mrs. Browning** *[holding answer 5 March 1995]:* The timetable for phasing out veal crates in the European Union under any Council measure requiring this will depend on the terms of the measure when it is adopted.

### Cattle Plague

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food how many cases of cattle plague were reported in each year since 1985. [18613]

**Mrs. Browning:** There have been nc confirmed cases of cattle plague in England since 1877.

### Ostriches

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food how many ostriches were slaughtered in Britain in each year since 1991 for meat or plumage; how many of these were reared from eggs in Britain and how many were imported; and if he will make a statement on the welfare of farmed ostriches. [18614]

**Mrs. Browning:** There is no commercial slaughter industry for ostriches at present in Great Britain, and the breeding population is still being established. Some small numbers will have been killed on farms since 1991, but no figures are available. The welfare of ostriches is protected on the farm by the Agriculture (Miscellaneous Provisions) Act 1968 and regulations made under that Act, and by the Dangerous Wild Animals Act 1976; in transit by the Welfare of Animals during Transport Order 1994, as amended, and by standards set by the International Air Transport Association; and at slaughter by the Welfare of Animals (Slaughter or Killing) Regulations 1995 which came into operation on 1 April 1995. Guidelines on the welfare of farmed ostriches, prepared by the Farm Animal Welfare Council, were issued in February 1994. In addition, the Council of Europe is currently drawing up a recommendation on the welfare of ostriches and other ratites.

### Environmentally Sensitive Areas

**Mr. Welsh:** To ask the Minister of Agriculture, Fisheries and Food what area of England is designated as being environmentally sensitive; how much Government funding is spent annually on environmentally sensitive areas; how this formula is calculated; and if he will make a statement. [17793]

**Mr. Jack** *[holding answer 3 April 1995]:* There are 22 environmentally sensitive areas covering 1,149,217 hectares. Payments to farmers opting to join the schemes in these areas are based on calculations of estimated average income losses and additional costs resulting from compliance with the land management conditions, and may include an incentive element. In 1993–94 payments totalled £16.5 million. The financial provision rises to £43.3 million by 1996–97. A public information pack on the English environmentally sensitive areas is being sent to the hon. Member.

### Animal Welfare

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer 27 March, *Official Report*, column *501*, which company was responsible for transporting animals to Brightlingsea; and what plans he has to prosecute it for breaking the 15-hour rule. [18038]

**Mrs. Browning:** I am not, for reasons of commercial confidentiality, in a position to disclose the identity of the company concerned. Prosecution for breaking the 15-hour rule would not be sensible in this case where feeding and watering were precluded by the presence of protesters.

**Sir Terence Higgins:** To ask the Minister of Agriculture, Fisheries and Food what powers he has to prevent vessels carrying live animals from putting to sea in bad weather. [17468]

**Mrs. Browning** *[holding answer 3 March 1995]:* Inspectors and veterinary inspectors of the ministry have powers to prohibit the transport of animals where they consider the animals are about to be transported in a way which may cause them unnecessary suffering, or in any way which does not comply with any provision of the welfare legislation made under sections 37, 38, or 39 of the Animal Health Act 1981.

The Welfare of Animals during Transport Order 1994, made under the 1981 Act, places a duty on masters of vessels not to carry animals if, in their judgment, there are grounds for believing that, due to adverse weather conditions, the voyage will be attended by serious risk to the animals of injury, suffering or death. A number of sailings from various ports this winter were cancelled for this reason.

**Sir Terence Higgins:** To ask the Minister of Agriculture, Fisheries and Food what inspections were carried out by officials to check that the carriage of live animals by the vessel Northern Cruiser was in conformity with all the provisions of the Welfare of Animals during Transport Order 1994; what provisions existed for isolation of ill or injured animals during the voyage and first aid treatment, schedule 3 section 18; and if he will make a statement. [17467]

**Mrs. Browning** *[holding answer 3 March 1995]:* Before the vessel was used to carry animals it was inspected by the ministry's livestock transport adviser to ensure that the facilities met the requirements of the legislation. Veterinary inspectors have also accompanied sailings with animals on board to monitor conditions during the voyage.

The Department is not of the view that point 18 of schedule 3 to the Welfare of Animals during Transport Order 1994, which implements a requirement of EC directive 91/628, applies when animals are being carried on a roll-on/roll-off ferry.

## NATIONAL HERITAGE

### Parliamentary Questions

**Mrs. Ann Taylor:** To ask the Secretary of State for National Heritage (1) how many parliamentary questions to his Department in each year since 1992–93 requesting a priority written answer or answer on a named day, were answered within three days; how many received a holding reply; and how many of those which received a holding reply then received a substantive answer within a further five, 10, 15, 20 days or longer; [18482]

(2) how many parliamentary questions to his Department that were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which he has responsibility received an answer which was not printed in the *Official Report* in each year since 1992–93 or for each year that the body or agency has been in existence; [18486.]

(3) how many times in each year since 1992–93 his Department has written to an hon. or right hon. Member correcting an answer to a parliamentary question; [18484]

(4) how many times in each year since 1992–93 his Department has given a reply to a parliamentary question which has resulted in the information requested being placed in the Library and not printed in the *Official Report*; [18483]

(5) how many parliamentary questions to his Department were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which he has responsibility in each year since 1992–93 or for each year that the body or agency has been in existence; [18485]

(6) how many parliamentary questions requesting an ordinary written answer were received by his Department in each year since 1992–93; and how many such questions received a substantive answer within 10, 15, 20 days or longer. [18481]

**Mr. Dorrell:** The information requested is a matter of public record, but it could be extracted in the form requested only at disproportionate cost.

### Advertising

**Mrs. Ann Taylor:** To ask the Secretary of State for National Heritage, if he will list each non-departmental public body and agency for which he has responsibility and, for each, list separate figures for the spending by that body or agency on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotional materials and activities, *(e)* the totals in each year of *(a)* to *(d)* and *(f)* the proportion of *(e)* that was spent on recruitment advertising for year since 1979–80 or for each year of its existence if it has been created since then; and what are his latest estimates of *(a)* to *(f)* for the years 1994–95 and 1995–96. [17620]

**Mr. Dorrell:** My Department is responsible for two agencies: Historic Royal Palaces and Royal Parks. Details of their expenditure on advertising and promotional materials is given in the following chart. Figures for 1995–96 have not been finalised.

The non-departmental public bodies which are sponsored by my Department are listed in "Public Bodies 1994", a copy of which is available in the Library of the House. These operate at arm's length from my Department and the provision of information on their expenditure on advertising and promotional materials is an operational matter for them. The information could not be obtained by my Department without incurring disproportionate cost.

| | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *1994–95* |
|---|---|---|---|---|---|
| *Historic Royal Palaces* | | | | | |
| (a), (b) and (c)[1] | 228,350 | 183,682 | 205,089 | 678,814 | 502,238 |
| (d) | 70,000 | 70,000 | 80,000 | 108,000 | 138,000 |
| (e) = total (a) to (d) | 298,350 | 253,682 | 285,089 | 786,814 | 640,238 |
| (f) proportion of (e) spent on recruitment (per cent.) | 4.1 | 5.6 | 5.8 | 2.3 | 3.9 |

| | 1990–91 | 1991–92 | 1992–93 | 1993–94 | 1994–95 |
|---|---|---|---|---|---|
| *The Royal Parks*[2] | | | | | |
| (a) and (b) | — | — | — | 0 | 0 |
| (c) | — | — | — | 240 | 16,597 |
| (d) | — | — | — | 0 | 0 |
| (e) = total (a) to (d) | — | — | — | 240 | 16,597 |
| (f) proportion of (e) spent of recruitment (per cent.) | — | — | — | 0 | 66 |

*Notes:*
[1] Costs cannot be desegregated without involving disproportionate cost.
[2] Established on 1 April 1993.

### Television (Violence)

**Sir John Gorst:** To ask the Secretary of State for National Heritage what plans he has to introduce further controls on the amount of violence broadcast on television. [18671]

**Mr. Dorrell:** Broadcasters in the United Kingdom are independent of Government but have clear responsibilities with regard to programme content. In May last year, my predecessor held meetings with the chairman of the BBC, the Independent Television Commission and the Broadcasting Standards Council to discuss public concern about television violence. Both the BBC and ITC undertook to monitor the amount of violence shown on television and report back. We have received interim reports from both bodies and are now awaiting the findings of joint research they have commissioned. The research will be completed later this year, and I intend to discuss its findings with the chairmen of the two bodies and consider whether any further action is called for.

### Robert Burns

**Mr. McMaster:** To ask the Secretary of State for National Heritage if he will make a statement on the plans of his Department to celebrate the life and times of Robert Burns during the next year. [18999]

**Mr. Dorrell:** I refer the hon. Member to the answer given by my hon. Friend the Parliamentary Under Secretary of State for Scotland on 3 March 1995 at column 772.

### Local Television

**Mr. Allen:** To ask the Secretary of State for National Heritage what is his policy towards encouraging the development of local television; and if he will make a statement. [18690]

**Mr. Dorrell:** The Broadcasting Act 1990 has increased the scope of broadcasting in the United Kingdom, including opportunities for local television services delivered by cable. For the future, the introduction of digital television services may open up further prospects.

### Green Policy

**Ms Ruddock:** To ask the Secretary of State for National Heritage if he will name the green Minister for his Department and list *(a)* the green initiatives taken by that Minister in respect of the Department's functions, *(b)* the representations made by the Minister in respect of functions carried out by other departments and *(c)* the input made by the Minister into consultations on the Environment Bill. [18645]

**Mr. Dorrell** *[holding answer 5 April 1995]:* The green Minister for my Department is Viscount Astor. My Department, the English Tourist Board, and the Countryside and Rural Development Commissions have commissioned consultants to produce a study on the local visitor management initiatives set up since the 1991 "Maintaining the Balance" report. This will result in the publication of a good practice guide later this year. My Department is in regular contact with other Departments on environmental issues which affect its policy interests.

## HEALTH

### Accident and Emergency Departments

14. **Mrs. Jane Kennedy:** To ask the Secretary of State for Health how many accidents and emergency departments have been temporarily closed in each of the last 12 months and in total. [17567]

**Mr. Sackville:** Information on closures of accident and emergency departments is not available centrally.

### Consultants

15. **Mr. O'Hara:** To ask the Secretary of State for Health if she will make a statement on the proportion of time spent by NHS consultant doctors on working in the private sector. [17568]

**Mr. Malone:** It is a statutory requirement and underpinning principle of the conduct of private practice in national health service hospitals that private work should not significantly interfere with a hospital's NHS contracts. Within this framework, consultants are free to undertake private work in addition to their NHS duties and in their own time. The combination of private practice and NHS treatment means that overall more patients are treated than if health care were available only through the NHS. There is a contractual obligation on NHS consultants to devote substantially the whole of their professional time to their NHS duties.

### Cardiac Surgery, Plymouth

16. **Mr. Streeter:** To ask the Secretary of State for Health what progress has been made in the provision of a specialist cardiac surgery unit in Plymouth. [17569]

**Mr. Sackville:** The £4.3 million development of the new cardiac surgery unit at Derriford hospital is progressing well and is on target to be opened in 1997.

### Acute Beds

22. **Mr. Corbett:** To ask the Secretary of State for Health what has been the change in the number of acute beds in *(a)* Birmingham and *(b)* the west midlands since 1979.

**Mr. Sackville:** The information requested is as follows:

| | *1979* | *1993–94* |
|---|---|---|
| Birmingham | 4,391 | 2,918 |
| West Midlands | 14,668 | 11,305 |

*Source:*
1979, SH3 returns; 1993–94 KHO3 returns.

Over this period in the west midlands, the number of in-patient cases increased by 42 per cent. to 670,000 and day cases by 308 per cent. to 207,000.

### Low Income

23. **Mr. Bill Mitchie:** To ask the Secretary of State for Health what assessment she has made on the effects of low income on health. [17583]

**Mr. Sackville:** I refer the hon. Member to the reply I gave the hon. Member for Newcastle upon Tyne, East (Mr. Brown) on 23 March 1995, columns *353-54*.

### Community Care

24. **Mr. Tipping:** To ask the Secretary of State for Health if she will review the criteria for the distribution and expenditure of the special transitional grant for community care; and if she will make a statement. [17584]

**Mr. Bowis:** The distribution of the special transitional grant for 1995–96 and the conditions attached to its payment were agreed by Parliament on 30 March. We review and consult on these matters before laying each year's special transitional grant report.

### Diabetics

25. **Mr. Pickthall:** To ask the Secretary of State for Health what information she has about the number and types of diabetes in the United Kingdom and the incidence of coma deaths amongst diabetics who live alone. [17585]

**Mr. Sackville:** In the United Kingdom, an estimated 1.2 per cent. of the population have clinically diagnosed diabetes, while the number of currently undiagnosed individuals is considered to increase this to 2 per cent. or more. No information is available centrally on the numbers of diabetics who live alone or on the incidence of coma deaths among them.

### GP Fundholding

26. **Mr. Gerrard:** To ask the Secretary of State for health what research her Department has undertaken into the administrative costs of general practitioner fundholding; and if she will make a statement. [17586]

**Mr. Malone:** The Department keeps the management costs of general practitioner fundholding under regular review. In the first three years of the scheme, GP fundholding management costs were about 2 per cent. of budgets set. Figures are not yet available for 1994–95, but we expect them to be of the same order.

### Hospital Closures

27. **Ms. Estelle Morris:** To ask the Secretary of State for Health if she will make it her policy to collate information about hospital closures. [17587]

**Mr. Sackville:** We have no plans to do so.

### Mortality Rates, London

29. **Mr. Fraser:** To ask the Secretary of State for Health whether mortality rates in London have improved over the last 10 years. [17589]

**Mr. Sackville:** The information requested is given in the table.

| *Year* | *Total number of deaths* | *Population (000s)* | *Deaths per thousand population* |
|---|---|---|---|
| 1983 | 76,135 | 6,764.8 | 11.3 |
| 1984 | 73,756 | 6,772.4 | 10.9 |
| 1985 | 75,909 | 6,790.2 | 11.2 |
| 1986 | 73,882 | 6,803.4 | 10.9 |
| 1987 | 71,949 | 6,800.5 | 10.6 |
| 1988 | 71,217 | 6,770.3 | 10.5 |
| 1989 | 70,631 | 6,798.7 | 10.4 |
| 1990 | 64,481 | 6,852.5 | 9.4 |
| 1991 | 68,856 | 6,889.9 | 10.0 |
| 1992 | 66,461 | 6,904.6 | 9.6 |
| 1993[1] | 68,399 | 6,933.0 | 9.9 |

*Notes:*
[1] Provisional information.
*Source:*
OPCS.

### NHS Trusts

**Mr. Hoyle:** To ask the Secretary of State for Health what action she has taken to prevent potential conflicts of interest between those who hold senior posts in NHS trusts and also in private sector health service consultancies. [17570]

**Mr. Sackville:** The codes of conduct and accountability, which were issued to all national health service board members in April last year, introduced stringent measures to prevent conflicts of interest arising at board level. All NHS boards now maintain a register of members' relevant private interests and these are available for inspection by the public.

### Mental Health Care

**Mrs. Roche:** To ask the Secretary of State for Health if she will make a statement about the cost of the use of private beds for mental health care. [17581]

**Mr. Bowis:** National health service returns do not separately identify expenditure incurred specifically on the purchase of care outside the NHS.

### Chorionic Villus Sampling

**Mr. Alton:** To ask the Secretary of State for Health what research she has commissioned into the use of chorionic villus sampling; and what evidence she has of the links between the use of villus sampling and subsequent disabilities. [17588]

**Mr. Sackville:** None. I refer the hon. Member to the reply I gave him on 27 March 1995, columns *420–21*.

### NHS Tenders

**Mr. Nicholas Brown:** To ask the Secretary of State for Health how many tenders for NHS services or capital projects have been won by private sector organisations, where private sector organisations have been in competition with NHS organisations; and what percentage that represents of all tenders open to the private sector. [15771]

**Mr. Sackville:** The information is not available in the form requested. Of 3,927 service contracts for which information is available, 1,226 were awarded to the in-house team, and 2,701 were awarded to other contractors, including other national health service trusts or authorities. Not all of these contracts would have involved an in-house bid, and in some cases there may have been no external bidder.

### Mesothelioma

**Mr. Worthington:** To ask the Secretary of State for Health if she will make a statement on the findings of the health and safety executive/Peto report, "Continuing Increase in Mesothelioma Mortality in Britain", and its consequences for her Department's policy. [17074]

**Mr. Sackville:** I refer the hon. Member to the reply my hon. Friend the Under-Secretary of State for Employment gave him today.

It is for the individual health authorities to ensure that the health care needs of their populations are being met, including those with Mesothelioma.

### Medicines

**Mr. Stott:** To ask the Secretary of State for Health if *(a)* Seatone green lipped mussel extract capsules and *(b)* Kwai concentrated garlic tablets have been subjected to the Medicines for Human Use (Marketing Authorisations etc) Regulations 1994. [19137]

**Mr. Sackville:** Responsibility for this matter has been delegated to the Medicines Control Agency under its chief executive, Dr. Keith Jones. I have asked him to reply to the hon. Member.

*Letter from K. Jones to Mr. Roger Stott, dated 18 April 1995:*

The Secretary of State has asked me to reply to your question about Seatone capsules and Kwai tablets, and the Medicines for Human Use (Marketing Authorisations etc.) Regulations 1994.

The Regulations provide that from 1 January 1995, unless exempt, no medicinal product may be placed on the market in the United Kingdom without a marketing authorisation. Article 1.2 of Directive 65/66 EEC defines a medicinal product as one which is "presented for treating or preventing disease", or one which "may be administered with a view to making a medical diagnosis or to restoring, correcting or modifying physiological functions". (Most medicinal products in fact qualify on both the "presentation" and "function criteria".)

In the case of the products you have asked about, the Agency has regularly monitored their status. On the basis of the information currently before it, the Agency considers they do not fall within either limb of the definition of a medicinal product. They are not, therefore, subject to the Marketing Authorisation etc. Regulations.

### Foster Placement (Children) Regulations 1991

**Ms Coffey:** To ask the Secretary of State for Health what parliamentary proceedings will be necessary to implement proposed changes to the Foster Placement (Children) Regulations 1991; and if she will make a statement. [19287]

**Mr. Bowis:** Regulations are subject to negative resolution.

**Ms Coffey:** To ask the Secretary of State for Health what fostering duties in the Foster Placement (Children) Regulations 1991 she proposes to allow local authorities to delegate to profit-making bodies through amendments to those regulations. [19285]

**Mr. Bowis:** The proposed amendments to the Foster Placement (Children) Regulations 1991 will permit social services departments to delegate fostering duties, specified by part II of the Foster Placement (Children) Regulations 1991, to private sector organisations on the same basis as to voluntary organisations.

**Ms Coffey:** To ask the Secretary of State for Health with whom she proposes to consult in respect of the draft amendments to the Foster Placement (Children) Regulations 1991. [19286]

**Mr. Bowis:** The Department of Health issued a consultation document to a wide range of interested authorities, voluntary and independent agencies.

### Psychiatrists

**Mr. Jim Cunningham:** To ask the Secretary of State for Health if she will make it her policy to ensure that psychiatrists are members of the community teams to help mentally ill people. [19048]

**Mr. Bowis:** It is usual for consultant psychiatrists to be members of community mental health teams and this is a practice which we encourage.

### Leeds Healthcare

**Mr. Battle:** To ask the Secretary of State for Health how many patients have been placed by Leeds Healthcare with private sector health organisations during 1994–95; and at what cost. [19252]

**Mr. Sackville:** This is a matter for Leeds Healthcare. The hon. Member may wish to contact Mrs. Pam Smith, chairman of Leeds Healthcare, for details.

### Mental Health

**Mr. Jim Cunningham:** To ask the Secretary of State for Health (1) when the Audit Commission's concerns about district health authorities having the resources to meet their own unique mental health needs are going to be met; [19046]

(2) how she will apportion funds for the health and social care of the mentally ill, as recommended by the Audit Commission. [19049]

**Mr. Bowis:** The national weighted capitation formula used to allocate hospital and community health service funds to regional health authorities has recently been revised and modified to include a separate index of factors which affect the need for psychiatric services.

The greater part of funding for personal social services is allocated to local authorities on the basis of standard spending assessments which indicate the Government's view of the need for particular services in individual local authorities, which then decide how to spend these resources in the light of their individual assessments of local needs and priorities.

**Mr. Jim Cunningham:** To ask the Secretary of State for Health what assessment she has made of steps taken in reducing the socio-economic problems for those who are mentally ill in Wales; and what plans she has to implement this policy in England. [19045]

**Mr. Bowis:** The policy for both England and Wales is to provide a range of care appropriate to the needs of the individual. Our guidance for England is set out in the "Mental Illness Key Area Handbook", copies of which are available in the Library.

**Mr. Jim Cunningham:** To ask the Secretary of State for Health what plans she has for those people suffering from less severe forms of mental illness receiving help in a primary care setting. [19047]

**Mr. Bowis:** In many cases, such illnesses can be dealt with in a primary care setting by a suitably qualified member of the team. We have initiated a programme of action to improve the understanding of mental health issues among primary care staff.

### Mentally Disordered Offenders

**Mr. Jim Cunningham:** To ask the Secretary of State for Health what decisions have been made between herself and the Home Secretary to fund the care of mentally disordered offenders. [19050]

**Mr. Bowis:** My right hon. Friend the Secretary of State for Health and my right hon. and learned Friend the Secretary of State for the Home Department work closely together in developing services for mentally disordered offenders. Funding is determined through the annual public expenditure survey process.

### Housing and Mental Illness

**Mr. Jim Cunningham:** To ask the Secretary of State for Health what assessment she has made of the desirability of providing affordable housing for the mentally ill; and what discussions she has had with the Secretary of State for the Environment on the subject. [19051]

**Mr. Bowis:** The provision of suitable housing plays an important role in providing care for mentally ill people. Housing for those requiring community care is the responsibility of local statutory agencies, which should work closely together to meet local needs.

To help develop effective inter-agency working, the Department of Health, in partnership with the Department of the Environment, will host four regional seminars in June to consider housing for groups with special needs. The seminars will have mental illness as a linking theme. Ministers from both Departments met in December 1994 to discuss a range of housing and community care issues and will attend the seminars.

### Tuberculosis

**Mr. Peter Bottomley:** To ask the Secretary of State for Health if she will make a statement on the world campaigns against TB and on the United Kingdom contributions. [19120]

**Mr. Sackville:** The Overseas Development Agency has identified the control of communicable diseases, and particularly mentioned tuberculosis, as one of its priority themes for health and population assistance. During 1994 and 1995, the United Kingdom contributed £625,000 to the World Health Organisation tuberculosis programme and almost £2,500,000 has been paid in grants for tuberculosis-related activities. This includes £175,000 channelled through British non-governmental organisations.

### NHS Prescriptions

**Mr. Gordon Prentice:** To ask the Secretary of State for Health how many people in each of the last five years received help with NHS prescriptions under the low income scheme. [19396]

**Mr. Malone:** This information is not available. Information on free prescriptions is collected for the numbers of prescribed items dispensed, rather than for the numbers of people to whom the prescriptions are dispensed.

### NHS Sight Tests

**Mr. McMaster:** To ask the Secretary of State for Health what percentage of the population was eligible for free NHS eye examinations in each of the last 10 available years. [19002]

**Mr. Malone:** Before April 1989, everybody was eligible. Since that time, when universal eligibility was removed, about 40 per cent. of the population have been eligible.

Since 1 April 1989, the groups entitled to a national health service sight test have been:

- children under 16
- students under 19 in full-time education
- people on income support or family credit and their partners
- holders of exemption certificate AG2
- the registered blind or partially sighted
- those who need certain complex lenses
- diagnosed diabetics and glaucoma sufferers
- close relatives aged 40 or over of diagnosed glaucoma sufferers

Since 1 April 1995, people receiving disability working allowance are also eligible to receive free NHS sight tests.

### Pharmaceutical Industry

**Mr. Bayley:** To ask the Secretary of State for Health pursuant to her answer of 4 April, *Official Report*, column *1039*, about the pharmaceutical industry, when she expects the report on the contribution of the pharmaceutical industry to the United Kingdom economy will be *(a)* completed by the Office of Health Economics and *(b)* submitted to her Department; and what proportion of the cost of this study is being contributed by (i) the United Kingdom pharmaceutical industry and (ii) her Department. [19401]

**Mr. Malone:** The paper has been prepared by the Office of Health Economics in consultation with Government economists, and was discussed by the pharmaceutical industry strategy working group, which includes senior Government officials. The Office of Health Economics will meet all costs, and hope to publish the paper in May.

### Peto Institute

**Mr. Jim Cunningham:** To ask the Secretary of State for Health (1) how the current funding for the British Peto institute was calculated; [19516]

(2) what proposals she has to offer temporary assistance to the British Peto fund; [19518]

(3) what assessments she has made of the work of the British Peto institute; [19517]

(4) how much public funding in the current financial year has been provided to the Peto institute in the west midlands; and if the outreach services provided by the Peto institute in Britain is recognised in its funding. [19515]

**Mr. Bowis:** The Department of Health does not currently provide funding to the Foundation for Conductive Education in Birmingham, although funding has been provided in the past. It is open to the foundation to apply for funding under the Department's section 64 scheme, but no application has been received.

It is also open to the foundation to seek funding from health authorities, local authorities and other public bodies for services provided. The Department for Education funded an assessment of the Foundation's work with children by the University of Birmingham, which was published in 1993.

In September last year, I visited the Peto institute in Budapest to see for myself the work being undertaken. I was also able to discuss this with the Hungarian Minister of Health.

### Psychiatric Disorders

**Mr. Grocott:** To ask the Secretary of State for Health, if she will list the numbers and proportion of people broken down into age bands admitted to NHS hospitals by psychiatric disorders in each year since 1970 until the most recent date available on a consistent basis. [19519]

**Mr. Bowis:** Information on admissions to national health service hospitals by age group and age-specific rates per 100,000 home population for mental illness in each year since 1970 will be placed in the Library.

### Infertility Treatment

**Mr. Couchman:** To ask the Secretary of State for Health (1) what advice West Kent health authority has sought from her Department in respect of the most efficacious provision of infertility diagnosis and treatment; [19531]

(2) what contacts her Department has had with West Kent health authority in respect of infertility treatment and investigation in the United Kingdom. [19530]

**Mr. Sackville:** The provision of infertility diagnosis and treatment locally is a matter for West Kent health authority. Guidance on infertility services has been provided by the Department of Health. As far as we are aware West Kent health authority has not sought any additional advice from the Department.

**Mr. Couchman:** To ask the Secretary of State for Health what assessment her Department has made of the efficacy of one infertility treatment against another; [19533]

(2) what recent assessment her Department has made of the efficacy of provision of infertility treatments and investigation in the United Kingdom. [19532]

**Mr. Sackville:** Advice on the effectiveness of infertility treatments in England is available to health authorities and clinicians in two publications drawn to the attention of the national health service in 1992:

(a) The effective health care bulletin, "Management of Subfertility", published for the NHS Management Executive by a consortium of Leeds and York Universities and the Research Unit of the Royal College of Physicians.

(b) The Royal College of Obstetricians and Gynaecologists publication "Infertility—Guidelines for Practice".

Copies of these documents are available in the Library.

Information relating to Wales, Scotland and Northern Ireland is a matter for my right hon. Friends the Secretaries of State for Wales and for Scotland and for my right hon. and learned Friend the Secretary of State for Northern Ireland.

**Mr. Etherington:** To ask the Secretary of State for Health which bodies funded by her Department have undertaken studies into the effectiveness of infertility treatment; and on what dates the studies were undertaken. [19480]

**Mr. Sackville:** The effective health care bulletin "The Management of Subfertility" contains a comprehensive list of references to published research papers, including those concerning the effectiveness of various infertility treatments. The bulletin was published for the national health service executive by a consortium of York and Leeds universities and the research unit of the Royal College of Physicians and was made available to health authorities and clinicians in 1992.

**Mr. Etherington:** To ask the Secretary of State for Health (1) what advice Sunderland health authority has sought from her Department in respect of the most efficacious provision of infertility treatment and diagnosis in the last five years; [19479]

(2) what contacts her Department has had with Sunderland health authority in respect of infertility treatment and investigation in the United Kingdom in the last five years. [19478]

**Mr. Sackville:** The provision of infertility diagnosis and treatment locally is a matter for Sunderland district health authority. Guidance on infertility services has been provided by the Department of Health. As far as we are aware, the health authority has not sought additional advice from the Department.

### Maudsley Hospital

**Mr. Alex Carlile:** To ask the Secretary of State for Health if she will make a statement concerning the future of the centre for epilepsy at Maudsley hospital. [19473]

**Mr. Bowis:** I was pleased to participate in the launch of the centre for epilepsy in July last year. The centre is established at the Maudsley hospital where it is expected to remain for the foreseeable future.

### Departmental Staff

**Mr. David Shaw:** To ask the Secretary of State for Health if she will list for each agency and the central Department for which she is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19684]

**Mr. Sackville:** The total hours of overtime worked and the total amount paid in overtime in each of the last three years for the Department of Health, excluding its agencies, is shown in the table. Figures for the number of hours worked in 1992–93 are not available.

| | *Overtime hours worked* | *Overtime cost of hours worked (£)* |
|---|---|---|
| 1992–93 | — | 1,372,671 |
| 1993–94 | 80,764 | 1,034,738 |
| 1994–95 | 68,939 | 795,737 |

The total days lost through sickness were:
1992: 38,938
1993: 50,382

The figures for 1994 are not yet available. the sickness absence data are not analysed by cost.

### Asthma

**Mr. Alex Carlile:** To ask the Secretary of State for Health (1) what is the total expenditure on general practitioner prescribed anti-asthma medication and preparations, per family health service authority, for the last year for which figures are available; [19430]

(2) what was the total number of prescriptions for the treatment of asthma, per family health service authority, for the last year for which figures are available; [19509]

(3) what was the total expenditure on general practitioner prescribed anti-asthma medication and preparations, per drug prescribed, for the last year for which figures are available. [19472]

**Mr. Malone:** The information will be placed in the Library.

### Acute Breathing Difficulties

**Mr. Alex Carlile:** To ask the Secretary of State for Health what was the total number of patients receiving hospital treatment for acute breathing difficulties per region, for each month from September 1994 until the last month for which figures are available. [19471]

**Mr. Sackville:** Acute breathing difficulties occur as a symptom of a wide range of medical conditions. Central returns do not include numbers of hospital admissions classified by symptom. Information on hospital admissions for asthma for the 1994–95 financial year is not yet available.

### Dental Services

**Mr. Alex Carlile:** To ask the Secretary of State for Health if she will make a statement on the bleaching of teeth using peroxide-based agents by dental practitioners. [19475]

**Mr. Malone:** Many products used by dentists will, given their nature, be subject to specific consumer safety requirements designed to ensure that products on the market are safe and are accompanied by adequate information. Medicinal products, cosmetic products and medical devices are all—subject to certain transitional arrangements in the case of medical devices—covered by such legislation. Within this legal framework, dentists use their clinical judgment in determining appropriate treatment for their patients.

### Hospital Services

**Mrs. Beckett:** To ask the Secretary of State for Health if she will quantify the substantial revenue savings which she expects to be released from bringing hospital services together following her announcement of 4 April. [19704]

**Mr. Malone:** The revenue savings expected to be released are currently estimated at around £75 million per year.

### Occupational Health

**Mr. Alex Carlile:** To ask the Secretary of State for Health if she will list the occupational health guidelines covering NHS trusts; and if she will make a statement. [19474]

**Mr. Sackville:** I refer the hon. and learned Member to the reply I gave him on 5 April, columns *1217–18.*

### Ambulances

**Mr. Spellar:** To ask the Secretary of State for Health what advice is given to ambulance authorities and trusts on buying British ambulances. [19527]

**Mr. Sackville:** Specification and selection of ambulances is a matter for each individual trust, but it is the supplier's responsibility to ensure the specification requirements are fully met, or to indicate where they are not.

### Primary Care

**Mrs. Beckett:** To ask the Secretary of State for Health what assessment she has made of the pressure on acute services in the demand for more resources resulting from the increased investments in primary care in London. [19702]

**Mr. Malone:** It is for local health commissions to manage the implementation of change within the available resources; assessing future service requirements and the balance between hospital, primary care and community care in their area. Changes to acute services will be paced over a number of years to ensure continuity of provision as alternative services are built up.

### Residential Care

**Sir David Steel:** To ask the Secretary of State for Health what is her policy on the sale of homes of patients who have been taken into residential care to defray costs incurred; what consideration is given to carers who were long-term residents in such houses; and what assistance is given to carers who find themselves with no alternative accommodation or funds. [19525]

**Mr. Bowis:** In the assessment of charges for residential accommodation, local authorities do not have powers to force the sale of property without first seeking a court order. Under the local authority charging regulations, local authorities are required to ignore the value of property if the resident's spouse or a relative who is over 60 or under 16 or ill still lives there. They also have discretion to ignore the value in other circumstances, for example where a long-term carer or elderly companion still occupies the property. This discretion has been highlighted in guidance issued by both the Department of Health and the Scottish Office.

### Mixed Sex Wards

**Mr. Harry Greenway:** To ask the Secretary of State for Health what proportion of hospital wards are of mixed sex; and if she will make a statement. [17983]

**Mr. Sackville:** This information is not available.

### NHS and the public

**Mrs. Beckett:** To ask the Secretary of State for Health what plans she has to publish the information collected from the chairman of health authorities as a result of the letter sent to them and published in her Department's press release of 21 January 1994 entitled, "Is the NHS listening to the public?—Mawhinney asks health authorities for answers"; and if she will make a statement. [18932]

**Mr. Malone:** My right hon. Friend the then Minister for Health announced the results of his letter of 12 January 1994 to chairmen of district health authorities at a national conference for national health staff on 13 April 1994. Copies of the Minister's speech and a good practice booklet, "Involving Local People", which drew on survey findings, were issued to all district health authorities, family health services authorities, NHS trusts and community health councils on 13 May 1994. Copies of both documents are available in the Library.

### Community Care Social Services

**Mr. Barry Field:** To ask the Secretary of State for Health how many NHS beds are being blocked by the Isle of Wight community care social services decisions for a period in excess of five days. [18805]

**Mr. Bowis:** This information is not available centrally. My hon. Friend may wish to contact the chairman of the Isle of Wight health authority for details.

### Hospital Developments (Tenders)

**Ms Armstrong:** To ask the Secretary of State for Health what criteria have been issued to hospital trusts regarding the assessment of bids from groups of companies for development of new hospitals through the private finance initiative. [19694]

**Mr. Sackville:** There is general guidance on the appraisal of proposals and assessment of tenders for hospital developments in the national health service executive's capital investment manual and in the NHS estates guidance CONCODE. The specific criteria used for individual schemes are decided locally. Copies of these documents are available in the Library.

### St. Bartholomew's and Guy's Hospitals

**Mrs. Beckett:** To ask the Secretary of State for Health if she will make a statement on the service to patients provided at present by *(a)* St. Bartholomew's hospital and *(b)* Guy's hospital. [19711]

**Mr. Malone:** St. Bartholomew's hospital provides in-patient, out-patient and day-case services in the following specialities:

Pain Relief
Dialysis Unit
General Medicine
General Surgery
Haematology Clinical
Ophthalmology
Paediatrics
Renal
Trauma and Orthopaedic
Cancer Services
Endocrinology
ENT
GUMS/AIDS/HIV
Nephrology/Renal
Oral Maxillo Facial Surgery
Plastic Surgery
Specialised Immunology
Urology
Cardiac Services
Gastroenterology
Dermatology
Gynaecology
Neurosciences
Orthodontics
Regional Amputee Unit
Thoracic Medicine

Over time, the services will be relocated on a single Whitechapel site.

Guy's hospital currently provides the following in-patient, out-patient and day-case services:

Accident and Emergency
Trauma and Orthopaedics
Paediatrics
Gynaecology
Dermatology
Gastroenterology
Oral and Maxillo Facial
Surgery
Urology
Paediatric Surgery
Paediatric
Renal
Genetics Centre
Dental
General Medicine
Geriatrics
Anaesthetics
ENT
GUM
Palliative Care
Lithotripsy
Cardiac
Cancer
Neurology, including Neurophysiology
General Surgery
Intensive Care
Obstetrics
Clinical Haematology
Diabetes and Endocrinology
Ophthalmology
Rheumatology
Neonatology
Foetal Medicine and Cardiology
Plastic Surgery

Over time, the main site for acute specialist services will be at St. Thomas' hospital with Guy's developing as a local hospital and academic centre.

**Mrs. Beckett:** To ask the Secretary of State for Health how many beds, on average, there are at Guy's hospital; and what information she has on the likely number of in-patients beds remaining at Guy's hospital after the changes announced on 4 April. [19708]

**Mr. Malone:** There are currently 702 beds in use at Guy's hospital. By 1998–99, after the changes announced on 4 April, there will be 112 in-patient beds on the Guy's site dedicated to planned surgery for patients. As proposed in the recent public consultation exercise, changes at Guy's will take place over a period of time.

**Mrs. Beckett:** To ask the Secretary of State for Health what assessment she has made of whether the St. Bartholomew's hospital site is able to house a private hospital. [19709]

**Mr. Malone:** A project team, led by Sir Ronald Grierson, has been set up to look at options for the future use of the St. Bartholomew's site. The Royal Hospitals trust has also been in discussion with the city initiative on possible uses of the site for health-related services.

**Mrs. Beckett:** To ask the Secretary of State for Health what plans she has for the future of the St. Bartholomew's site once NHS services have terminated there. [19707]

**Mr. Malone:** A project team has been set up to look at practical options for the future use of the St. Bartholomew's site. This will be chaired by Sir Ronald Grierson and will include a number of distinguished academics and clinicians.

### London Chest Hospital

**Mrs. Beckett:** To ask the Secretary of State for Health if she will make a statement on the service provided by the London Chest hospital. [18719]

**Mr. Malone:** The London Chest hospital provides cardio thoracic surgical and medical services, primarily for the residents of North Thames regional health authority. Services will transfer over time to the Royal London hospital site at Whitechapel.

**Mrs. Beckett:** To ask the Secretary of State for Health what guidance she has given to the Royal London Hospital trust in relation to the closure of cardiothoracic services at St. Bartholomew's and the London Chest hospital prior to the development of the new unit on the Royal London hospital site. [19705]

**Mr. Malone:** The relocation of cardiothoracic services from St. Bartholomew's and the London Chest hospitals forms part of the Royal Hospitals trust's proposals to concentrate acute services on a single site at Whitechapel. The trust is required to meet all patients charter standards and make full and adequate provision for all its services which may need to be relocated, either permanently or temporarily, whilst building work is undertaken.

No services will transfer or close until adequate alternative facilities are in place.

### London Hospitals

**Mrs. Beckett:** To ask the Secretary of State for Health, pursuant to her answer of 4 April, *Official Report*, columns *1043-45*, relating to changes to London hospitals, when she received the final documents from the four comprehensive consultation exercises carried out by the district health authorities. [19723]

**Mr. Malone:** The conclusions of the consideration by South Thames regional health authority were received on 16 March 1995 and the conclusions of the consideration by North Thames regional health authority were received on 23 March 1995.

**Mrs. Beckett:** To ask the Secretary of State for Health (1) what weight was put on the opinion of local people in making the decision about changes to London hospitals. [19717]

**Mr. Malone:** My right hon. Friend the Secretary of State took full account of all comments made during the consultation processes in reaching her decision.

**Mrs. Beckett:** To ask the Secretary of State for Health which London hospitals closed in the last five years; and which are due to close in the next 10 years. [18716]

**Mr. Malone:** The Department does not routinely collect information on hospital closures or proposals for closure. Information has been held centrally, since 1992, on cases where proposals to change the use of health service facilities are referred to Ministers for decision following objections from a community health council. A list of such closures and changes of use for the period January 1992 to March 1995 will be placed in the Library.

**Mrs. Beckett:** To ask the Secretary of State for Health what estimates she has made of the changes to the London hospitals being a consequence of the internal market. [19710]

**Mr. Malone:** The changes being made to health services in London address many of the issues identified in the Tomlinson report on London's health services, medical education and research, and take forward the Government's strategy set out in "Making London Better". They are intended to improve health care in London by concentrating specialist services in fewer, better, centres of excellence, providing modern acute hospitals closer to major centres of population and releasing resources for investment in primary and community health services, while preserving and enhancing London's reputation for treatment, teaching and research.

**Mrs. Beckett:** To ask the Secretary of State for Health if she will break down by hospital the £400 million capital investment announced for London hospitals; and from which budget it will come. [19713]

**Mr. Malone:** Latest estimates of planned gross capital investment are as follows:

| | *£ million* |
|---|---|
| Royal Hospitals NHS Trust | 239 |
| Guy's/St. Thomas' NHS Trust | 90 |
| Greenwich Healthcare NHS Trust | 35 |
| Wellhouse NHS Trust | 68 |
| Total | 432 |

These estimates may be subject to revision as more detailed plans are prepared. Exchequer capital funding for "Making London Better" projects is available from the national health service capital allocation. Funding arrangements for individual projects, including the exploration of private finance, will be considered as part of detailed implementation of proposals.

### Primary Care, London

**Mrs. Beckett:** To ask the Secretary of State for Health if she will list the recommendations of the Acheson report into primary care services in London in the early 1980s which were not carried out. [18721]

**Mr. Malone:** The individual recommendations of the Acheson report are no longer relevant as the 1990 general practitioner contract and the national health service reforms have changed the framework within which primary care services are provided. However, these changes did take full account of the Acheson report, and the further development of services in the London initiative zone following the Tomlinson report have

continued the improvement of primary care services in London.

### Brook and Edgware Hospitals

**Mrs. Beckett:** To ask the Secretary of State for Health if she will make a statement on the service to patients provided by *(a)* the Brook hospital and *(b)* Edgware hospital. [19712]

**Mr. Malone:** The Brook hospital currently provides:

General Medicine
Cardiac
General Surgery
Neurosciences
Geriatric Medicine
Minor injuries unit

Out-patient services supported by on site diagnostic, X-ray, pathology, nuclear medicine, occupational therapy and physiotherapy services.

Services provided at the Brook hospital will transfer to the new hospital at Greenwich, the Queen Elizabeth Military hospital, with tertiary cardiac and neurosciences services transferring to the Guy's and St. Thomas' trust and King's Healthcare trust.

Edgware Hospital currently provides the following services:

General Surgery
ENT
Plastic Surgery
General Medicine
Haematology
Neurology
Obstetrics
Urology
Ophthalmology
Thoracic Surgery
Dermatology
Geriatric Medicine
Clinical Oncology
Gynaecology
Orthopaedics
Oral Surgery
Accident and Emergency
Rheumatology
Anaesthetics
Paediatrics

Main acute services will be relocated to Barnet General hospital and Northwick Park hospital.

Services currently provided at the Brook and Edgware hospitals will not transfer or close until adequate alternative facilities are in place.

### London Hospitals (Research)

**Mrs. Beckett:** To ask the Secretary of State for Health what was each London hospital's research rating in each of the last five years. [18720]

**Mr. Malone:** The research of London hospitals is not subject to an annual rating review. The last review which concerned the R and D of any of the London hospitals was the special health authorities research review. The review report was published in July 1993 and a copy is in the Library. The UK higher education funding councils undertake reviews of higher education institutions, including medical schools in the University of London, every four years. Research ratings are used to determine the allocation of research grants. The next research assessment exercise is to be held in 1996.

### London Ambulance Service

**Mrs. Beckett:** To ask the Secretary of State for Health what criteria she will use for deciding whether or not the London Ambulance Service is fully equipped to provide an improved service for Londoners in relation to the announcement on 4 April on changes to health services in London. [18718]

**Mr. Sackville:** The London Ambulance Service has recently achieved better response times and considerable improvements have been made to its vehicle fleet and equipment, including 180 new emergency ambulances. The need for further developments and improvements to accommodate the decisions made on changes to London's health services have been identified, and changes planned to ensure a satisfactory standard of service to patients.

### Royal London Hospitals Trust

**Mrs. Beckett:** To ask the Secretary of State for Health what is the cost of concentrating acute and specialist services over time at the Royal London hospital in capital terms; and what is the expected revenue saving from this capital investment. [19714]

**Mr. Malone:** The estimated net cost of rationalising the services of the Royal London Hospitals national health service trust at the Royal London hospital is £173 million, once land sales are taken into account; £35 million of this cost is backlog maintenance. In addition, the completed development is expected to produce NHS revenue savings of £30 million per annum.

### Deprivation Scores

**Mrs. Beckett:** To ask the Secretary of State for Health what is the average deprivation score for the areas of each hospital listed as due to change in London in the announcement of 4 April. [18715]

**Mr. Malone:** The following figures for the relevant district health authorities are calculated using the same method as the Department of the Environment's ward index of local conditions.

A positive score shows relatively high levels of deprivation, while a negative score shows relatively low levels.

| *District Health Authority (DHA)* | *DOE index* |
|---|---|
| Barnet | –2.065 |
| Brent and Harrow | 13.530 |
| East London and the City | 28.203 |
| Bexley and Greenwich | 13.289 |
| South East London | 27.250 |

*Source:*
Public Health Common Data Set 1994.

### Correspondence

**Mrs. Beckett:** To ask the Secretary of State for Health what percentage of the correspondence she has received

on her changes to London's hospitals' services was in favour of them. [18722]

**Mr. Malone:** Figures are not available.

## Nursing Numbers

**Mrs. Beckett:** To ask the Secretary of State for Health how many nurses were employed by the NHS and how many employed by the private sector in each of the last four years *(a)* in total, *(b)* by region and *(c)* by district health authority. [13371]

**Mr. Sackville** *[holding answer 16 March 1995]:* Available information on whole-time equivalent numbers of nursing and midwifery staff in the national health service is shown in the attached table. The table includes nursing and midwifery staff directly employed by the NHS in hospital and community health services, those working in the general medical services who are employed by general practitioners, and England totals for numbers of Project 2000 students.

Students undertaking traditional forms of training are included in the hospital and community health service figures shown.

Numbers of nursing and midwifery staff by district health authorities can be provided only at disproportionate cost.

The publication "Private hospitals, homes and clinics registered under Section 23 of the Registered Homes Act 1984" contains whole-time equivalent numbers of staff in post for non-NHS establishments in England, by region and by district health authority. The latest data available relate to 1993-94, and copies of this year and the preceding three years are available in the Library.

*Nursing and midwifery staff in the NHS by region as at 30 September 1990–1993 (including Project 2000 students in England totals and excluding agency)*

*Whole-time Equivalents*

| | *1990* | *1991* | *1992* | *1993* |
|---|---|---|---|---|
| *England* | | | | |
| Total HCHS, GMS and Project 2000 | 406,100 | 411,480 | 406,210 | 399,060 |
| HCHS Nurses and Midwives | 395,360 | 392,200 | 378,790 | 361,460 |
| GMS Practice Nurses | 7,740 | 8,780 | 9,120 | 9,600 |
| Project 2000 Students | 3,000 | 10,500 | 18,300 | 28,000 |
| *Northern* | | | | |
| Total HCHS and GMS | 27,730 | 27,770 | 25,670 | 25,130 |
| HCHS Nurses and Midwives | 27,310 | 27,270 | 25,120 | 24,580 |
| GMS Practice Nurses | 430 | 500 | 550 | 550 |
| *Yorkshire* | | | | |
| Total HCHS and GMS | 30,590 | 30,070 | 28,210 | 27,890 |
| HCHS Nurses and Midwives | 30,020 | 29,460 | 27,560 | 27,140 |
| GMS Practice Nurses | 570 | 610 | 650 | 750 |
| *Trent* | | | | |
| Total HCHS and GMS | 38,980 | 38,800 | 36,720 | 36,540 |
| HCHS Nurses and Midwives | 38,210 | 37,950 | 35,790 | 35,580 |
| GMS Practice Nurses | 770 | 850 | 930 | 960 |
| *East Anglia* | | | | |
| Total HCHS and GMS | 16,580 | 16,270 | 15,900 | 15,360 |
| HCHS Nurses and Midwives | 16,140 | 15,730 | 15,390 | 14,810 |
| GMS Practice Nurses | 440 | 550 | 510 | 550 |
| *North West Thames* | | | | |
| Total HCHS and GMS | 27,100 | 27,160 | 25,470 | 22,300 |
| HCHS Nurses and Midwives | 26,480 | 26,480 | 24,770 | 21,550 |
| GMS Practice Nurses | 610 | 680 | 700 | 750 |
| *North East Thames* | | | | |
| Total HCHS and GMS | 33,510 | 33,480 | 31,950 | 29,040 |
| HCHS Nurses and Midwives | 32,980 | 32,750 | 31,250 | 28,280 |
| GMS Practice Nurses | 540 | 730 | 700 | 760 |
| *South East Thames* | | | | |
| Total HCHS and GMS | 29,790 | 28,910 | 29,220 | 24,990 |
| HCHS Nurses and Midwives | 29,110 | 28,280 | 29,570 | 24,250 |
| GMS Practice Nurses | 660 | 630 | 650 | 740 |
| *South West Thames* | | | | |
| Total HCHS and GMS | 22,610 | 22,140 | 22,930 | 21,910 |
| HCHS Nurses and Midwives | 22,120 | 21,590 | 22,380 | 21,350 |
| GMS Practice Nurses | 490 | 550 | 560 | 560 |
| *Wessex* | | | | |
| Total HCHS and GMS | 24,230 | 24,240 | 22,760 | 23,610 |
| HCHS Nurses and Midwives | 23,690 | 23,570 | 22,170 | 23,000 |
| GMS Practice Nurses | 530 | 680 | 590 | 610 |
| *Oxford* | | | | |
| Total HCHS and GMS | 17,530 | 17,310 | 16,900 | 17,420 |
| HCHS Nurses and Midwives | 17,080 | 16,820 | 16,370 | 16,850 |
| GMS Practice Nurses | 450 | 490 | 540 | 580 |
| *South Western* | | | | |
| Total HCHS and GMS | 28,030 | 27,730 | 26,920 | 26,740 |
| HCHS Nurses and Midwives | 27,340 | 27,030 | 26,160 | 26,000 |
| GMS Practice Nurses | 680 | 710 | 760 | 740 |
| *West Midlands* | | | | |
| Total HCHS and GMS | 42,830 | 42,120 | 42,230 | 40,230 |
| HCHS Nurses and Midwives | 42,070 | 41,300 | 41,320 | 39,210 |
| GMS Practice Nurses | 750 | 830 | 910 | 1,020 |
| *Mersey* | | | | |
| Total HCHS and GMS | 21,420 | 20,450 | 19,830 | 18,560 |
| HCHS Nurses and Midwives | 21,090 | 20,100 | 19,390 | 18,170 |
| GMS Practice Nurses | 330 | 340 | 440 | 390 |
| *North Western* | | | | |
| Total HCHS and GMS | 37,480 | 37,120 | 35,930 | 34,480 |
| HCHS Nurses and Midwives | 36,990 | 36,480 | 35,290 | 33,830 |
| GMS Practice Nurses | 490 | 640 | 640 | 650 |
| *SHAs and Others* | | | | |
| Total HCHS and GMS | 4,730 | 7,400 | 7,260 | 6,840 |

*Nursing and midwifery staff in the NHS by region as at 30 September 1990–1993 (including Project 2000 students in England totals and excluding agency)*

*Whole-time Equivalents*

| | *1990* | *1991* | *1992* | *1993* |
|---|---|---|---|---|
| HCHS Nurses and Midwives | 4,730 | 7,400 | 7,260 | 6,840 |
| GMS Practice Nurses | — | — | — | — |

*Source:*
HCHS Nursing and Midwifery—PD(STATS) B Non-Medical Workforce Census.
GMS Practice Nurses—PD(STATS) C GMP Census.
Project 2000 Students—English National Board for Nursing Midwifery and Health Visiting.
*Notes:*
1. The HCHS and GMS figures are rounded to the nearest ten.
2. The HCHS Nursing and midwifery figures include qualified, unqualified, traditional learners, others and bank staff. Agency nursing and midwifery are excluded.
3. Practice nurses are employed by general practitioners not directly by the NHS.
4. Project 2000 students have been included in the England totals. Project 2000 students are supernumerary to the workforce. They receive bursaries and are not employed by the NHS. Project 2000 students undertake 1,000 hours of rostered service as part of their course.
5. The figures given for Project 2000 students are estimated numbers (not wtes) rounded to the nearest hundred and may include some part-time students.
6. '—' denotes no staff.
7. Some totals may not equal the sum of components due to rounding.

### NHS Staff Suicides

**Mr. Alex Carlile:** To ask the Secretary of State for Health what was the number of suicides by *(a)* female NHS staff and *(b)* male NHS staff, in each professional group, in each year since 1990. [17708]

**Mr. Bowis** *[holding answer 5 April 1995]:* Information is not available in the form requested.

## DEFENCE

### Estimates

**Dr. David Clark:** To ask the Secretary of State for Defence when he intends to publish the 1995 "Statement on the Defence Estimates". [18907]

**Mr. Soames:** On current plans, the "Statement on the Defence Estimates" 1995 should be published on Wednesday 3 May. This would be followed by a press briefing and publication of a press notice. Copies will also be placed in the Library of the House.

### Land Sales

**Dr. David Clark:** To ask the Secretary of State for Defence, pursuant to his answer of 8 March, *Official Report*, column *257*, if he will list the capital receipts for each of the last 10 years from the sale of land by his Department. [18906]

**Mr. Soames:** Capital receipts generated by the sale of my Department's land over the last ten financial years are as follows:

1984–85: £27.7 million
1985–86: £60.2 million
1986–87: £75.6 million
1987–88: £77.8 million
1988–89: £149.6 million
1989–90: £74 million
1990–91: £81.6 million
1991–92: 102.2 million
1992–93: £68 million
1993–94: £70.7 million

Final figures for 1994–95 are not yet available, but receipts are expected to be in the region of £65 million.

### Redundant Military Sites

**Dr. David Clark:** To ask the Secretary of State for Defence what is his Department's involvement in environmental clean-up operations; how many operations are currently under way; and how much money is spent each year on such operations. [18846]

**Mr. Freeman:** Decontamination of MOD land is undertaken where there is a significant risk to health and safety or the environment, or where land is being sold. In the latter case, my right hon. Friend the then Minister of State for the Armed Forces set out the position in answer to a question from the hon. Member for Pembroke (Mr. Ainger) on 15 July 1994, *Official Report*, column *818*. Information on the total number of remediation/decontamination programmes currently under way at individual MOD sites and their associated costs is not readily available and could only be obtained at disproportionate cost. Details of sites in disposal with identified contamination problems are contained in the House of Commons Defence Committee's report on the defence estate, Vol. II, page 72, published on 15 December 1994.

### Green Policy

**Dr. David Clark:** To ask the Secretary of State for Defence what is his Department's policy concerning environmental matters; if he will specify what actions his Department are pursuing to safeguard the environment; how much money his Department spent in each of the last 10 years on environmental protection and maintenance; and if he will make a statement. [18844]

**Mr. Freeman:** My Department's policy is to comply with the letter and spirit of UK environmental legislation and international conventions to which the UK is a signatory, and Crown or defence immunities are invoked only where necessary for national security. I set out current environmental action in my answer to the hon. Member for Lewisham, Deptford (Ms Ruddock), *Official Report*, column *1152*, on 5 April 1995.

Environmental protection measures are an integral part of many defence activities. As a consequence, the discrete costs involved cannot be separately identified. Details of my Department's policy and activities on environmental matters are readily available in the "Statement on Defence Estimates".

### Climatic Change Data

**Dr. David Clark:** To ask the Secretary of State for Defence how much his Department's policy to use RN submarines to collect climatic change data from beneath the Arctic ice cap costs each year. [18845]

**Mr. Soames:** The Ministry of Defence does not specifically fund the collection of climatic change data

by Royal Navy submarines. As part of my Department's commitment to the environment, however, data obtained from Royal Navy submarine deployments to the Arctic have been made available to the Scott Polar Research Institute.

### Sport

**Mr. Viggers:** To ask the Secretary of State for Defence what priority is given to sport in the armed forces; and what resources are committed to its promotion. [17558]

**Mr. Soames:** All three services strongly encourage their personnel to participate in sport; it is widely recognised that sport encourages physical fitness and contributes to military effectiveness by developing personal qualities such as courage, resilience, stamina, co-ordination, and team spirit. Sport is also enjoyable and it therefore makes a significant contribution to morale and esprit de corps, and is an important retention and recruitment factor.

Resources for sport within the armed forces derive from various sources, including both public and non-public funding, and assistance from some of the major sporting associations; it is not, therefore, possible to quantify the resources, in terms of funding or manpower, devoted to the promotion of sport within the service environment.

### Adventure Training

**Mr. Viggers:** To ask the Secretary of State for Defence what priority is given to adventure training in the armed forces; and what resources are committed to its promotion. [17559]

**Mr. Soames:** The armed forces have long recognised the great value of adventurous training as a medium for developing qualities such as fitness, self reliance, initiative and endurance. All the services are committed to adventurous training as an integral part of personal and unit training. This was recognised by the House of Commons Defence Committee report in October last year on military training, ninth report.

Full details of the resources committed to adventurous training, much of which is conducted at unit level, could be provided only at disproportionate cost. However, as quoted in the HCDC report cited £9.5 million was spent on operating costs for adventurous training centres in the financial year 1993-94, the last period for which this information is available, with 375 staff being employed on adventurous training at these centres.

### Ships

**Mr. Byers:** To ask the Secretary of State for Defence what is the estimated present value of HMS Kent, HMS Jupiter and HMS Hermione; and what amounts have been spent on *(a)* maintenance and *(b)* refits of each ship in the last 10 years. [18849]

**Mr. Soames:** While my Department is attempting to sell these vessels any estimate of their value remains commercially confidential. Approximate known costs of major maintenance and refits carried out over the last 10 years are set out. Details of routine and operational maintenance and the costs of refit and maintenance work carried out before the royal dockyards passed into commercial management in April 1987 are no longer available.

| *Vessel* | *Major maintenance* | *Refits* |
|---|---|---|
| HMS Kent | £240,000 | None in the period |
| HMS Jupiter | £13,000,000 | £8,000,000 |
| HMS Hermione | [1]£4,000,000 | £8,000,000 |

*Note:*
[1] Excludes cost of a maintenance period undertaken in 1985 which is not available.

### Public Interest Immunity Certificates

**Mr. Byers:** To ask the Secretary of State for Defence how many public interest immunity certificates were signed by himself or Ministers in his Department between April 1992 and July 1994; and if he will state for each certificate the date it was signed and the Minister responsible. [19225]

**Mr. Freeman:** I have nothing to add to the answer given to the hon. Member for Oldham, West (Mr. Meacher) on 10 March 1994, *Official Report*, column *399*, for the period April 1992 to July 1994.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Defence how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19375]

**Mr. Freeman:** The MOD is not a regulator of business and did not repeal or introduce any rules or regulations with a significant impact on business in the first three months of 1995.

**Mr. Steen:** To ask the Secretary of State for Defence what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19343]

**Mr. Freeman:** The permanent secretary has personal responsibility for overseeing the preparation of compliance cost assessments. Officials are required to follow the Department of Trade and Industry's advice contained in its booklet "Checking the Cost to Business A Guide to Compliance Cost Assessment" published in 1992. On 30 March 1995, the MOD published draft proposals for new reserve forces legislation. The document explained the need for a compliance cost assessment, described the costs that will need to be estimated and invited employers willing to help with this work to come forward. No completed CCAs were issued by MOD in the first three months of 1995.

### Gifts

**Mr. Alton:** To ask the Secretary of State for Defence, pursuant to his answer of 3 April, *Official Report*, column *970*, on how many occasions since 1979 any Minister or relative of a Minister has accepted any financial gift, payment or commission associated with proposed or completed sales of arms to overseas Governments. [19476]

**Mr. Freeman:** I am not aware of any such financial gift, payment or commission contrary to the procedures set down for Ministers and their families.

### Western European Armaments Group

**Dr. David Clark:** To ask the Secretary of State for Defence what effect membership of the Western European Armaments Group will have on the costs of European procurement collaborations. [17541]

**Mr. Freeman** *[holding answer 3 April 1995]:* The title of the Western European Armaments Group was adopted following the transfer of the functions of the former Independent European Programme Group to the WEU in December 1992. The group is the main forum for European co-operation in research, development and production of defence equipment and the United Kingdom has been a member since its establishment in 1976. The United Kingdom shares with other European nations constraints on our defence budget. We must constantly seek value for money in all aspects of our work and, in the area of equipment procurement, we have recognised for many years that co-operation with our European neighbours can be a most effective method by which we can achieve this aim.

# Written Answers to Questions

*Wednesday 19 April 1995*

## HEALTH

### Residential Care

**Mr. Foulkes:** To ask the Secretary of State for Health (1) what is the total income to each local authority in England and Wales and in total from placements of old people in *(a)* registered and *(b)* unregistered independent residential care and nursing homes inside and outside the local authority area and from placements in local authority homes for older people; and if she will break this down by income from (i) government grants (1) inside aggregate external finance and (2) outside AEF, (ii) sales, (iii) fees and charges, (iv) other income and (v) joint arrangements; [18925]

(2) what is the total expenditure by each local authority in England and Wales on placements of older people in *(a)* registered and *(b)* unregistered independent residential care and nursing homes inside and outside the local authority; if she will break this down into expenditure on (i) employees (ii) running expenses and (iii) joint arrangements; and if she will provide similar information on expenditure by local authorities on local authority homes for older people. [18921]

**Mr. Bowis:** Information for England in 1992–93, the latest year for which complete information is available, will be placed in the Library. Information for Wales is the responsibility of my right hon. Friend the Secretary of State for Wales.

### Drug Users

**Mr. McMaster:** To ask the Secretary of State for Health what plans she has to introduce photo-identity passes for registered drug users to ensure that they cannot attend more than one drug-prescribing centre to obtain drug supplies; if she will consider introducing legislation so that all registered drugs users are required to register exclusively with the health authority in whose area they reside and that this health authority maintain a photo-identity record of the registered user; if she will consider supplementing this legislation with a requirement that anyone seeking to register as a drug user must do so through his or her local health authority and must specify a single prescribing centre to attend; if she will legislate to ensure that anyone seeking to register as a drug user must be referred back to his or her local health authority; if she will ensure that cross-referencing within and between health authorities is encouraged and funded; and if she will make a statement. [19009]

**Mr. Bowis:** I have no such plans at present.

### Temazepam

**Mr. McMaster:** To ask the Secretary of State for Health how the private prescription of Temazepam and other drugs is controlled and regulated; what record is kept by *(a)* doctors and *(b)* pharmacists of private prescriptions; what plans she has to tighten up the private prescription of Temazepam; and if she will make a statement. [19011]

**Mr. Bowis:** Temazepam is a prescription-only medicine under the Medicines Act 1968 and is also controlled under schedule 4 to the Misuse of Drugs Regulations 1985.

When prescribing in a private capacity, general practitioners operate outside the general medical service regulations. It is good professional practice to keep accurate medical records. The General Medical Council has regarded as serious professional misconduct the prescription or supply of drugs of dependence otherwise than in the course of bona fide treatment.

When a private prescription is dispensed by a pharmacist an entry must be made in the prescription-only register on the date of dispensing or, if that is not reasonably practicable, on the following day. The register must be preserved for two years after the date of the last entry, and the prescription must be retained for two years from the date on which the prescription-only medicine was supplied, or for a repeat prescription two years from the date on which the prescription was dispensed for the last time.

The Misuse of Drugs Regulations 1985 require that the dispensing pharmacist should retain private prescriptions for controlled drugs for two years from the date of dispensing. They also require that private prescriptions should be produced for inspection on request by the Home Office drugs inspectorate or by other persons authorised to demand this information.

**Mr. McMaster:** To ask the Secretary of State for Health what plans she has to ban Temazepam in its jelly formulation; and if she will make a statement. [19023]

**Mr. Bowis:** The abuse of Temazepam capsules by drug misusers is of particular concern and we are keeping the position under review.

**Mr. McMaster:** To ask the Secretary of State for Health what guidelines she has issued to health authorities on the prescription of Temazepam; what is the latest date that she issued these guidelines; what guidelines she plans to issue; and if she will make a statement. [19012]

**Mr. Bowis:** Information about the effects of Temazepam on patients is given in the British National Formulary, which is issued by the Department to all general practitioners free of charge.

In 1993, the Department asked family health services authorities to work with local general practitioners to agree local targets on the reduction of all benzodiazepine prescribing.

In March 1994, the Department distributed copies of the Mental Health Foundation's booklet "Guidelines for the Prevention and Treatment of Benzodiazepine Dependence" to every family health services authority and recommended their use by general practitioners wishing to help patients who may be dependent on benzodiazepines. The need for further guidance is being kept under review.

## Allowances

**Mr. David Shaw:** To ask the Secretary of State for Health if she will list for each agency and the central Department for which she is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19659]

**Mr. Sackville:** The total cost of relocating Department of Health staff, including agencies, in each year since 1992–93 was £9.4 million, as shown in the table.

Information on the highest three claims and the average amount of each claim in each of the last three years could be provided only at disproportionate cost.

*Summary of Department of Health employees' removal costs*

| *Year* | *£ million* |
|---|---|
| 1992–93 | 5.8 |
| 1993–94 | 3.0 |
| 1994–95 | 0.6 |
| Total | 9.4 |

*Source:* Departmental Accounts.

*Notes:*

1. Costs include—Preliminary visits;
2. Subsistence connected with removals;
3. Removal costs;
4. Estate Agent fees;
5. Legal and survey fees;
6. Miscellaneous relocation expenses;
7. Bridging finance expenses;
8. Services of relocation companies.

## Pharmaceutical Services

**Ms Estelle Morris:** To ask the Secretary of State for Health what steps she has taken to ensure the continuance of supply of category A drugs used for medical purposes for prescriptions on weekends and bank holidays; and if she will make a statement. [19456]

**Mr. Malone:** Family health services authorities are responsible for ensuring that patients have access to an appropriate level of pharmaceutical services in their area at all times, including bank holidays and weekends. Class A drugs such as diamorphine may not be held as stock by all community pharmacies, so where patients requiring them are discharged from secondary care at a weekend, they should be provided with sufficient medicines or suitable arrangements made to ensure cover is available before discharge.

## Solvent Abuse

**Lady Olga Maitland:** To ask the Secretary of State for Health when the report on solvent abuse from the Advisory Council on the Misuse of Drugs will be published; and if she will make a statement. [19947]

**Mr. Bowis:** We shall publish the report "Volatile Substance Abuse" tomorrow. The report provides a background to solvent abuse, sets out its causes, prevalence and patterns and looks at the toxicology of the substances involved. It goes on to consider issues of prevention, help for misusers and their families, training and planning. We are grateful to the advisory council for producing its thorough and timely report. Copies of the report will be placed in the Library.

As a result of the recommendation that the Government should stimulate the establishment of an industry-led forum to consider the misuse potential of its products and how to reduce it, my right hon. Friend the President of the Board of Trade is writing to industry representatives seeking their assistance.

## HIV–AIDS

**Mr. Andrew Smith:** To ask the Secretary of State for Health (1) how much money has been granted to Oxfordshire health authority to provide HIV–AIDS services for each year since 1990; and what is the planned allocation for 1995–96; [18681]

(2) which HIV–AIDS specific voluntary sector agencies have received money from Oxfordshire health authority to provide HIV–AIDS services for each year since 1990; how much they have received; and what are the planned allocations for 1995–96; [18682]

(3) how much money has been granted to Oxfordshire social services to provide HIV–AIDS services for each year since 1990; [18683]

(4) which HIV–AIDS specific voluntary sector agencies have received money from Oxfordshire social services to provide HIV–AIDS services for each year since 1990; how much they received; and what are the planned allocations for 1995–96. [18684]

**Mr. Sackville:** Allocations to the national health service for HIV–AIDS services are distributed to regional health authorities. Information on allocations below regional level including allocations from district health authorities to the voluntary sector is not available centrally.

Since 1994–95 the scope of the AIDS support grant scheme for local authorities has been confined to community care services for people with HIV–AIDS, with local authority prevention work funded separately under the healthy alliances scheme.

Before 1994–95 AIDS support grant allocations were made on an open-ended bidding system. Since 1994–95, however, information became available for the first time on the number of live AIDS cases resident in individual authorities and indicative allocations have since been made on this basis. This allows resources to be targeted more closely to areas of highest prevalence.

In moving to the new method for AIDS support grant allocations, it was clear that some authorities had historically received a greater proportion of resources than they were entitled to under the new system. An element of transitional relief for 1994–95 was given to those authorities most affected by the change to the new system.

The amounts allocated to Oxfordshire county council under the AIDS support grant scheme and the amounts of grant provided from Oxfordshire social services to HIV–AIDS voluntary sector agencies are as follows:

| | *AIDS support grant allocation (£)* | *Voluntary Sector funding* | *£* |
|---|---|---|---|
| 1990–91 | 156,250 | OXAIDS | 15,000 |
| | | Oxford Body Positive | 17,000 |
| | | General Hospitals District Samaritan Fund | 5,000 |
| | | The Ley Community | 10,000 |
| 1991–92 | 162,500 | OXAIDS | 17,000 |
| | | Oxford Body Positive | 9,000 |
| | | General Hospitals District Samaritan Fund | 1,000 |
| 1992–93 | 240,000 | OXAIDS | 33,000 |
| | | Oxford Body Positive | 35,000 |
| | | General Hospitals District Samaritan Fund | 3,000 |
| | | The Ley Community | 15,000 |
| | | Samaritan Fund | 10,000 |
| 1993–94 | 240,000 | OXAIDS | 33,000 |
| | | Oxford Body Positive | 35,000 |
| | | The Ley Community | 15,000 |
| 1994–95 | 130,000 [1]£20,000 | | |
| 1995–96 | 115,000 [1]£20,000 | | |

[1]Healthy Alliances allocation

Information on the amount of voluntary sector provision is taken from the end of year report to the Department and is not yet available for 1994–95 and 1995–96.

### Special Transitional Grants

**Mr. Hinchliffe:** To ask the Secretary of State for Health which authorities were unable to spend 85 per cent. of their special transitional grant for 1993–94 in the independent sector. [19409]

**Mr. Bowis:** We have not yet received all the audited returns of expenditure of the 1993–94 special transitional grant.

**Mr. Hinchliffe:** To ask the Secretary of State for Health what amount of special transitional grant was spent by each authority in 1993–94 on non-residential or nursing care. [19410]

**Mr. Bowis:** This information is not available centrally.

**Mr. Hinchliffe:** To ask the Secretary of State for Health what amount of special transitional grant was spent by each authority in 1993–94 in *(a)* the private sector and *(b)* the voluntary sector. [19411]

**Mr. Bowis:** This information is not available centrally.

### Market Testing

**Mr. Hinchliffe:** To ask the Secretary of State for Health what was the capital asset value of the computing and information technology services included in the market testing—competitive tendering programme for each regional health authority for 1994–95 *(a)* as recorded on asset registers at 31 March 1994, *(b)* at project net book value as at 31 March 1994 and *(c)* as identified in the statement of services requirements of assets likely to be transferred to the successful supplier. [19503]

**Mr. Sackville:** This information is not available centrally.

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for Health how many metres of mahogany or products containing it her Department has bought in the last five years; and if she will list the purposes and the costs. [19843]

**Mr. Sackville:** The information is not available. However, the Department's policy is not to purchase mahogany or other tropical hardwoods. Specifications for the purchase of relevant items are written to exclude the use of these materials.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Health what requirements there are for officials in her Department to introduce a compliance cost assessment for all rules and regulations coming before her and her Ministers; and how many compliance cost assessments have been issued in her Department in the first three months of the year. [19348]

**Mr. Sackville** *[holding answer 18 April 1995]:* The Department follows guidance that applies to all Government Departments. I refer my hon. Friend to the reply given by my right hon. Friend the President of the Board of Trade today. My Department published one compliance cost assessment in the first three months of this year, copies of which are available in the Library.

**Mr. Steen:** To ask the Secretary of State for Health how many rules and regulations she repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19362]

**Mr. Sackville** *[holding answer 18 April 1995]:* Twenty-four rules and regulations were made in the first three months of 1995 of which three revoked earlier instruments, five updated fees and charges and one facilitated competition. One had costs for business.

Statutory instruments which were not themselves regulatory, including those dealing with the establishment, dissolution or transfers of property of individual national health service trusts, Orders in Council and commencement orders have been excluded, as have instruments not subject to any parliamentary procedure.

## TRANSPORT

### Road Pricing (Research)

**Mr. Roy Hughes:** To ask the Secretary of State for Transport how much money his Department has spent to date on *(a)* research into road pricing and *(b)* research into motorway charging. [19878]

**Mr. Watts:** To date, the Department of Transport has spent £2.8 million on research into city congestion charging and £1.9 million on research into motorway tolling.

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for Transport how many metres of mahogany or products containing it his Department has brought in the last five years; and if he will list the purposes and the costs. [19845]

**Mr. Norris:** My Department does not have this information. Current policy is not to buy mahogany.

### London Taxis

**Mr. Bendall:** To ask the Secretary of State for Transport if he will make a statement about London taxi fares and fees. [20164]

**Mr. Norris:** The Secretary of State has made an order increasing London taxi fares by about 4.44 per cent. on average with effect from Saturday 22 April 1995. The new tariff will incorporate a minimum fare of £1.20, including a hire charge of 80p for the first 513 m, 561.22 yd, or 111 seconds. The rate will then be 20p for every 256.5 m, 280.61 yd, or 55.5 seconds up to 6 miles and 20p for each 171 m, 187.07 yd, or 37 seconds thereafter.

The Secretary of State has decided that there will be no increase this year in the fees for London taxi driver and vehicle licences, currently £87 and £78 respectively.

### Transport Research Laboratory Staff

**Mr. Gerrard:** To ask the Secretary of State for Transport for what reasons ex-staff of the Transport Research Laboratory are being re-employed either directly or through external agents following recent staff reductions; what is the number of those ex-staff re-employed on a full or part-time basis; and what is the cost of this re-employment. [18704]

**Mr. Norris:** This is an operational matter for the Transport Research Laboratory.

I have asked the chief executive to write to the hon. Member.

*Letter from John Wootton to Mr. Neil Gerrard, dated 19 April 1995:*

You asked a Parliamentary Question about the re-employment of former staff of the Transport Research Laboratory following recent staff reductions. The Minister for Local Transport and Road Safety has asked me to reply.

The staff reductions at TRL, which were necessary because of the reduced demand for the Laboratory's services, have led to the reorganisation of work in some areas and some transitional problems. As a result, 17 former staff are currently being re-employed directly on a part-time basis to meet short term pressures of work. The cost of this re-employment under fixed term contracts will be £129k. In addition, TRL are presently using the services on 16 former staff through external agents or contractors, 2 on a full-time basis, the remainder on a part-time basis. These former staff are engaged to undertake specific tasks of a limited duration and for which resources are in the main not required on a regular basis. The cost of employing these former staff through agencies or contractors varies month to month; the cost in March 1995 was £29k.

I hope this satisfactorily answers your enquiry.

### New Road Schemes

**Mr. Robert Ainsworth:** To ask the Secretary of State for Transport in what year the target of new starts for road schemes was last achieved. [19070]

**Mr. Watts:** In the year 1994–95.

### National Road Programme

**Mr. Robert Ainsworth:** To ask the Secretary of State for Transport what factors led to the revision of the national road programme summary of milestones for 1994–95. [19071]

**Mr. Watts:** The national road programme summary of milestones for 1994–95 was revised to reflect the priorities set out in the trunk roads in England 1994 review and the resources available following the 1994 Budget.

### Air Service Agreements

**Mr. David Marshall:** To ask the Secretary of State for Transport if he will make it his policy to resist the EU negotiating bilateral air agreements until such time as the policy regarding state aid to airlines is identical in each member state; and if he will make a statement. [19914]

**Mr. Norris:** It is the Government's policy that member states should remain free to negotiate bilateral air service agreements, except in those cases, for example with Switzerland, where a mandate has been agreed in the Council of Ministers. The Government remain committed to opposing state aid in air transport which distorts competition.

### White Hart Roundabout, Yeading

**Mr. Harry Greenway:** To ask the Secretary of State for Transport when he expects work to install phased traffic lights at the White Hart roundabout, Yeading, to be completed; and if he will make a statement. [19485]

**Mr. Norris:** This is a matter for the London borough of Ealing, but I understand that it expects to have the signals in place before the end of July.

### Rail Safety Advice

**Ms Janet Anderson:** To ask the Secretary of State for Transport what advice about rail safety is provided by Railtrack to schools; and what comparable advice was supplied to schools before privatisation. [19440]

**Mr. Watts:** Railtrack has continued and developed the previous BR programme of school visits which incorporates talks, discussions and the distribution of a range of support materials. Train drivers and British Transport police officers visit schools regularly, warning children of the danger they can cause to themselves and to others. Besides the dangers of playing on the lines, topics covered include trespass, vandalism, high voltage electricity and stone throwing.

Since Railtrack assumed responsibility, anti-trespass and vandalism initiatives, including school visits, have been co-ordinated by the Railtrack zones in co-operation with train operators and the BTP. This has led to an increase in the level of involvement of local managers and in support from communities.

### Navigational Lights

**Mr. Spearing:** To ask the Secretary of State for Transport what additional navigational lighting or related equipment is required for a sea-going vessel plying between the Seacon terminal on the Isle of Dogs on the River Thames to any inland port on the River Rhine capable of handling a vessel of up to 2,000 tonnes which are additional to those required by international rules for the sea; and under what authority any such additional requirement would be made. [19769]

**Mr. Norris** *[holding answer 18 April 1995]:* The requirements for navigational lights on the River Thames conform to international rules as set out in the International Regulations for Preventing Collisions at Sea in 1972. There are no additional requirements.

The requirements for navigational lights in German inland waters are matters for the German authorities. It is for the owners and operators of ships operating between the UK and ports on the Rhine to ensure that they are aware of any localised navigational regulations.

### Marine Accident Inspectors

**Mr. Spearing:** To ask the Secretary of State for Transport if he will place in the Library copies, with or without the relevant names, of the contract of employment and terms of reference and duties of *(a)* the chief and deputy chief inspectors of marine accidents, and *(b)* those of their other inspectors; and what is the civil service or other basis of their remuneration and terms of employment. [19763]

**Mr. Norris** *[holding answer 18 April 1995]:* The chief inspector of marine accidents has been employed on a contract since 3 January 1989 which has been extended until 31 December 1996. He is employed as a grade 5 in the salary range £36,739 to £54,815.

The deputy chief inspector of marine accidents is a grade 6 who is employed on standard conditions and the salary range is £28,213 to £47,044.

There are three principal inspector of marine accidents who are employed in the grade 7 salary range £24,724 to £38,290. There are six inspectors of marine accidents who are employed in the salary range £20,454 to £32,752. They are employed on standard civil service terms of employment.

The marine accident investigation branch is responsible for investigating accidents occurring to or on UK-registered ships and other ships in UK territorial waters, with the objective of improving safety of life at sea.

**Mr. Spearing:** To ask the Secretary of State for Transport what persons or body appointed the chief and deputy chief inspectors of marine accidents of the marine accident investigation branch of his Department; and if he will list the experience, professional qualifications and the previous appointments in the field of marine investigation of each inspector. [19762]

**Mr. Norris** *[holding answer 18 April 1995]:* The Secretary of State for Transport appoints the chief and deputy chief inspector of marine accidents.

Prior to his appointment, the chief inspector worked in the shipping industry for 33 years and is a fully qualified and experienced master mariner. His previous work on marine safety and on-board investigations included an appointment in industry as safety manager in BP Shipping.

The incumbent deputy chief inspector has a successful background of 37 years in shipping and is also a fully qualified and experienced master mariner. He spent 27 years at sea and nine and a half years as a nautical surveyor in the Department of Transport marine directorate, later the Marine Safety Agency, before his present appointment. As a nautical surveyor, he carried out investigations into a number of marine accidents.

**Mr. Spearing:** To ask the Secretary of State for Transport by what means the chief inspector of marine accidents has discharged his statutory duty of publishing collective summaries of the investigations made by his branch; and if he will list the date and reference of each such report. [19764]

**Mr. Norris** *[holding answer 18 April 1995]:* Collective summaries of investigations were published on the following dates.

| *Edition number* | *Date* |
|---|---|
| 1/90 | January 1990 |
| 2/90 | June 1990 |
| 3/90 | September 1990 |
| 1/91 | March 1991 |
| 2/91 | October 1991 |
| 1/92 | April 1992 |
| 2/92 | August 1992 |
| 3/92 | December 1992 |
| 1/93 | April 1993 |
| 2/93 | August 1993 |
| 3/93 | December 1993 |
| 1/94 | April 1994 |
| 2/94 | August 1994 |
| 3/94 | December 1994 |

Edition Number 1/95 is due to be published on 30 April 1995.

### Shipping Accidents, Thames

**Mr. Spearing:** To ask the Secretary of State for Transport (1) if the collision at Tower bridge, London at 02.30 on 18 October 1981 between the pleasure launch Hurlingham and the overtaking dredger vessel Bowtrader was referred to in the report to him of his marine accident investigation branch into the collision between the Bowbelle and the Marchioness in August 1989; if he will list the date and nature of specific action taken by his Department consequent to that collision; what assessment was made by his responsible officials of the likelihood of its repetition; and what assessment he has made of the similarities and dissimilarities between the circumstances and consequences of that collision and that occurring near Southwark bridge on 20 August 1989; [19766]

(2) what action was taken by any part of his Department on, or in respect of, crafts or ships on the River Thames subsequent to the collision between the passenger launch Hurlingham and the dredger Bowtrader at 02.30 on 18 October 1981 in respect of *(a)* laden or unladen trim of such, or similar, dredgers, *(b)* communication between bow lookout and wheelhouses and the numbers and duties of bow lookouts and *(c)* standing or visible orders to be made by the vessel owners, operators or captains in respect of these matters. [19765]

**Mr. Norris** *[holding answer 18 April 1995]:* The case of the collision between the pleasure launch Hurlingham and the dredger Bowtrader on 18 October 1981 is dealt with in annexe 11 of the chief inspector's report; the similarities and differences relating to earlier incidents are discussed in section 15 of the report. The incident was investigated by the casualty branch of the surveyor general's organisation and discussions held with the Port of London authority. The Department's surveyors were alerted to the problems of the view from the rear of the wheelhouse in vessels such as the Hurlingham and advised to consider this aspect in relation to survey and inspection of both new and existing vessels.

### Marchioness Disaster

**Mr. Spearing:** To ask the Secretary of State for Transport what procedures were available prior to the establishment of the marine accident investigation branch in July 1989 for preliminary internal and non-public but published investigation, comparable to that mounted by it in respect of the Marchioness disaster, that would also assist him in deciding whether to initiate a full public inquiry authorised by the Merchant Shipping Acts. [19761]

**Mr. Norris** *[holding answer 18 April 1995]:* Section 55 of the Merchant Shipping Act 1970 provided for a preliminary inquiry to be held by a person appointed for the purpose by the Secretary of State. PI reports were not published but lessons learnt might be promulgated through merchant shipping notices.

**Mr. Spearing:** To ask the Secretary of State for Transport when he received the main report of the chief inspector of marine accidents into the collision between the Bowbelle and the Marchioness on 20 August 1989; when he decided and on what grounds, that the nature of the report was such as to not require a full and formal inquiry under the Merchant Shipping Acts; when he first made that decision public and by what means; when he published the chief inspector's report; and what persons or bodies he consulted prior to his decision not to hold a full public inquiry. [19767]

**Mr. Norris** *[holding answer 18 April 1995]:* My right hon. Friend the then Secretary of State for Transport received the report of the chief inspector of marine accidents on 5 June 1990. The report was published on 15 August 1991 and in December that year my right hon. Friend the then Secretary of State for Transport announced the Hayes inquiry into river safety. On publication of the Hayes report in July 1992, in an oral statement made in this House on 9 July 1992, *Official Report*, columns 698–704, I said there was no case for a formal investigation because, as far as we were aware, all the facts had been established and no useful purpose would be served by such an inquiry. When making his decision, there is no requirement for the Secretary of State for Transport to consult other parties.

**Mr. Spearing:** To ask the Secretary of State for Transport if he will list each occasion when a Minister of the Crown indicated that it was not the intention of Her Majesty's Government to initiate an inquiry into the collision of the Marchioness and the Bowbelle on 20 August 1989 *(a)* orally in Parliament, *(b)* by written answer, *(c)* in writing to an hon. Member, *(d)* in writing to a relative of any deceased, or their legal representative and *(e)* in formal interview or deputation, stating in respect of any of the above any reason for declining to act other than the claim that no further or significant evidence had been drawn to his attention which had not already been contained, or dealt with, in the report from his marine accident investigation branch. [19771]

**Mr. Norris** *[holding answer 18 April 1995]:* This information could be provided only at disproportionate cost.

**Mr. Spearing:** To ask the Secretary of State for Transport if, in the light of the recommendations made by the jury at the completion of the inquest into the death of persons aboard the Marchioness on 20 August 1989, he will reconsider his refusal to initiate a review of the rescue arrangements on the Thames by an independent person as recommended by John W. Haynes Esq., in his report to him of July 1992, Cm 1991. [19770]

**Mr. Norris** *[holding answer 18 April 1995]:* Thames rescue arrangements have been kept under review since the Marchioness disaster and we do not propose to initiate a further independent review. The London emergency services liaison panel has recently published new procedures for dealing with major incidents on the River Thames, with the police as co-ordinators of the emergency response. The river users liaison safety sub-committee of the London district marine safety committee has also completed a review of craft available for rescue throughout the tidal Thames and made recommendations for the provision of lifesaving appliances, grab-chains and warning signs along the river banks. We are giving urgent and careful attention to the recommendations made by the jury at the Marchioness inquest.

**Mr. Spearing:** To ask the Secretary of State for Transport if, in respect of the activity of the inspector primarily responsible for investigating the collision between the Marchioness and the Bowbelle near Southwark bridge on 20 August 1989, he will list *(a)* the witnesses interviewed at the initiative of the inspector, *(b)* those who directly or indirectly approached his marine accident investigation branch, and *(c)* others who have given evidence in any court and inquest relating to this event; and, in relation to those named in lists *(b)* and *(c)*, if he will give the occasion and date on which they made the approach or gave evidence. [19772]

**Mr. Norris** *[holding answer 18 April 1995]:* The MAIB inquiry team obtained evidence either orally or in the form of written statements from well over 100 people. In the case of most of the survivors, the statements were those made to the police. It is not normal practice to provide a list of witnesses. My Department does not have any responsibility for keeping records of those who have given evidence in courts which are outside the jurisdiction of my Department.

**Mr. Spearing:** To ask the Secretary of State for Transport at what times the operations manager of South Coast Shipping and the officers of the Metropolitan police boarded the dredger Bowbelle on 20 January 1989, as referred to in his answer of 11 January 1994, *Official Report*, column *133*; by what means; and if those times were recorded in the ship's log. [19780]

**Mr. Norris** *[holding answer 18 April 1995]:* The exact time at which such persons boarded Bowbelle and by what means is not known to my Department except that it was while the vessel was anchored in Gallions reach.

She was at anchor between 03.25 hours and approximately 04.45 hours on 20 August 1989. There is no record in the ship's official log book nor in the deck log book of such persons boarding Bowbelle on 20 August 1989.

### Marine Accident Investigation Branch

**Mr. Spearing:** To ask the Secretary of State for Transport what are the statutory bases of the marine accident investigation branch; when, for what reason and by whom it was proposed that it replace some of the functions of the surveyor general's organisation; who was consulted about the change; and what documents relating to its creation were placed before Parliament for information or approval prior to, or at the time of, its inception. [19760]

**Mr. Norris** *[holding answer 18 April 1995]:* The marine accident investigation branch was established under section 33 of the Merchant Shipping Act 1988 and operates under the Merchant Shipping (Accident Reporting and Investigation) Regulations 1994. The then Secretary of State for Transport proposed its establishment in the Merchant Shipping Bill published in 1987. The reasons for this proposal were set out in paragraphs 47 to 52 of "Merchant Shipping: Legislative Proposals," Cm 239, published in October 1987. Parliament was consulted about the change, and the relevant legislation—including the Merchant Shipping (Accident Investigation) Regulations 1989, since superseded—was placed before it.

### Navigation Byelaws

**Mr. Spearing:** To ask the Secretary of State for Transport what agreement, regulation or similar instrument of the International Maritime Organisation prohibits, with or without specific application, the introduction of local navigation byelaws, additional to international arrangements otherwise in force, for those parts of ports or navigable waterways possessing acknowledged and particular hazards to safe navigation. [19768]

**Mr. Norris** *[holding answer 18 April 1995]:* None. Harbour authorities have powers to regulate navigation in waters within their jurisdiction.

### Road Schemes

**Ms Walley:** To ask the Secretary of State for Transport in respect of the trunk road schemes which have been assessed by the use of the cost-benefit analysis method since 1979 and which have now been constructed what was *(a)* the capital cost of the scheme as included in the COBA assessment submitted to the public inquiry, *(b)* the net present value of the scheme as calculated in that assessment, *(c)* the actual capital cost of building the scheme and *(d)* the net present value of the scheme of the COBA assessment submitted to the public inquiry, if it had used the actual capital costs of the scheme in the calculation. [17786]

**Mr. Watts:** This is an operational matter for the Highways Agency. I have asked the chief executive to write to the hon. Member.

*Letter from Lawrie Haynes to Ms Joan Walley, dated 19 April 1995:*

As you know, Mr. John Watts, Minister for Railways and Roads, has asked me to reply to your recent Parliamentary Question asking for a list of those road schemes assessed by COBA since 1979 and which have now been constructed; in each case giving *(a)* the capital cost estimate submitted to the public inquiry, *(b)* the net present value estimated at the public inquiry, *(c)* the actual cost of building the scheme and *(d)* the estimate of the net present value had the actual final cost been used in the calculation.

I regret that the information you asked for is not held centrally by the Agency and given the number of schemes involved a file search to extract it could only be done at disproportionate cost.

However, I can say that a recent study of 6 schemes has indicated that the overall post-construction net present value is very close to that predicted prior to public inquiry on those schemes.

## ATTORNEY-GENERAL

### Serious Fraud Office

**Mr. Campbell-Savours:** To ask the Attorney-General what investigation the Serious Fraud Office has made or is carrying out into Robertson Associates or Robertsons Research. [14528]

**The Attorney-General:** The Serious Fraud Office is investigating the affairs of Butte Mining plc, and the circumstances under which the company was floated on the stock exchange in October 1987. The circumstances surrounding the issue of listing particulars for a further share issue in April 1988 are also under consideration. This involves scrutiny of several other companies, but it is the practice of the Serious Fraud Office not to give operational details of continuing investigations.

## NORTHERN IRELAND

### Market Testing

**Mr. Hinchliffe:** To ask the Secretary of State for Northern Ireland what was the capital asset value of the computing and information technology services included in the market testing—competitive tendering programme for each regional health authority for 1994–95 *(a)* as recorded on asset registers at 31 March 1994, *(b)* at project net book value as at 31 March 1994 and *(c)* as identified in the statement of services requirements of assets likely to be transferred to the successful supplier.

**Mr. Moss:** Nil.

### Bridge Programme

**Mr. William Ross:** To ask the Secretary of State for Northern Ireland what sums have been expanded on the bridge strengthening programme in Northern Ireland; what are the estimates for 1995–96; when he expects the programme to be completed; and if he will list the bridges replaced, the cost of each bridge, the original estimate and which bridges and at what cost have still to be replaced; and if he will list the number of sites where replacement work is in progress.

**Mr. Moss:** In the last three years, expenditure on the bridge assessment and strengthening programme has been as follows:

1992–93: £1,850,000
1993–94: £5,072,000
1994–95: £6,249,000

Information prior to 1992–93 is not readily available and could be obtained only at disproportionate cost. The provisional allocation for the 1995–96 financial year is £5,000,000.

It is planned that the assessment programme will be completed by 31 December 1988. The timing of the completion of the associated strengthening works will depend on the volume of work identified by the assessments and the availability of finance.

The bridges replaced in the period 1992–93 to 1994–95 were as follows:

| *Road Service Division* | *Bridge* | *Estimatedcost £000* | *Actualcost £000* |
|---|---|---|---|
| Ballyemena | Aldergrove | 420 | 410 |
| Belfast | Lower WindsorAvenue (Footbridge) | 230 | 207 |
| Coleraine | Faughan | 181 | 219 |
| | Swanns | 1,100 | not finalised |
| | Rascahan | 84 | 78 |
| | Cahery | 43 | 42 |
| | Park | 10 | 12 |
| | Mullarts | 45 | 41 |
| | Lisdillon | 13 | 12 |
| | Drumrankin | 20 | 29 |
| Craigavon | Tartaraghan Road | 4.5 | 4.1 |
| | Aguill | 70 | 62 |
| | Drumgaw Lane | 41 | 36 |
| | Lisdrumburghas | 23 | 21 |
| | Brootally | 25 | 19 |
| | Coolsallagh[1] | 41 | 26 |
| | Ballynacor Lane | 7 | 8 |
| | Crossdened | 24 | 25 |
| | Hanslough | 25 | 22 |
| Downpatrick | Ballydrain Road | 15 | 15 |
| | Tullybrannigan | 97 | 127 |
| | Carson's Lane | 11 | 11 |
| | Ballydugan Road | 22 | 22 |
| | Peartree Road | 8 | 8 |
| Omagh | Meenacloy | 50 | 40 |
| | Moher | 35 | 45 |
| | Ligfordrum | 30 | 30 |
| | Flood Lodge | 15 | 15 |
| | Carnony | 30 | 25 |
| | Formil | 40 | 45 |
| | Glenhull | 30 | 30 |
| | Dromore Culvert | 35 | 40 |
| | Claggan | 20 | 20 |
| | Greencastle | 40 | 30 |
| | Green | 35 | 40 |
| | Trillick | 65 | 65 |

[1] Scope of scheme reduced after initial estimate.

A further 20 small bridges in Omagh division have been replaced by pipes at a total cost of £205,000.

The bridges which have so far been identified as requiring replacement are as follows:

| *Roads Service Division* | *Bridge* | *Estimated cost £000* |
|---|---|---|
| Ballymena | Ballee | 71 |
| | Number 289 | 58 |
| | Number 290 | 24 |
| | Number 336 | 10 |
| | Number 340 | 10 |
| | Moss | 11 |
| | British | 60 |
| | Barn Halt | 320 |
| | Downshire | 970 |
| | Chapel | 16 |
| Belfast | King's | 1,900 |
| | Ballymacarret Flyover | 800 |
| Coleraine | Coshquin | 98 |
| | Rallagh | 66 |
| | Altinure | 50 |
| | Chathamhall | 15 |
| | Stroan Middle | 15 |
| | Movenis | 23 |
| Craigavon | Gosford Forest | 50 |
| | Captain's | 75 |
| | Carcullion | 20 |
| | Kernan Underpass | 100 |
| | Drumnagoon | 100 |
| | Clare Glen | 80 |
| | Derrynoose | 100 |
| | Uminavore | 30 |
| | Acton | 25 |
| | Tavanagh | 80 |
| | Carnbane | 140 |
| | Charles Doyle's | 45 |
| | Madden Railway | 240 |
| | Derrykernan | 20 |
| | Derrycughan | 96 |
| | Miller's | 42 |
| | Tullysarran Road | 20 |
| | Keadymore | 120 |
| | Mowhan | 72 |
| | Waterie Lane | 42 |
| | Lisnafeedy Road | 15 |
| Downpatrick | M1 over Stockman's Lane (2 bridges)[2] | 2,000 |
| | Crumlin Road, Glenavy | 450 |
| | Tullynakill Road | 300 |
| | A21 South Street[2] | 125 |
| Omagh | Ardtrea | 350 |

[2] A final decision to replace these bridges has not yet been made. Replacement is the favoured option.

The bridge replacement schemes currently on site are as follows:

| *Road Service Division* | *Bridge* | *Estimated cost £000* |
|---|---|---|
| Ballymena | Drumcrow Road | 70 |
| | Connor Burn | 50 |
| | Greenfield Road | 25 |
| Belfast | Connswater | 1,300 |
| Omagh | Miniburns (2 bridges) | 300 |

## ENVIRONMENT

### Feral Mink

16. **Mr. Robathan:** To ask the Secretary of State for the Environment what assessment his Department has made of the damage being done to British wildlife by feral mink. [17921]

**Sir Paul Beresford:** This matter is in the hands of the Government's statutory scientific adviser, the Joint Nature Conservation Committee.

### Unfit Housing

24. **Mr. Roy Hughes:** To ask the Secretary of State for the Environment what is his latest estimate of the number of houses in England which are unfit for human habitation. [17929]

**Mr. Robert B. Jones:** According to the statutory definition, in 1991 there were 1.5 million such dwellings. Half these are unfit on only one item and we estimate that one third of the properties could be made fit for less than £500.

### Single Regeneration Budget

25. **Mr. Gordon Prentice:** To ask the Secretary of State for the Environment if he will amend the bidding guidance for the single regeneration budget to specify more clearly the criteria which will be given greatest weight when determining the success or otherwise of an application. [17930]

**Mr. Curry:** The criteria for assessing bids for financial support from the SRB challenge fund are contained in the updated bidding guidance which was published on 12 April 1995 and copies of which have been placed in the Library.

**Mr. Jim Cunningham:** To ask the Secretary of State for the Environment what guidelines he issues in respect of the single regeneration bid to recognise the needs of refugees. [19461]

**Sir Paul Beresford:** The guidance to bidders for the second round of the single regeneration budget challenge fund was released on 12 April 1995. Copies have been placed in the Library of the House. The guidance does not refer explicitly to support for projects to meet the needs of refugees, although such projects could fall within the challenge fund's objectives where they form part of a local regeneration strategy.

**Mr. Jim Cunningham:** To ask the Secretary of State for the Environment how many bids to help refugees, including bids from the Refugee Council, *(a)* failed and *(b)* succeeded under the single regeneration bid. [19460]

**Sir Paul Beresford:** Information is not specifically collected about unsuccessful and successful bids for support from the single regeneration budget challenge fund which are aimed at helping refugees, since most challenge fund bids address a range of objectives. However, about a third of the 201 successful challenge fund bids are specifically intended to benefit minority ethnic communities. Some of these bids are likely to include help for refugees.

### Rural Development Commission (Training)

26. **Mr. Key:** To ask the Secretary of State for the Environment what discussions his Department has held with the Department of Employment about the future of the Rural Development Commission's direct training scheme; and if he will make a statement. [17931]

**Mr. Atkins:** I have met my right hon. Friend the Under-Secretary of State for Employment to discuss this issue. The Rural Development Commission has identified an outline plan for alternative provision, and is investigating the scope for supporting young people on the new entrants training scheme through modern apprenticeships. The commission is now developing detailed proposals in consultation with officials from both Departments.

### North Sea

27. **Ms Ruddock:** To ask the Secretary of State for the Environment what recent representations he has received regarding the North sea. [17932]

**Mr. Atkins:** Campaign literature from organisations such as Greenpeace, Seas at Risk, the World Wide Fund for Nature and the Royal Society for the Protection of Birds and a few letters from members of the public.

### Global Warming

28. **Mr. Mullin:** To ask the Secretary of State for the Environment what recent discussions he has had with representatives of other Governments about the pollution of the earth's atmosphere and its likely effect on the climate; and if he will make a statement. [17933]

**Mr. Gummer:** During the Berlin conference of the parties to the climate change convention, which ended on 7 April, I had numerous discussions with representatives of other Governments, particularly during intensive negotiations on future commitments under the convention. The mandate which was adopted is consistent with United Kingdom and European Union objectives and opens the way for reductions of greenhouse gas emissions by developed countries in the period after 2000.

31. **Mr. Bennett:** To ask the Secretary of State for the Environment what estimate he has of the increased average temperature of Reddish and of Denton in Greater Manchester over the next 10, 25 and 50 years. [17936]

**Mr. Atkins:** Specific estimates of future temperatures are not available for local areas in the United Kingdom. The Hadley Centre for Climate Prediction and Research has predicted that the average temperature for the UK as a whole could increase by 0.1 deg C, 0.5 deg C and 1 deg C over the next 10, 25 and 50 years respectively.

### Housing Management

28. **Mr. Carrington:** To ask the Secretary of State for the Environment what are his plans for the development of compulsory competitive tendering in housing management. [17934]

**Mr. Robert B. Jones:** We have put in place the legislative framework extending compulsory competitive tendering to housing management. The first contracts are due to be in operation from April 1996. I am pleased to

say that local authorities are making good progress with their preparations.

### Urban Landscape

30. **Mr. Booth:** To ask the Secretary of State for the Environment what he can do to encourage high standards of urban design and ensure new developments enhance urban landscapes. [17935]

**Mr. Gummer:** I will shortly launch a national campaign to promote consideration of urban design and its contribution to the quality of the built environment. The campaign will focus on specific sites where development is anticipated, and will help to assess how greater attention to urban design issues can help to ensure new development fits successfully into the existing built environment.

The urban design campaign is an example of action stemming from my Department's initiative "Quality in Town and Country" which seeks to encourage debate and stimulate ideas about what Government and others can do to help achieve quality in the built environment, in city, town and village.

### Council Housing Transfers

32. **Mr. Jenkin:** To ask the Secretary of State for the Environment what progress there has been with the large-scale voluntary transfer of council housing to housing associations. [17937]

**Mr. Curry:** Forty local authorities have transferred almost 180,000 dwellings, generating over £2.6 billion in private finance. The 1995–96 disposals programme includes a further 13 authorities and 51,000 dwellings. We are working with metropolitan authorities to identify ways of taking the policy forward in urban areas as well.

### Unitary Authorities

34. **Mr. Hawkins:** To ask the Secretary of State for the Environment what are his further proposals to reconsider unitary status for former county boroughs. [17939]

**Mr. Gummer:** We shall direct the Local Government Commission to conduct reviews of nine districts, four of which were, or contained within their areas, former county boroughs. We are also looking at the case for referring other districts to the commission, some of which are former county boroughs. We intend that the reviews should begin in early July, when Sir David Cooksey takes up his appointment as chairman of the commission.

### Area Cost Adjustment

35. **Mr. Pickthall:** To ask the Secretary of State for the Environment what are his latest plans for changes to the area cost adjustment. [17940]

**Mr. Curry:** We have commissioned research which may enable us to take a fresh look at the boundaries of the zones used in the calculation of the area cost adjustment. The findings of this research will be discussed with the local authority associations in the summer.

The local authority associations may put forward other possible methodology changes for discussion.

### Environment Bill

36. **Mr. Mackinlay:** To ask the Secretary of State for the Environment if his Department will be maintaining a dialogue with environmental green groups before and during the passage of the Environment Bill through the Commons; and if he will make a statement. [17941]

**Mr. Atkins:** On 13 October, my right hon. Friend published the draft clauses and schedules in respect of the environment agency. This allowed interested parties a chance to inform themselves of the details of the proposed legislation before it was introduced to Parliament. Subsequently, both Ministers and officials have met with various groups, including environmental groups, on the provisions contained within the Bill.

### Corruption

37. **Mr. Cohen:** To ask the Secretary of State for the Environment what evidence he has of corruption in local government. [17942]

**Mr. Robert B. Jones:** There are cases where a local authority auditor is investigating allegations of corruption, but everyone is innocent until proved guilty. Criminal proceedings are, of course, a matter for the police and the Crown Prosecution Service.

### London Docklands

38. **Mr. Simon Coombs:** To ask the Secretary of State for the Environment if he will make a statement on the future of the London Docklands development corporation. [17943]

**Mr. Curry:** The London Docklands development corporation is pursuing a phased withdrawal from the docklands urban development area to be concluded on 31 March 1998.

### Energy Expenditure

**Mr. Matthew Taylor:** To ask the Secretary of State for the Environment if he will publish details from each Government Department of expenditure on energy and energy efficiency measures incurred during 1993–94 with reference to total expenditure on energy (£), total energy used (kwh), energy expenditure per $M^2$(£), the standard performance indicator, expenditure on energy efficiency measures (£), total floor area of Government Departments, and percentage progress on £/m relative to 1992–93. [19117]

**Mr. Robert B. Jones:** Yes. Some points of detail are still being verified with Departments, but I expect the data to be available shortly.

### Correspondence

**Mr. Lidington:** To ask the Secretary of State for the Environment if he will ask the Director General of Ofwat to explain his failure to reply to the letter dated 18 January from the hon. Member for Aylesbury about cesspool emptying charges; and if he will make a statement. [19084]

**Mr. Atkins:** This is a matter for the Director General of Water Services. However, I understand that he will reply to the hon. Member's letter shortly.

### Overtime

**Mr. David Shaw:** To ask the Secretary of State for the Environment if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which overtime has been paid, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [119688]

**Sir Paul Beresford:** The following information covers staff in my Department, excluding Ordnance Survey and PSA Services.

| *Overtime* | *1992–93* | | *1993–94* | | *1994–95* | |
|---|---|---|---|---|---|---|
| | *Hours* | *£* | *Hours* | *£* | *Hours* | *£* |
| DOE | 148 | 1,267 | 116 | 967 | 58 | 495 |
| SAFE | — | — | — | — | 43 | 337 |
| Planning Inspectorate | 4 | 24 | 3 | 18 | 2 | 16 |
| Building Research Est | 15 | 130 | 14 | 125 | 11 | 97 |
| The Buying Agency | 1 | 6 | 1 | 8 | 1 | 7 |
| QEII Conf Centre | 13 | 130 | 13 | 128 | 12 | 118 |

*Note:*
Both hours and cost are given to the nearest 000.
*Sickness:*
Details of sickness absence taken from the OHSA reports shows in 1992 DOE lost 58,741 man days and in 1993 55,587 days (including 4,481 days for the Planning Inspectorate and 19 days for QEIICC). Data for 1994 are not yet available.

### Right to Buy

**Mr. Timms:** To ask the Secretary of State for the Environment what plans he has to seek to extend the right to buy their homes to tenants of all housing associations; and if he will make a statement. [19706]

**Mr. Robert B. Jones:** We are looking at a range of options to encourage more housing association tenants to become home owners and will be consulting in due course.

### Pollution, North Sea

**Ms Quin:** To ask the Secretary of State for the Environment what new proposals he has to tackle North sea pollution. [17907]

**Mr. Atkins:** To continue and develop the measures agreed by the first, second and third North sea conferences which have been successfully addressing the protection of the North sea environment since 1983.

### Building Regulations

**Mr. Thomason:** To ask the Secretary of State for the Environment whether he has concluded, in the light of the recommendations of the deregulation task forces, whether the scope of the building regulations in England and Wales should be widened to address electrical safety. [20162]

**Mr. Robert B. Jones:** After consideration of this issue, the Building Regulations Advisory Committee has recommended that more detailed work should be undertaken on a proposal that electrical safety should be introduced into the building regulations for work which already has to be notified to building control authorities. I have accepted this recommendation and have asked for additional studies to be undertaken to identify the costs, benefits and practical implications.

### Standard Spending Assessments

**Mr. Peter Ainsworth:** To ask the Secretary of State for the Environment what further information he has made available to local authorities about standard spending assessments for 1995–96. [20163]

**Mr. Robert B. Jones:** A publication, "Standard Spending Assessment Handbook 1995–96", has been produced to provide details of the standard spending assessment of each local authority. Copies have today been placed in the Libraries of both Houses. Copies have also been sent to every local authority in England, and to the local authority associations.

The tables from the handbook are being made available in computer-readable form.

### Council Charge Capping

**Mr. Harry Greenway:** To ask the Secretary of State for the Environment what plans he has to change the rules and practices relating to council charge capping; and if he will make a statement. [17938]

**Mr. Robert B. Jones:** My right hon. Friend has no such plans.

### Convention on Climate Change

**Mr. Llew Smith:** To ask the Secretary of State for the Environment if he will make a statement on the outcome of the meeting of the contracting parties to the first review of the intergovernmental convention on climate change held in Berlin recently. [18262]

**Mr. Gummer** *[holding answer 18 April 1995]:* I refer the hon. Member to my answer given to the hon. Member for Newport, West (Mr. Flynn) earlier today.

## OVERSEAS DEVELOPMENT ADMINISTRATION

### Sierra Leone

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what work is being done by the United Nations Development Programme to produce an analysis of the problems of Sierra Leone, and what is the timetable of action that will be followed by the United Nations to act on that analysis. [18669]

**Mr. Baldry:** We are not aware of any specific analysis. However, UNDP, along with other development agencies, is involved in assisting the Government of Sierra Leone both in the transition to democratic rule and in tackling their development and humanitarian problems.

### South Africa

**Mr. Wigley:** To ask the Secretary of State for Foreign and Commonwealth Affairs how much development aid is being given by the United Kingdom to South Africa in 1994–95 and 1995–96 *(a)* as bilateral aid, *(b)* through the European development fund and *(c)* through other multi-lateral initiative. [18878]

**Mr. Baldry:** Bilateral aid expenditure in 1994–95 is estimated to be £15 million. In 1995–96 we expect

expenditure to be about £20 million. EC aid to South Africa is provided not through the European development fund but under a specific line in the EC's budget. The UK share of the EC allocation was about £15 million in 1994 and about £17 million for 1995. To date, no loans have been made by the World bank or African development bank; our contributions through the various United Nations programmes are not readily attributable to individual countries.

### Pergau Dam

**Miss Lestor:** To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his written answer of 27 March, *Official Report*, column *444*, for what reason expenditure on the Pergau dam project was not listed in table 1 on page 34 of the supply estimates, class II for 1991–92, HC 236-II; and under which subhead of which vote parliamentary authority was sought for expenditure in 1991–92. [18706]

**Mr. Baldry:** Table 1 of the 1991–92 estimate for class II, vote 5 lists projects on which expenditure had been incurred up to March 1991. This project became effective only in July 1991. Expenditure in 1991–92 was incurred under class II, vote 5, subhead A2.

### Aid

**Mr. Gordon Prentice:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the contribution United Kingdom aid makes to the protection and conservation of the natural environment in recipient countries. [18714]

**Mr. Baldry:** The Government's activities and achievements in this area under the aid programme are described in the 1995 department report, Cm 2802, a copy of which is in the Library of the House. A more detailed progress report on ODA's work, including help with tackling environmental problems, will be published shortly.

### Former Yugoslavia

**Sir Nicholas Bonsor:** To ask the Secretary of State for Foreign and Commonwealth Affairs what was the budget for 1994–95 for expenditure on emergency engineering assistance in the former Yugoslavia; what is the proposed budget for 1995–96; and if he will make a statement. [18796]

**Mr. Baldry:** The ODA's expenditure on emergency infrastructure engineering in the former Yugoslavia in 1994–95 was £7.5 million.

The total budget for 1995–96 has not yet been fixed, but ODA is continuing to fund its engineering programmes. Security permitting, the work will continue to address prevailing humanitarian needs.

### Commission on Sustainable Development

**Mr. Dafis:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of whether it is appropriate to the United Kingdom's role in the world that he should attend the meeting of the Commission on Sustainable Development this year. [18352]

**Mr. Baldry** *[holding answer 18 April 1995]:* The Department of Environment co-ordinates the United Kingdom's activities in relation to the Commission on Sustainable Development. The United Kingdom delegation will be led by the Secretary of State for the Environment. He will be supported by officials from a number of Government Departments, including the FCO.

### Aid and Trade Provision

**Mr. Denham:** To ask the Secretary of State for Foreign and Commonwealth Affairs to which projects and programmes he has allocated the funding no longer allocated to the aid and trade provision projects in Turkey, Botswana and Indonesia in the financial year 1994–95. [19275]

**Mr. Baldry:** I refer the hon. Member to the reply I gave the hon. Member for Eccles (Miss Lestor) on 5 April 1995, *Official Report*, column *1120*.

**Mr. Denham:** To ask the Secretary of State for Foreign and Commonwealth Affairs to which projects and programmes he will allocate the funding *(a)* no longer allocated to the Pergau dam and *(b)* no longer allocated to the aid and trade provision projects in Turkey, Botswana and Indonesia in the 1995–96 financial year. [19276]

**Mr. Baldry:** These funds have been absorbed into the overall aid budget and allocated according to ODA's priorities and objectives as set out in the 1995 FCO–ODA departmental report, Cm 2802, a copy of which is available in the Library of the House.

### Know-how Fund

**Mr. Gordon McMaster:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many projects involving the development of co-operatives in central and eastern Europe have been initiated through funds provided by the British Government through the know-how funds or otherwise; what is the total amount of money provided by the Government for training and development of co-operatives in central and eastern Europe; and what figures are available for the number of co-operatives and co-operative jobs generated by these funds. [19067]

**Mr. Baldry:** Since 1990, £1,154,050 has been committed from the know-how fund in support of eight projects to assist farmers and banking co-operatives in Slovakia, Bulgaria, Romania, Poland and Ukraine. The European Union's PHARE programme has allocated a further 16.5 million ecu, the UK share of which is around 16 per cent. for the development of co-operatives and the training of staff in the agricultural sector. There are no figures available for the number of co-operatives and co-operative jobs generated by these funds.

Many state-run co-operatives have been abolished as part of the reform process in former communist Europe. The know-how fund has targeted its assistance on institutions which can survive in the environment of a market economy but require help in the short term with the transformation from the state to the private sector.

## FOREIGN AND COMMONWEALTH AFFAIRS

### Intergovernmental Conference

**Mr. Cash:** To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals he has received to alter the year in which the intergovernmental conference is to be held under the Maastricht treaty. [19481]

**Mr. David Davis:** Under the terms of the Maastricht treaty on European Union, article N(2), the intergovernmental conference will be convened in 1996. I have received no formal proposals to alter this schedule.

### Advisers

**Ms Eagle:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19423]

**Mr. Goodlad:** My Department employs two political advisers. Their salaries and conditions of work are negotiated individually in relation to their previous earnings and are confidential.

Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. The following numbers by grade are full-time equivalents:

*FCO (Diplomatic and Aid wings including NRI)*

| *Grade* | *Number of Officers* |
|---|---|
| G3 | 2 |
| G5 | 9 |
| G6 | 7 |
| G7 | 34 |
| Assistant Economist | 29 |
| Total | 81 |

### Karen People, Burma

**Mr. Menzies Campbell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Burmese Government about the treatment of the Karen people. [19293]

**Mr. Goodlad:** With our EU partners, we have expressed our concerns about the treatment of the Karen people directly to the ruling military regime in Burma, the State Law and Order Restoration Council. We called in the Burmese ambassador on 17 February to reinforce the EU action and to urge SLORC to call an immediate halt to the current offensive. On 10 March the EU issued a statement condemning the attacks and calling upon SLORC to find a swift and peaceful solution to the ethnic minority problem in Burma.

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many metres of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19837]

**Mr. Goodlad:** The information requested is not readily available and could be provided only at disproportionate cost.

### Burundi

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what information he has on the number of recent violent deaths in Burundi; and what current initiatives are being taken by the international community to promote peace. [19690]

**Mr. Baldry:** We do not have an accurate assessment of the number of deaths in Burundi but are concerned at the level of violence. Action in support of the moderate and broad-based Government is being taken by the United Nations, the European Union and the Organisation of African Unity. We have given our full backing to these efforts.

### Nigeria

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what is his policy on the introduction of oil sanctions as a way of cutting off resources to Nigeria and promoting a return to democracy there.

**Mr. Baldry:** The European Union's measures against Nigeria will be reviewed, or strengthened, in the light of progress towards a return to democratic civilian rule. All options will, of course, be considered.

### Sierra Leone

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what plans the United Nations has to appoint a special representative to assist peacemaking efforts in Sierra Leone. [18666]

**Mr. Baldry:** Following a request from the Government of Sierra Leone in December 1994 for a good offices mission, the United Nations Secretary-General sent his special representative, Ambassador Behanu Dinka, to Freetown in February.

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what attempts have been made by the international community to provide training to help the Government of Sierra Leone to bring their armed forces under control. [18665]

**Mr. Baldry:** Guinea, Nigeria and Ghana have units of their armed forces in Sierra Leone. The Government of Sierra Leone have recruited ex-Ghurkas to train Government troops.

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what mediation or demobilisation support from the United Nations to promote peace in the country the Government of Sierra Leone have sought. [18664]

**Mr. Baldry:** The Government of Sierra Leone approached the United Nations Secretary-General in December last year to request his good offices as an intermediary to end the conflict. We are not aware of any specific request from the Government of Sierra Leone for UN support on demobilisation.

## AGRICULTURE, FISHERIES AND FOOD

## Publicity

**Mr. Malcolm Bruce:** To ask the Minister of Agriculture, Fisheries and Food what was the total expenditure on *(a)* all forms of publicity and *(b)* all publications and pamphlets produced for his Department and for all the agencies and public bodies for which his Department is responsible, for each year since 1979, including the budgeted figure for 1995–96, (i) including and (ii) excluding privatisation-related expenditures and expressed in 1994 prices; and if he will supply information for the period from 1 April 1993 to 1 March 1995 showing (1) the nature and (2) the purpose of each publicity campaign and of each publication involving the expenditure of more than £50,000. [14604]

**Mr. Waldegrave** *[holding answer 17 March 1995]:* Expenditure on all forms of publicity, publications and pamphlets by the Department in the financial year 1984–85 and each subsequent year was as follows:

| | £ |
|---|---|
| 1984–85 | 601,000 |
| 1985–86 | 685,000 |
| 1986–87 | 879,000 |
| 1987–88 | 705,000 |
| 1988–89 | 1,384,000 |
| 1989–90 | 2,489,000 |
| 1990–91 | 2,432,000 |
| 1991–92 | 4,094,000 |
| 1992–93 | 4,217,000 |
| 1993–94 | 4,312,000 |
| 1994–95[1] | 4,800,000 |
| 1995–96[1] | 4,400,000 |

[1] Forecast.

Expenditure prior to 1984–85 was not kept in this form and figures would be available only at disproportionate cost.

*Publicity campaigns and publications from 1 April 1993 involving expenditure of more than £50,000 are as follows:*

| *Title* | *Objective* |
|---|---|
| 'Foodsense' campaign | To provide information to the general public about food and food safety issues. |
| Keeping food cool and safe | To provide consumer advice on the safe storage of food. |
| At the Farmers Service | To provide information and advice about MAFF services to farmers and growers. |
| Joint Imports | To maintain public and industry awareness of the regulations on the import of meat and plant materials from abroad. |
| Plant Health | To promote public and industry awareness of the regulations on the importation and export, for domestic and commercial use, of plants and plant material. |
| Animal Health and Welfare | To promote and heighten public and industry awareness of animal health and welfare regulations and good practice. |

*Publicity campaigns and publications from 1 April 1993 involving expenditure of more than £50,000 are as follows:*

| *Title* | *Objective* |
|---|---|
| Balance in the Countryside | To provide factual information and better understanding of environmental issues for which MAFF is responsible. |
| Environmentally Sensitive Areas | To publicise the availability of grants to farmers, and increase public understanding of the scheme. |
| Export and Trade Promotion | To support the UK agrifood industry at home and abroad. |
| National Exhibition Programme | To provide relevant Departmental information to the agricultural industry and the general public. |
| Agri-Environment | To make farmers and growers aware of the benefits and help available from the scheme. |
| Rabies Campaign | To maintain public awareness of quarantine regulations. |

Publications and publicity by MAFF agencies are the responsibility of their chief executives. I have asked them to reply direct to the hon. Member.

*Letter from Dr. P. I. Stanley to Mr. Malcolm Bruce, dated 31 March 1995:*

EXPENDITURE SINCE 1979 BY MAFF AND ITS AGENCIES ON PUBLICITY AND PUBLICATIONS

The Central Science Laboratory (CSL) was first launched as an executive agency of the Ministry of Agriculture, Fisheries and Food (MAFF) in April 1992. Expenditure details are not therefore available for the years 1979–1991, when CSL formed part of the Department. Further, CSL was re-launched as an enlarged agency in April 1994, following its merger with the Food Science Laboratories in Norwich and Aberdeen. The merger necessitated revision of several publications including the Agency's Framework Document, Statement of Standards and Quality of Service and promotional brochure and this is reflected in the outturn of expenditure in 1993/94.

CSL's expenditure on all forms of publicity and all publications, including pamphlets, in £'000, expressed in 1994 prices follows. There has been no privatisation-related expenditure.

| | *Publicity* | *Publications* |
|---|---|---|
| 1992/93 | 3.18 | 20.60 |
| 1993/94 | 7.21 | 82.40 |
| 1994/95 | 15.00 | 50.00 |
| 1995/96[1] | 14.56 | 48.54 |

[1]Budgeted figures.

The Agency does not run publicity campaigns as such but does participate in exhibitions, open days anda conferences. No single event or publication has cost in excess of £50,000.

*Letter from Dr. T. W. A. Little to Mr. Malcolm Bruce, dated 31 March 1995:*

The Minister has asked me to reply to your question about expenditure on publicity and publications by CVL over the last few years.

CVL became an Executive Agency in 1990. Up to and including November 1992 our accounts were processed and produced by MAFF.

The figures in 1994 prices for the financial years from 1992–93, including the budgetary figure for 1995–96, are as follows:

| | Including VAT £ |
|---|---|
| 1992–93[1] | 31,995 |
| 1993–94 | 33,698 |
| 1994–95 | 48,732 |
| 1995–96 | 41,272 |

[1] Based on CVL/MAFF records. A word or two of explanation about the figures may be of assistance. To facilitate the marketing of the Agency CVL uses a range of material to inform customers about it products and services. This covers publication of the Annual Report and Accounts through pamphlets about individual services to marketing brochures and customer newsletters. In this financial year we expect to produce nearly 22,000 individual items which will be distributed by various means to 4,000 customers and prospects.

Finally, you also asked for information about privatisation-related expenditure and further details of each publicity campaign or publication involving expenditure of more than £50,000. CVL has had no expenditure in the areas relating to privatisation and no single campaign involving more than £50,000.

*Letter from Guy Stapleton to Mr. Malcolm Bruce, dated 31 March 1995:*

The Minister has asked me to reply to your question about expenditure on all forms of publicity and all publications and pamphlets produced by the Agency since 1979 at 1994 prices.

The Intervention Board has spent the following sums on publicity and publications since 1989–90 at 1994 prices. Papers for earlier years have been disposed of under the Agency's records management policy.

| | Publicity £ | Publications £ |
|---|---|---|
| 1989–90 | 64,019 | 31,258 |
| 1990–91 | 29,732 | 22,165 |
| 1991–92 | 22,320 | 27,690 |
| 1992–93 | 11,030 | 31,637 |
| 1993–94 | 8,780 | 36,482 |
| 1994–95 | 10,969 | 30,954 |

Publicity covers the cost of recruitment advertising and the Agency's stand at the Royal Show and the Festival of Food and Farming. Publications covers the cost of the Agency's Annual Report, Corporate Plan and information leaflets supplied to our customers. The Agency's 1995–96 budget has not yet been disaggregated sufficiently to allow comparable figures to be extracted, but expenditure is expected to be comparable with the previous year.

The Agency has had no involvement in any privatisation. None of the publications or publicity campaigns has cost over £50,000.

*Letter from Dr. J. M. Rutter to Mr. Malcolm Bruce, dated 3 April 1995:*

The Minister has asked me to reply on behalf of the Veterinary Medicines Directorate (VMD) to your question about expenditure on publicity, publication and pamphlets, as this is an operational matter for which I am responsible.

The VMD was established as a Next Steps Agency in April 1990, but did not maintain its own accounts until 1991/92. Expenditure prior to that date will therefore be included with that for core MAFF. There has been no privatisation related expenditure incurred by the VMD, and the total expenditure on all forms of publicity, publications and pamphlets is as follows:

| Year | Total Expenditure Actual | At 1994 prices |
|---|---|---|
| 1991/92 | 7,730.33 | 8,449.64 |
| 1992/93 | 21,339.06 | 22,431.88 |
| 1993/94 | 59,420.91 | 60,609.33 |
| 1994/95 (forecast) | 27,978.03 | 27,978.03 |
| 1995/96 (budgeted) | 28,400.00 | 27,500.00 |

The above figures include the VMD's Annual Report and Accounts and publicity relating to the safe use of organophosphorus sheep dips, as well as expenditure on the VMD's quarterly newsletter, MAVIS.

During this period, there has been no publicity campaign or publication involving the expenditure of more than £50,000.

*Letter from A. M. Kerr to Mr. Malcolm Bruce, dated 31 March 1995:*

The Minister of Agriculture, Fisheries and Food has asked me to reply, in respect of the Pesticides Safety Directorate, to your question about expenditure on publicity, publications and pamphlets. All the costs detailed below have been adjusted to reflect 1994/95 prices using H M Treasury's assumptions of GDP deflators at market prices.

The Pesticides Safety Directorate (PSD) incurred expenditure totalling £15,290 on publicity in 1993/94 in connection with the launch of the Agency. No expenditure on publicity has been incurred in 1994/95. There is no budget provision in 1995/96 for publicity.

Expenditure on publications and pamphlets totalled £2,335 in 1993/94 and £21,398 in 1994/95. The budgeted figure for 1995/96 covering publications and pamphlets is £42,307.

The costs of other publications, published by HMSO on behalf of PSD, are borne by HMSO who aim to recover the costs from sales revenue. Costs of producing other publications and pamphlets with a wider Food Safety emphasis have been borne centrally and are therefore covered in the core MAFF return.

None of the above expenditure was privatization related. There has been no expenditure in excess of £50,000 incurred on any individual publicity campaign, publication or pamphlet.

As PSD was established as an agency on 1 April 1993 figures prior to this date are not available.

*Letter from Dr. J. M. Walsh to Mr. Malcolm Bruce, dated 31 March 1995:*

The Minister of Agriculture, Fisheries and Food has asked me to reply on his behalf to the question which you tabled on 14 March (No. 832). In this you sought information for the core Department and for each of the Agencies concerning the total expenditure on (a) all forms of publicity and (b) all publications and pamphlets produced by the Department. The information that you require is as follows:

| | Expenditure | |
|---|---|---|
| | All forms of publicity (excluding publications) £ | Publications £ |
| 1992/93[1] | 278,000 | 146,000 |
| 1993/94 | 313,000 | 218,000 |
| 1994/95 | 359,000 | 249,000 |

[1] ADAS was formed as an Executive Agency in 1992.

Currently, the budgeted figure for 1995/96 has not been agreed. Expenditure on all forms of publicity is used to inform our 32,000 fee-paying customers about ADAS' products and MAFF/Welsh Office policy implementation (this Agency is jointed owned by the MAFF and the Welsh Office). The 1994/95 expenditure on all forms of publicity represent 0.5% of our £75 million revenue.

The only publication exceeding £50,000 was "Agricultural Strategy" which was produced in 1994. This outlined the future for each sector of the British agricultural industry. It was distributed to clients and potential clients throughout England and Wales.

## Set-aside Compensation

**Mr. Nicholas Brown:** To ask the Minister of Agriculture, Fisheries and Food what will be the cost in *(a)* 1995 and *(b)* 1996 in the increase in set-aside compensation for cereal growers by 12 ecu per tonne, agreed in May 1993 by EC Agriculture Ministers.

[15792]

**Mr. Jack:** Based on expected uptake of the arable scheme and on the exchange rate in place today, it is

estimated that the additional cost will be approximately £43 million in both 1995 and 1996.

### Executive Agencies

**Mr. Flynn:** To ask the Minister of Agriculture, Fisheries and Food if he will list the jobs that have been lost to agencies in his Department in the past two years that have *(a)* been taken over by contractors and *(b)* disappeared. [18320]

**Mr. Waldegrave** *[holding answer 4 April 1995]:* Responsibility for this matter is delegated to agency chief executives and I have asked them to reply to the hon. Member direct.

*Letter from Dr. P. I. Stanley to Mr. Paul Flynn, dated 3 April 1995:*

JOBS LOST TO MAFF AGENCIES IN THE PAST TWO YEARS

The Central Science Laboratory (CSL) was first launched as an executive agency of the Ministry of Agriculture, Fisheries and Food (MAFF) in April 1992.

Over the two year period since 1st April 1993 there have been no job losses overall within CSL and no jobs have been taken over by contractors. However, approval has been given for six members of staff to take voluntary early retirement in March 1995.

*Letter from J. Bainton to Mr. Paul Flynn, dated 3 April 1995:*

The Minister of Agriculture, Fisheries and Food has asked met to reply, in respect of Pesticides Safety Directorate (PSD), to your question about jobs that have been lost to agencies in the past two years.

The Directorate was launched as an executive agency on 1 April 1993. Since that time no jobs have been taken over by contractors, although PSD does, as necessary, contract-out some pesticide evaluation work in order to manage work flows within the agency. However, over the period, PSD has reduced its complement of typists from 6.5 to 2.5 staff, which has largely been as a consequence of the introduction of new computer systems which have provided staff with direct access to word processing facilities.

*Letter from T. W. A. Little to Mr. Paul Flynn, dated 19 April 1995:*

The Minister has asked me to reply to your question about jobs lost to Agencies over the last two years.

Over the past two years there have been no jobs lost to CVL by the Department and no work has been taken over by a contractor.

*Letter from Guy Stapleton to Mr. Paul Flynn dated 11 April 1995:*

The Minister of Agriculture, Fisheries & Food has asked me to reply to your Parliamentary Question concerning the loss of jobs in MAFF agencies over the past two years.

Internal restructuring brought about by market testing in the Intervention Board resulted in the saving of nineteen posts in total during the period from 1 April 1993 to 31 March 1995. No posts have been taken over by contractors.

*Letter from Dr. J. M. Walsh to Mr. Paul Flynn, dated 3 April 1995:*

The Minister of Agriculture, Fisheries and Food has asked me to reply directly to you in answer to your Parliamentary Question No. 1014. In this you asked him to list the jobs that had been lost to Agencies in his department in the past two years that have (a) been taken over by contractors and (b) disappeared.

In the past two years ADAS has reduced its complement of permanent staff by a total of 445 posts. This represents 19% of staff in post at the 1 April 1993. The work carried out by these staff has not been taken over by contractors. Some has disappeared and some absorbed due to more efficient practices.

*Letter from Dr. J. M. Rutter to Mr. Paul Flynn, dated 3 April 1995:*

The Minister has asked me to reply on behalf of the Veterinary Medicines Directorate (VMD) to your question about the jobs that have been lost to agencies in his Department in the past two years, as this is an operational matter for which I am responsible.

I can confirm that no jobs in the VMD have been lost in the past two years as a result either of being taken over by contractors or disappearing.

### Suicide (Italian Official)

**Mr. Marlow:** To the Minister of Agriculture, Fisheries and Food if he will seek through the Council to gain access to the Commission report on the suicide of the Italian official in the tobacco department and related issues. [18240]

**Mr. Waldegrave** *[holding answer 4 April 1995]:* This is a matter for the European Commission and was subject to internal investigation by the Commission at the time.

### Warble Fly

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food what were the number of cases of warble fly in *(a)* and *(b)* 1994. [19262]

**Mrs. Browning:** In 1984, 477 herds in England and Wales were found to be clinically infested with warble fly.

In 1994, clinical warble fly infestation was confirmed in two herds in England and none in Wales. In addition, 45 imported animals found to be infested with warble fly were returned to the country of origin.

### Fisheries Council

**Mr. Hawkins:** To ask the Minister of Agriculture, Fisheries and Food what was the outcome of the Fisheries Council held in Luxembourg on 6 April; and if he will make a statement. [19215]

**Mr. Jack:** I represented the United Kingdom at the meeting of the Fisheries Council in Luxembourg on 6 April with the Under-Secretary of State for Scotland, my hon. Friend the Member for Dumfries (Sir H. Monro).

The Council discussed recent developments in the Community's dispute with Canada concerning Greenland halibut. I did not consider in the context of current negotiations that it was helpful or appropriate for the Council to adopt a proposed statement commenting on recent reported incidents. Accordingly, a statement was issued in the name of the presidency. I was pleased to note that all member states endorsed the importance of bringing to a successful conclusion the continuing negotiations between the EC and Canada.

The Council also considered a proposal for the adoption of an autonomous quota for the EU in the Greenland halibut fishery. The Commissioner explained that this was necessary to permit the conservation of the fishery by providing a legal basis for controlling fishing by community vessels. However, I voted against the measure since it was inappropriate in my view to adopt it when other quota figures were on the verge of being agreed with Canada.

There was a discussion of drift net fishing. No conclusions were reached on the now somewhat dated proposal for phasing out the use of drift nets. I emphasised the considerable importance of the various types of drift net fishing to British fishermen. The importance of orderly conduct in the tuna fishery this summer was discussed. I am pleased that this was approached in a constructive way by all member states involved and they will be meeting together at an early stage to ensure that

arrangements are satisfactorily planned. The Commissioner also said that there would be a Community vessel in the fishery in order to provide for Commission and national inspectors to ensure proper compliance with the rules. The UK will deploy Royal Navy fishery protection resources as appropriate.

The Council decided that, in the absence of a full year proposal, the 1994 autonomous tariff quotas should be rolled forward for three months. A formal proposal to this end will be made shortly for early adoption. This will meet the immediate needs of our fish processors. A proposal for the full year, taking account of the needs of the new member states, will be considered by the Council at a later date.

The Council noted progress on the Commission's ideas for management strategies and objectives and for quota flexibility. I emphasised the importance of ensuring that we avoided creating unhelpful new complexities in the CPF of little value to fishermen. I also emphasised the importance of taking account of the impact of industrial fisheries.

I questioned whether proposals for socio-economic measures should be a Community measure when they were designed to address issues generally more appropriate for national social security measures. The Council expects to discuss these further in June.

The Council agreed to adopt a single guide price for herring for 1995. Proposals for a regional price in parts of the UK and Ireland and for the future treatment of transhipments of herring will be put to the management committee. The UK voted against because this proposal did not deal adequately with the needs of Scottish pelagic fishermen.

Because of our growing concern in the UK about the catches of immature fish I pressed the Commissioner on the importance of developing technical conservation rules and other measures to reduce these catches and so improve fish stocks. I am pleased to say that the Commissioner was able to assure me that this would form a specific part of the work in preparation for proposals to be made in June this year.

### Rules and Regulations

**Mr. Steen:** To ask the Minister of Agriculture, Fisheries and Food what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19342]

**Mr. Jack** *[holding answer 18 April 1995]:* I refer my hon. Friend to the answer given today by the President of the Board of Tradewhich sets out the general position on the preparation of compliance cost assessments. MAFF issued 18 compliance cost assessments accompanying draft legislation in the first three months of this year.

### Equine Encephalomyelitis

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food what was the number of cases of equine encephalomyelitis in each year since 1985. [19266]

**Mrs. Browning:** Equine encephalomyelitis has never been recorded in England.

### Quarantine Regulations

**Sir David Steel:** To ask the Minister of Agriculture, Fisheries and Food on what grounds he has rejected the Agriculture Select Committee's recommendations that a vaccination-based system for approved countries should replace the quarantine system for dogs arriving from those countries. [19524]

**Mr. Gareth Wardell:** To ask the Secretary of State for Transport what proposals he has for enabling residents of countries within the European Union to travel with their domesticated animals in an unhindered fashion; and what plans he has to relax the quarantine regulations. [19468]

**Mrs. Browning:** The Government's position is set out in the reply to the fifth report from the Agriculture Select Committee, Session 1993–94, laid before the House on 25 January 1995, Cm 2735.

## DUCHY OF LANCASTER

### "Public Bodies"

**Mr. Tyler:** To ask the Chancellor of the Duchy of Lancaster when the next edition of the directory entitled "Public Bodies" will be published; if he will ensure that details are included for all quangos; and if he will make a statement. [19106]

**Mr. David Hunt:** "Public Bodies 1994" was published on 6 February 1995. The next edition will be "Public Bodies 1995" and will be published soon after the end of this year.

"Public Bodies" includes statistical information about all non-departmental public bodies.

### British Gas

**Mr. Merchant:** To ask the Chancellor of the Duchy of Lancaster what progress has been made in the investigation into whether British Gas should retain its charter mark. [20165]

**Mr. David Hunt:** Following the approach from the Gas Consumers Council on 18 January, I have now agreed with British Gas and the council a programme of action so that British Gas can retain its charter mark award by demonstrably continuing to meet tough criteria which the charter mark scheme sets down.

In its submission, the Gas Consumers Council expressed faith in British Gas as a company and made it clear that British Gas should retain its charter mark provided it could get its performance back on track. Its main concern was a rise in complaints in the following areas:

account queries (a 27 per cent. increase over 1993);
service and repairs (a 9 per cent. increase over 1993);
staff manner (up 12 per cent. on 1993); and
lack of reply to correspondence and non-answering of telephones (up 18 per cent. on 1993).

British Gas has assured me that its aim is to re-establish its reputation for excellence as quickly as possible and that its new structure will ultimately enable it to be more responsive to customers. It is determined to provide the highest service among gas suppliers.

However, British Gas accepts that the process of reorganisation has meant that it has not always been able to maintain its previous level of performance, despite which it has continued to meet or exceed all but three of its 39 regulated standards of service.

The agreed programme of action needed to pass the charter mark test consists of the following main elements:

increased training for staff dealing directly with customers and a project to address customer contact across the company's different business units to ensure that misdirected queries/complaints are handled effectively;

front-line staff will be empowered to make amends to dissatisfied customers;

additional telephone lines have been set up to ensure that telephone answering meets the targets of 90 per cent. of calls being answered in 30 seconds or less;

increased staffing and weekend working to clear the backlog of correspondence and telephone inquiries and to ensure that the target of replying to 90 per cent. of correspondence within five days is met;

a leaflet to all customers outlining the recent changes in the structure of British Gas and details of contacts for further information;

market research to identify core customer requirements, with each business unit developing its own standards for the start of 1996;

a freephone number to enable customers to find out the location of their nearest payment or prepayment token outlet;

a national quality audit to ensure that the company's service work, including work carried out by contractors, is of the highest quality;

each business unit to develop new IT systems, or enhance existing ones, to improve the quality of information available to those dealing with inquiries/complaints; and

staff focus groups will monitor standards of service on a regular basis and identify and share best practice.

We have agreed with British Gas and the Gas Consumers Council that we will review progress and the position on British Gas's charter mark at the end of the year.

I believe that this very positive programme shows the real value of the charter mark scheme as a reward for excellence—the charter mark means business.

## EDUCATION

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for Education how many metres of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19838]

**Mr. Forth:** This Department has not purchased any mahogany, or products containing mahogany, in the past five years.

### Teachers (Early Retirement)

**Mr. Nigel Evans:** To ask the Secretary of State for Education how many enhancement years have been added to the pensions of teachers taking early retirement in *(a)* Lancashire and *(b)* England and Wales since 1989. [19052]

**Mr. Robin Squire:** This information is not readily available. I will write to my hon. Friend as soon as possible.

**Mr. Nigel Evans:** To ask the Secretary of State for Education how many *(a)* headmasters and *(b)* other teaching staff including deputy headmasters have taken early retirement due to ill health each year since 1989 in (i) Lancashire and (ii) England and Wales. [19055]

**Mr. Robin Squire:** The table shows the number of members of the teachers' superannuation scheme who retired on the grounds of ill health for the financial years 1989–90 to 1993–94. This includes some lecturers in further and higher education and some teachers in independent schools as well as maintained school teachers.

*Head Teachers*

| *Financial Year* | *Lancashire* | *England and Wales* |
|---|---|---|
| 1989–90 | 9 | 379 |
| 1990–91 | 14 | 439 |
| 1991–92 | 14 | 418 |
| 1992–93 | 16 | 416 |
| 1993–94 | 24 | 531 |

*All other teaching staff*

| *Financial Year* | *Lancashire* | *England and Wales* |
|---|---|---|
| 1989–90 | 104 | 3,813 |
| 1990–91 | 174 | 4,499 |
| 1991–92 | 149 | 4,244 |
| 1992–93 | 150 | 4,481 |
| 1993–94 | 198 | 5,004 |

**Mrs. Gorman:** To ask the Secretary of State for Education what is the expenditure in each local authority on early retirement compensation in each year since 1990–91 for which information is available *(a)* in total and *(b)* per pupil. [19700]

**Mr. Robin Squire:** Total expenditure and expenditure per pupil on premature retirement compensation and Crombie payments as recorded by each local education authority for the years 1990–91 to 1993–94 is shown in the table. The expenditure figures include payments made to further and higher education lecturers and to teachers at sixth form colleges and grant-maintained schools who were granted premature retirement by the LEA. It is not possible to separate out these costs. The pupil numbers used in the calculations are for all LEA maintained schools: they exclude sixth form colleges.

| | *Compensation Payments (£000)* | | | | *Compensation Costs per Pupil (£)* | | | |
|---|---|---|---|---|---|---|---|---|
| *LEA* | *1990–91* | *1991–92* | *1992–93* | *'1993–94 provisional* | *1991* | *1992* | *1993* | *1994* |
| Corporation of London | 0 | 0 | 0 | 3 | 0.00 | 0.00 | 0.00 | 14.02 |
| Camden | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Greenwich | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Hackney | 0 | 0 | 0 | n/a | 0.00 | 0.00 | 0.00 | n/a |
| Hammersmith | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Islington | 0 | 0 | 0 | n/a | 0.00 | 0.00 | 0.00 | n/a |
| Kensington and Chelsea | 0 | 0 | 101 | n/a | 0.00 | 0.00 | 10.95 | n/a |

| LEA | Compensation Payments (£000) 1990–91 | 1991–92 | 1992–93 | [1]1993–94 provisional | Compensation Costs per Pupil (£) 1991 | 1992 | 1993 | 1994 |
|---|---|---|---|---|---|---|---|---|
| Lambeth | 0 | 0 | 134 | 0 | 0.00 | 0.00 | 5.20 | 0.00 |
| Lewisham | 0 | 0 | 0 | 449 | 0.00 | 0.00 | 0.00 | 14.03 |
| Southwark | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Tower Hamlets | 0 | 0 | 403 | n/a | 0.00 | 0.00 | 12.33 | n/a |
| Wandsworth | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Westminster | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Barking | 605 | 1,[illegible] | 751 | 601 | 25.56 | 11.74 | 29.60 | 23.09 |
| Barnet | 1,344 | 1,[illegible] | 1,475 | 1,579 | 34.14 | 35.39 | 36.98 | 46.57 |
| Bexley | 0 | 0 | 0 | n/a | 0.00 | 0.00 | 0.00 | n/a |
| Brent | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Bromley | 981 | 586 | 551 | 557 | 28.63 | 19.42 | 21.20 | 19.78 |
| Croydon | 248 | 630 | 474 | 443 | 6.23 | 15.90 | 11.63 | 11.59 |
| Ealing | 861 | 479 | 636 | 1,077 | 21.89 | 12.09 | 18.54 | 32.97 |
| Enfield | 0 | 0 | 705 | 0 | 0.00 | 0.00 | 17.13 | 0.00 |
| Haringey | 474 | 541 | 583 | 612 | 17.56 | 19.36 | 20.27 | 20.67 |
| Harrow | 353 | 534 | 397 | n/a | 13.37 | 19.94 | 14.54 | n/a |
| Havering | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Hillingdon | 0 | 1 | 0 | n/a | 0.00 | 0.04 | 0.00 | n/a |
| Hounslow | 11 | 208 | 253 | 349 | 0.34 | 6.30 | 7.49 | 10.77 |
| Kingston upon Thames | 304 | 358 | 454 | 428 | 17.26 | 19.80 | 25.72 | 26.98 |
| Merton | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Newham | 769 | 269 | 364 | 440 | 20.12 | 7.00 | 9.20 | 10.93 |
| Redbridge | 288 | 387 | 405 | n/a | 9.11 | 11.74 | 11.77 | n/a |
| Richmond upon Thames | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Sutton | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Waltham Forest | 324 | 5 | 13 | n/a | 10.61 | 0.17 | 0.42 | n/a |
| Birmingham | 3,422 | 3,947 | 5,443 | 4,911 | 20.36 | 23.44 | 31.83 | 30.11 |
| Coventry | 12 | 2,982 | 2,137 | 450 | 0.25 | 61.19 | 43.20 | 9.02 |
| Dudley | 884 | 851 | 791 | 995 | 19.85 | 18.98 | 17.35 | 22.94 |
| Sandwell | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Solihull | 0 | 0 | 553 | n/a | 0.00 | 0.00 | 16.97 | n/a |
| Walsall | 0 | 643 | 1,567 | 676 | 0.00 | 13.43 | 33.82 | 15.71 |
| Wolverhampton | 94 | 195 | 326 | 73 | 2.34 | 4.96 | 8.01 | 1.80 |
| Knowsley | 0 | 957 | 945 | 1,132 | 0.00 | 34.31 | 33.48 | 40.44 |
| Liverpool | 2,727 | 3,780 | 3,058 | n/a | 34.31 | 47.01 | 37.50 | n/a |
| St. Helens | 953 | 1,126 | 2,061 | n/a | 32.06 | 37.98 | 69.39 | n/a |
| Sefton | 1,496 | 1,536 | 0 | n/a | 32.97 | 33.53 | 0.00 | n/a |
| Wirral | 231 | 182 | 97 | 28 | 4.45 | 3.48 | 1.82 | 0.54 |
| Bolton | 898 | 1,022 | 1,122 | n/a | 20.78 | 23.49 | 25.71 | n/a |
| Bury | 848 | 1,031 | 1,064 | n/a | 32.30 | 38.67 | 38.93 | n/a |
| Manchester | 2,144 | 2,815 | 4,400 | 4,559 | 31.28 | 40.43 | 62.40 | 64.40 |
| Oldham | 0 | 0 | 0 | n/a | 0.00 | 0.00 | 0.00 | n/a |
| Rochdale | 469 | 493 | 806 | 768 | 13.40 | 14.10 | 22.87 | 22.57 |
| Salford | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Stockport | 512 | 447 | 547 | 677 | 12.59 | 11.07 | 13.23 | 16.10 |
| Tameside | 0 | 0 | 933 | n/a | 0.00 | 0.00 | 26.07 | n/a |
| Trafford | 0 | 0 | 0 | 569 | 0.00 | 0.00 | 0.00 | 19.07 |
| Wigan | 1,377 | 1,681 | 1,999 | 2,269 | 27.81 | 33.96 | 40.02 | 44.82 |
| Barnsley | 200 | 532 | 35 | n/a | 5.94 | 15.79 | 1.02 | n/a |
| Doncaster | 0 | 379 | 0 | 1,583 | 0.00 | 7.47 | 0.00 | 30.42 |
| Rotherham | 203 | 271 | 0 | 0 | 4.80 | 6.36 | 0.00 | 0.00 |
| Sheffield | 40 | 0 | 0 | 0 | 0.57 | 0.00 | 0.00 | 0.00 |
| Bradford | 1,354 | 1,153 | 2,860 | 2,863 | 16.00 | 13.56 | 32.88 | 34.33 |
| Calderdale | 453 | 0 | 0 | 0 | 14.20 | 0.00 | 0.00 | 0.00 |
| Kirklees | 275 | 1,465 | 838 | 397 | 4.59 | 24.27 | 13.76 | 6.35 |
| Leeds | 0 | 0 | 3 | 3,128 | 0.00 | 0.00 | 0.03 | 27.67 |
| Wakefield | 1,228 | 1,389 | 1,924 | n/a | 24.82 | 27.74 | 37.76 | n/a |
| Gateshead | 0 | 44 | 73 | 848 | 0.00 | 1.46 | 2.40 | 27.75 |
| Newcastle upon Tyne | 305 | 1,261 | 1,608 | 2,776 | 7.65 | 31.31 | 39.60 | 68.12 |
| North Tyneside | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| South Tyneside | 0 | 0 | 0 | n/a | 0.00 | 0.00 | 0.00 | n/a |
| Sunderland | 364 | 470 | 397 | 0 | 7.35 | 9.43 | 7.84 | 0.00 |
| Isles of Scilly | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Avon | 0 | 0 | 747 | 1,347 | 0.00 | 0.00 | 5.52 | 9.81 |
| Bedfordshire | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Berkshire | 704 | 812 | 779 | 890 | 6.57 | 7.83 | 7.61 | 8.60 |
| Buckinghamshire | 249 | 265 | 1,105 | 1,454 | 2.65 | 2.81 | 11.63 | 16.14 |
| Cambridgeshire | 899 | 1,447 | 1,705 | 834 | 9.24 | 14.69 | 18.14 | 9.87 |
| Cheshire | 191 | 124 | 1,874 | 940 | 1.27 | 0.82 | 12.23 | 6.14 |
| Cleveland | 1,328 | 1,720 | 1,761 | 1,901 | 13.24 | 16.95 | 17.22 | 18.43 |
| Cornwall | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Cumbria | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |

| LEA | Compensation Payments (£000) 1990–91 | 1991–92 | 1992–93 | [1]1993–94 provisional | Compensation Costs per Pupil (£) 1991 | 1992 | 1993 | 1994 |
|---|---|---|---|---|---|---|---|---|
| Derbyshire | 1,320 | 1,556 | 696 | 2,425 | 9.47 | 11.10 | 4.98 | 18.86 |
| Devon | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Dorset | 782 | 1,183 | 1,443 | 1,402 | 9.54 | 14.51 | 18.00 | 17.83 |
| Durham | n/a | 0 | 0 | 0 | n/a | 0.00 | 0.00 | 0.00 |
| East Sussex | 547 | 877 | 1,039 | 2,044 | 6.77 | 10.62 | 12.20 | 23.22 |
| Essex | 1,915 | 1,945 | 2,066 | 2,662 | 8.87 | 9.11 | 10.74 | 18.18 |
| Gloucestershire | 1,567 | 2,150 | 0 | 0 | 21.86 | 29.71 | 0.00 | 0.00 |
| Hampshire | 1,862 | 2,215 | 2,750 | 2,720 | 9.19 | 10.93 | 13.51 | 13.51 |
| Hereford and Worcester | 0 | 264 | 0 | n/a | 0.00 | 2.78 | 0.00 | n/a |
| Hertfordshire | 453 | 1,734 | 1,769 | n/a | 3.09 | 11.86 | 12.02 | n/a |
| Humberside | 726 | 759 | 854 | 0 | 5.26 | 5.45 | 6.02 | 0.00 |
| Isle of Wight | 94 | 108 | 124 | 134 | 5.42 | 6.17 | 6.97 | 7.46 |
| Kent | 314 | 151 | 223 | n/a | 1.42 | 0.71 | 1.10 | n/a |
| Lancashire | 4,374 | 4,804 | 5,193 | 4,781 | 20.70 | 22.79 | 24.36 | 22.29 |
| Leicestershire | 1,267 | 2,075 | 2,275 | 1,701 | 9.31 | 15.11 | 16.35 | 12.30 |
| Lincolnshire | 968 | 148 | 126 | 110 | 11.91 | 1.90 | 1.74 | 1.65 |
| Norfolk | 1,200 | 196 | 0 | 0 | 12.00 | 1.95 | 0.00 | 0.00 |
| North Yorkshire | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Northamptonshire | 111 | 128 | 494 | 313 | 1.19 | 1.40 | 5.69 | 3.66 |
| Northumberland | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Nottinghamshire | 1,066 | 2,295 | 0 | 0 | 7.01 | 14.96 | 0.00 | 0.00 |
| Oxfordshire | 1,389 | 1,585 | 1,586 | 1,694 | 18.92 | 21.24 | 20.84 | 21.61 |
| Shropshire | 16 | 19 | 18 | 13 | 0.27 | 0.32 | 0.30 | 0.22 |
| Somerset | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Staffordshire | 2,715 | 3,214 | 3,987 | 3,814 | 16.99 | 19.83 | 24.28 | 23.38 |
| Suffolk | 14 | 156 | 0 | 1,112 | 0.16 | 1.73 | 0.00 | 11.92 |
| Surrey | 0 | 0 | 2,791 | 4,040 | 0.00 | 0.00 | 25.68 | 37.43 |
| Warwickshire | 922 | 1,269 | 1,428 | 1,395 | 13.02 | 18.14 | 20.60 | 20.30 |
| West Sussex | 0 | 0 | 0 | 0 | 0.00 | 0.00 | 0.00 | 0.00 |
| Wiltshire | 0 | 0 | 872 | 0 | 0.00 | 0.00 | 10.94 | 0.00 |
| England total | 54,044 | 69,564 | 80,991 | n/a | | | | |

[1] Provisional n/a—data not yet available.

**Mr. Nigel Evans:** To ask the Secretary of State for Education what is the total cost, for each year since 1989, to the Lancashire ratepayers of the enhancements and pensions paid to retired or retiring headmasters and teachers. [19054]

**Mr. Robin Squire:** Expenditure on premature retirement compensation and Crombie payments are recorded by Lancashire LEA for the years 1989–90 to 1993–94 is shown in the table. The figures include payments made to further and higher education lecturers and to teachers at sixth form colleges and grant-maintained schools who were granted premature retirement by the LEA. It is not possible to separate out these costs.

| | £000 |
|---|---|
| 1989–90 | 3,377 |
| 1990–91 | 4,374 |
| 1991–92 | 4,804 |
| 1992–93 | 5,193 |
| 1993–94[1] | 4,781 |

[1] Provisional.

### Grant-maintained Schools

**Mr. Blunkett:** To ask the Secretary of State for Education if she will estimate the number of hours which staff within her Department spend on issues relating to grant-maintained schools in whole-time equivalents. [19131]

**Mr. Robin Squire:** Some 77 full-time equivalent posts are concerned wholly or mainly with matters specific to grant-maintained schools. Many other staff in the Department have responsibilities that relate to both grant-maintained and local education authority schools.

### Departmental Expenditure Plans

**Mrs. Anne Taylor:** To ask the Secretary of State for Education what was the cost of editing, designing and printing her Department's expenditure plans 1995–96 to 1997–98, Cm 2810. [19759]

**Mr. Forth:** I refer the hon. Member to the answer I gave to the hon. Member for Truro (Mr. Taylor) on 23 March, *Official Report*, column *175*.

### Roberts Street Primary School

**Mr. Pearson:** To ask the Secretary of State for Education following the meeting held with the Under-Secretary of State and Dudley council and its hon. Members recently, if she has any good news for Roberts Street primary on how the technical barriers to use of the private finance initiative can be removed or other means accessed to enable this badly needed new school project to go ahead. [19145]

**Mr. Robin Squire:** The local education authority is preparing a more detailed explanation of its proposal. We shall then be able to assess whether it meets the crucial criterion for the private finance initiative, mainly, how far there is a transfer of risk from the public sector to the private sector.

### School Spending

**Mr. McLoughlin:** To ask the Secretary of State for Education, pursuant to her answer of 28 March, *Official Report*, column *574*, if she will list the same information on expenditure per pupil for Nottingham and Staffordshire, Surrey and Hertfordshire. [18785]

**Mr. Robin Squire:** The table shows expenditure by Nottinghamshire, Staffordshire, Surrey and Hertfordshire local education authorities on pre-primary and primary pupils combined, and on secondary pupils, from 1974–75 to 1993–94, the latest year for which provisional outturn figures are available.

*Spending per pupil (1994–95 prices)*

| | *Nottingham* | | *Staffordshire* | | *Surrey* | | *Hertfordshire* | |
|---|---|---|---|---|---|---|---|---|
| | *Nursery/Primary* £ | *Secondary* £ | *Nursery/Primary* £ | *Secondary* £ | *Nursery/Primary* £ | *Secondary* £ | *Nursery/Primary* £ | *Secondary* £ |
| 1974–75 | 1,127 | 1,871 | 1,197 | 1,943 | 1,310 | 2,152 | 1,405 | 2,399 |
| 1975–76 | n/a | n/a | 1,204 | 2,006 | 1,303 | 2,159 | 1,289 | 2,191 |
| 1976–77 | 1,173 | 1,872 | 1,223 | 1,949 | 1,266 | 2,107 | 1,293 | 2,121 |
| 1977–78 | 1,105 | 1,736 | 1,167 | 1,828 | 1,150 | 1,991 | 1,259 | 1,935 |
| 1978–79 | 1,097 | 1,733 | 1,180 | 1,821 | 1,186 | 2,003 | 1,240 | 1,922 |
| 1979–80 | 1,073 | 1,677 | 1,195 | 1,783 | 1,193 | 1,891 | 1,317 | 1,864 |
| 1980–81 | 1,070 | 1,597 | 1,186 | 1,640 | 1,128 | 1,784 | 1,179 | 1,747 |
| 1981–82 | 1,174 | 1,706 | 1,253 | 1,711 | 1,133 | 1,785 | 1,205 | 1,722 |
| 1982–83 | 1,268 | 1,785 | 1,279 | 1,709 | 1,154 | 1,808 | 1,196 | 1,700 |
| 1983–84 | 1,329 | 1,829 | 1,324 | 1,763 | 1,164 | 1,842 | 1,204 | 1,742 |
| 1984–85 | 1,311 | 1,878 | 1,288 | 1,765 | 1,141 | 1,855 | 1,200 | 1,747 |
| 1985–86 | 1,322 | 1,950 | 1,281 | 1,822 | 1,175 | 1,878 | 1,229 | 1,816 |
| 1986–87 | 1,432 | 2,119 | 1,344 | 1,973 | 1,281 | 2,049 | 1,336 | 1,988 |
| 1987–88 | 1,483 | 2,270 | 1,418 | 2,113 | 1,347 | 2,223 | 1,404 | 2,077 |
| 1988–89 | 1,520 | 2,397 | 1,442 | 2,225 | 1,457 | 2,406 | 1,540 | 2,295 |
| 1989–90 | 1,573 | 2,456 | 1,451 | 2,247 | 1,476 | 2,180 | 1,560 | 2,383 |
| 1990–91 | 1,615 | 2,579 | 1,464 | 2,178 | 1,557 | 2,445 | 1,554 | 2,402 |
| 1991–92 | 1,772 | 2,708 | 1,527 | 2,236 | 1,596 | 2,406 | 1,620 | 2,446 |
| 1992–93 | 1,655 | 2,466 | 1,538 | 2,195 | 1,658 | 2,410 | 1,699 | 2,379 |
| 1993–94[1] | 1,686 | 2,429 | 1,565 | 2,119 | 1,735 | 2,260 | n/a | n/a |

[1] Provisional. n/a—Data not available.

### Overtime

**Mr. David Shaw:** To ask the Secretary of State for Education if she will list for each agency and the central Department for which she is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19670]

**Mr. Forth:** Overtime worked in the Department for Education in the years 1992–93, 1993–94 and 1994–95, measured as full-time equivalent staff numbers, was 21, 31 and 32. For each of these financial years, the cost of overtime was £639,000, £694,000 and £750,000 respectively. The figures for 1994–95 are estimated.

Data on sickness are not yet available for 1994. In 1992, the amount of time lost through sickness was 20,368 days, and in 1993 20,966 days. The monetary cost of these absences is not available.

### Grant for Education Support and Training

**Mr. Steinberg:** To ask the Secretary of State for Education what is the average GEST funding for *(a)* each local education authority school and *(b)* each grant-maintained school; and what is the accounting procedure for such funding by the local education authorities and Funding Agency for Schools. [19042]

**Mr. Robin Squire:** For the financial year 1995–96, GEST funding averages £11,100 per local education authority maintained primary, secondary and special school. Grant is payable in instalments, with, if necessary a final adjustment for the financial year on receipt by the Department of an audit certificate confirming actual expenditure.

For grant-maintained schools, similar activities are supported by special purpose grant—development. The calculation and payment of special purpose grants are now the responsibility of the Funding Agency for Schools and I have asked the chairman of the funding agency to write to the hon. Member.

### Funding Agency for Schools

**Mr. Blunkett:** To ask the Secretary of State for Education how many people are employed at the Funding Agency for Schools; and what were the staff costs in the last financial year. [19130]

**Mr. Robin Squire:** These matters are the responsibility of the Funding Agency for Schools. I have asked the chairman of the funding agency to write to the hon. Member with this information.

### School Meals

**Ms Estelle Morris:** To ask the Secretary of State for Education if she will publish a table showing the total expenditure on school meal service on a per capita basis in cash and real terms for each year since 1970 until the most recent date available. [19376]

**Mr. Robin Squire:** The table shows the cost per pupil on expenditure on the school meal service in cash and real terms from 1976–77 to 1993–94, the latest year for which provisional outturn figures are available. Figures from

1970 to 1975–76 are not readily available and can be produced only at disproportionate cost.

*Net Expenditure on School Meal Service*

| | *Unit cost cash terms* £ | *Unit cost real terms (1994–95 prices)* £ |
|---|---|---|
| 1976–77 | 47 | 172 |
| 1977–78 | 45 | 146 |
| 1978–79 | 48 | 142 |
| 1979–80 | 54 | 134 |
| 1980–81 | 49 | 103 |
| 1981–82 | 51 | 98 |
| 1982–83 | 54 | 97 |
| 1983–84 | 58 | 99 |
| 1984–85 | 60 | 98 |
| 1985–86 | 61 | 95 |
| 1986–87 | 65 | 97 |
| 1987–88 | 64 | 92 |
| 1988–89 | 56 | 75 |
| 1989–90 | 51 | 65 |
| 1990–91 | 53 | 62 |
| 1991–92 | 53 | 58 |
| 1992–93 | 63 | 66 |
| 1993–94[1] | 62 | 63 |

[1] Provisional.

### School Catering

**Mr. McLoughlin:** To ask the Secretary of State for Education, pursuant to her answer of 29 March, *Official Report*, column *692*, if she will list the same information on school catering for Nottingham and Staffordshire, Surrey and Hertfordshire. [18787]

**Mr. Robin Squire:** The table shows Nottinghamshire, Staffordshire, Surrey and Hertfordshire local education authorities' total expenditure on, and income from, the school catering service from 1982–83 to 1993–94, the latest year for which provisional outturn figures are available.

*School catering service in cash terms*

*£000*

| | *Nottingham* | | *Staffordshire* | | *Surrey* | | *Hertfordshire* | |
|---|---|---|---|---|---|---|---|---|
| | *Gross Expenditure* | *Gross Income* | *Gross Expenditure* | *Gross Income* | *Gross Expenditure* | *Gross Income* | *Gross Expenditure* | *Gross Income* |
| 1982–83 | 14,589 | 4,881 | 11,726 | 5,162 | 10,652 | 4,992 | 14,431 | 6,075 |
| 1983–84 | 15,823 | 5,086 | 12,234 | 5,739 | 10,590 | 5,080 | 15,025 | 6,204 |
| 1984–85 | 15,075 | 4,127 | 11,241 | 5,178 | 10,536 | 5,550 | 14,103 | 6,081 |
| 1985–86 | 14,443 | 3,095 | 10,671 | 4,518 | 11,060 | 5,612 | 14,524 | 7,702 |
| 1986–87 | 16,308 | 4,922 | 12,431 | 5,711 | 11,450 | 6,177 | 15,879 | 8,707 |
| 1987–88 | 18,991 | 6,414 | 13,412 | 6,619 | 12,437 | 6,442 | 15,486 | 9,225 |
| 1988–89 | 19,171 | 7,015 | 13,330 | 7,021 | 10,295 | 7,506 | 15,049 | 9,958 |
| 1989–90 | 18,296 | 7,563 | 11,710 | 6,596 | 10,444 | 7,643 | 16,433 | 10,895 |
| 1990–91 | 14,410 | 6,938 | 12,422 | 7,750 | 8,881 | 5,256 | 16,505 | 10,555 |
| 1991–92 | n/a | n/a | 14,764 | 8,230 | 9,890 | 5,490 | 18,556 | 9,847 |
| 1992–93 | 19,059 | 7,560 | 14,803 | 8,944 | 13,850 | 8,155 | 18,214 | 9,785 |
| 1993–94 [1] | 18,654 | 7,678 | 16,200 | 8,674 | 11,562 | n/a | n/a | 4,110 |

[1]Provisional n/a—Data not available.

### Schools Budget

**Mr. McLoughlin:** To ask the Secretary of State for Education, pursuant to her answer of 28 March, *Official Report*, column *577*, if she will list the same information on amounts held back of education budgets in 1994–95 for each county local education authority. [18786]

**Mr. Robin Squire:** I refer my hon. Friend to the reply that I gave my right hon. Friend the Member for Billericay (Mrs. Gorman) on 17 October 1994, *Official Report*, column *28*.

### Schools Management, North Yorkshire

**Mr. Robert Banks:** To ask the Secretary of State for Education what reductions have been made by North Yorkshire county council to its central administration since the advent of local management of schools. [18829]

**Mr. Robin Squire:** The percentage of North Yorkshire county council's general schools budget devoted to management and administration in connection with schools since 1991–92 has been as follows:

1991–92: 1.92 per cent.
1992–93: 2.15 per cent.
1993–94: 1.90 per cent.
1994–95: 1.73 per cent.
1995–96: 1.67 per cent.

To maintain comparability, all these figures exclude expenditure on special schools, which only became subject to local management from 1994–95.

## PRIME MINISTER

### Annual Reports

**Mr. Peter Atkinson:** To ask the Prime Minister when the annual report of the commissioner appointed under the Security Service Act 1989 will be laid before the House; and if he will make a statement. [20166]

**The Prime Minister:** A copy of Lord Justice Stuart-Smith's fifth annual report for 1994 has been laid before the House today in accordance with section 4(6) of the Security Service Act 1989. The confidential annexe to that report has been excluded from that copy in accordance with section 4(7) of the 1989 Act. I am grateful to the commissioner for his work in reviewing

the issue of warrants and in providing assistance to the tribunal as provided in the Act. I note that he is satisfied that the Secretaries of State have exercised their warranty powers in accordance with the provisions of the 1989 Act.

**Dr. Goodson-Wickes:** To ask the Prime Minister when the annual report of the commissioner appointed under the Interception of Communications Act 1985 will be laid before the House; and if he will make a statement. [19946]

**The Prime Minister:** A copy of Lord Nolan's annual report for 1994 has been laid before the House today in accordance with section 8(7) of the Interception of Communications Act 1985. The confidential annnexe to that report has been excluded from that copy in accordance with section 8(8) of the 1985 Act. I am grateful to the commissioner for his work in reviewing the issue of warrants and in assisting the tribunal as provided for in the Act. I note that he is satisfied that the powers under the Act are exercised with care and with a strong sense of duty.

### Teachers and Administrators

**Mr. Spearing:** To ask the Prime Minister, pursuant to his answer of 21 March, *Official Report,* column *112,* concerning the ratio of teachers to other manual and non-manual staff employed by education authorities, if he has anything to add to his oral statement of the same day, *Official Report,* column 140, concerning the ratio of teachers to administrators in their authorities. [19779]

**The Prime Minister** *[holding answer 18 April 1995]:* No. I made the position clear in my oral statement of 21 March, *Official Report,* column 141, and my written answer of the same day, *Official Report,* column *112.*

### Conservative Party Health Group

**Mr. Mackinlay:** To ask the Prime Minister on what basis and on whose authority Conservative central office has dispatched a summons and agenda paper for a Conservative party meeting to be held at the headquarters of the Department of Health in Richmond terrace in April. [18676]

(2) if the Cabinet Secretary approved the conducting of Conservative party health group meetings at the headquarters of the Department of Health in Richmond terrace in 1994–95; [18678]

(3) how many Conservative party health group meetings, for which agenda and summonses were dispatched on Conservative central office notepaper, were held at the Department of Health in Richmond terrace in 1994–95. [18679]

**The Prime Minister** *[holding answer 18 April 1995]:* One Conservative party health group meeting was held during 1994–95 at Richmond house. My right hon. Friend the Secretary of State for Health held another meeting on 4 April. These meetings did not incur additional cost to the taxpayer. No civil servant, apart from my right hon. Friend the Secretary of State's special adviser, was involved in preparing for or servicing these meetings. Approval was not required.

### Official Box, House of Commons

**Mr. McMaster:** To ask the Prime Minister what instructions and advice is given to special advisers who occupy the civil service box inside the Chamber of the House as to their conduct, behaviour and impartiality during Question Time, statements and debates; and if he has any plans to amend or review this advice; and if he will make a statement. [18979]

**The Prime Minister:** Attendance in the Official Box is by permission of Madam Speaker who has laid down clear rules on officials' behaviour. These require officials to conduct themselves discreetly at all times. I expect these rules to be scrupulously observed.

### Mr. Ghazanfer Ali

**Mr. Madden:** To ask the Prime Minister what is the current position regarding representations made on behalf of Mr. Ghazanfer Ali who is in prison in Azad Kashmir; and if he will make a statement. [19058]

**The Prime Minister** *[holding answer 18 April 1995]:* We continue to raise our concerns over the delays in the hearings facing Ghazanfer Ali. We understand that the hearings continue to be adjourned.

### Lockerbie

**Mr. Dalyell:** To ask the Prime Minister, pursuant to his answer of 28 March, *Official Report,* column *453,* regarding the concrete evidence on Lockerbie if he will *(a)* name the relevant authorities and *(b)* make a statement on the result of his approaches to the United States embassy on the issues of alleged forgery of the telex to which the question refers. [18430]

**The Prime Minister** *[holding answer 5 April 1995]:* I have asked the Foreign and Commonwealth Office to look into the matters raised by the hon. Member. It has consulted the Crown Office and the Dumfries and Galloway constabulary as the prosecuting and investigating authorities in this case, our security and intelligence services and the United States authorities. The consultations with the United States embassy are intended to check the authenticity of the document in question, and are still continuing.

## DEFENCE

### Salisbury Plain

**Mr. Key:** To ask the Secretary of State for Defence what consultation his Department had with English Heritage prior to construction of the new stone roads in the Salisbury plain training area; and if he will make a statement. [18853]

**Mr. Soames:** Track construction on Salisbury plain training area is subject to the normal planning procedures and the planning authority would formally consult English Heritage where appropriate. In addition, English Heritage is one of several bodies represented on the Salisbury plain training area environmental steering group which oversees development and environmental management of the training area.

### "Old Ditch"

**Mr. Key:** To ask the Secretary of State for Defence on what date the prehistoric earthwork known as the "Old Ditch" on Tilshead down was destroyed; and who authorised its removal. [18852]

**Mr. Soames:** The surface of the scheduled ancient monument known as the "Old Ditch" on Tilshead down was regrettably scraped during essential engineering works between 13 and 17 March. Investigation into the incident is being carried out, but initial indications are that the damage to the earthwork was the result of an accident.

**Mr. Key:** To ask the Secretary of State for Defence if he will place in the Library the report by the defence land agent on the destruction of the prehistoric monument known as the "Old Ditch" on Tilshead down; and if he will make a statement. [18854]

**Mr. Soames:** The defence land agent is at present carrying out an investigation into the incident. Once the investigation is complete, a summary of the report will be placed in the Library of the House.

## Advertising

**Mrs. Ann Taylor:** To ask the Secretary of State for Social Security if he will list each non-departmental public body and agency for which he has responsibility and, for each, list separate figures for the spending by that body or agency on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotion materials and activities, *(e)* the totals in each year of *(a)* to *(d)* and *(f)* the proportion of *(e)* that was spent on recruitment advertising for each year since 1979–80 or for each year of its existence if it has been created since 1979–80; and what are his latest estimates of *(a)* to *(f)* for the years 1994–95 and 1995–96. [17612]

**Mr. Hague:** Information is not available in the form requested. The available information is as follows:

*Benefits Agency (established April 1992)*

£ million

| | *1991–92* | *1992–93* | *1993–94* | *1994–95* | *[2]1995–96* |
|---|---|---|---|---|---|
| *(a)* television advertising | [1] | — | — | — | — |
| *(b)* radio advertising | [1] | — | — | — | — |
| *(c)* newspaper advertising and *(d)* other promotion materials and activities | [1] | 8.1 | 7.7 | 7.0 | — |
| *(e)* the totals of (a) to (d) | | 8.1 | 7.7 | 7.0 | 6.8 |
| *(f)* proportion spent on recruitment advertising | This information could be provided only at disproportionate cost | | | | |

*Notes:*
[1] Budget held centrally by DSS.
[2] Breakdown not available for 1995–96. Total is estimated. Expenditure rounded to nearest £100,000.

*Child Support Agency (established April 1993)*

£

| | *1991–2* | *1992–3* | *1993–4* | *1994–5* | *1995–6* |
|---|---|---|---|---|---|
| *(a)* television advertising | [1] | [1] | 302,185 | — | — |
| *(b)* radio advertising | [1] | [1] | 276,420 | — | — |
| *(c)* newspaper advertising | [1] | 33,240[4] | 269,259 | — | — |
| *(d)* other promotion materials and activities | [1] | [1] | 842,357 | 1.9 million | — |
| *(e)* the totals of *(a)* to *(d)*[5] | | 33,240[4] | 1.7 million | 1.9 million | 3.05 million[3] |
| *(f)* proportion spent on recruitment advertising | | 100 per cent. | [2] | [2] | [2] |

*Notes:*
[1] Publicity budget held centrally by DSS.
[2] A breakdown of recruitment advertising is not available for 1993–94 and 1994–95. CSA has spent £27,265 on recruitment press advertising from 1993 to date.
[3] Total budget for 1995–96.
[4] Recruitment advertising budget was held by CSA and was done through newspapers.
[5] Totals rounded, where appropriate, to nearest £100,000. Totals may therefore not sum.

*War Pensions Agency (established April 1994)*

£

| | *1991/92* | *1992/93* | *1993/94* | *1994/95* | *1995/96* |
|---|---|---|---|---|---|
| *(a)* television advertising | [1] | [1] | [1] | — | — |
| *(b)* radio advertising | [1] | [1] | [1] | — | — |
| *(c)* newspaper advertising | [1] | [1] | [1] | 1,814 | — |
| *(d)* other promotion materials and activities | [1] | [1] | [1] | 21,000 | — |
| *(e)* the totals of *(a)* to *(d)* | | | | 22,814 | [2]25,000 |
| *(f)* proportion spent on recruitment advertising | | | | — | |

*Notes:*
[1] Budget held centrally by DSS.
[2] Estimate only, no breakdown available.

*Contributions Agency (established April 1991)*

£

| | *1991–2* | *1992–3* | *1993–4* | *1994–5* | *1995–6* |
|---|---|---|---|---|---|
| *(a)* television advertising | [1] | [1] | [1] | — | — |
| *(b)* radio advertising | [1] | [1] | [1] | — | — |
| *(c)* newspaper advertising | [1] | [1] | [1] | 30,192 | — |

*Contributions Agency (established April 1991)*

£

| | 1991–2 | 1992–3 | 1993–4 | 1994–5 | 1995–6 |
|---|---|---|---|---|---|
| *(d)* other promotion materials and activities | [1] | [1] | [1] | [3]4.1 million | [3]4 million |
| *(e)* the totals of *(a)* to *(d)* | — | — | — | 4.2 million | — |
| *(f)* proportion spent on recruitment advertising | — | — | — | 0.14 per cent. | — |

*Notes:*
[1] Budget held centrally by DSS.
[2] Estimated publicity budget.
[3] Totals rounded, where appropriate, to nearest £100,000. Totals may therefore not sum.

*Information Technology Services Agency (established April 1990)*

£

| | 1991–92 | 1992–93 | 1993–94 | 1994–95 | 1995-96 |
|---|---|---|---|---|---|
| *(a)* television advertising | — | — | — | — | — |
| *(b)* radio advertising | — | — | — | — | — |
| *(c)* newspaper advertising | 52,000 | 103,000 | 36,000 | 1,000 | 5,000 |
| *(d)* other promotion materials and activities | — | — | — | — | — |
| *(e)* the totals of *(a)* to *(d)* | 52,000 | 103,000 | 36,000 | 1,000 | 5,000 |
| *(f)* proportion spent on recruitment advertising | 100 per cent. | 100 per cent. | 100 per cent. | 100 per cent. | 100 per cent. |

*Resettlement Agency (established May 1989)*

No such expenditure.

*Non-departmental Bodies*
*Central adjudication services (established April 1984)*

£

| | 1991–92 | 1992–93 | 1993–94 | 1994–95 | 1995–96 |
|---|---|---|---|---|---|
| *Non-departmental bodies* | | | | | |
| *(a)* television advertising | [1] | [1] | [1] | — | – |
| *(b)* radio advertising | [1] | [1] | [1] | — | — |
| *(c)* newspaper advertising | [1] | [1] | [1] | — | — |
| *(d)* other promotion materials and activities | | | | 400 | — |
| *(e)* the totals of *(a)* to *(d)* | — | — | — | 400 | — |
| *(f)* proportion spent on recruitment advertising | — | — | — | — | — |

*Notes:*
[1]Expenditure prior to 1994–95 has not been identified, and none is anticipated for 1995–96.

*Independent Tribunal Service (established April 1984) includes Social Security Appeal Tribunals, Medical Appeal Tribunals, Disability Appeal Tribunals, Child Support Tribunals and Vaccine Damage Tribunals*

£

| | 1991–92 | 1992–93 | 1993–94 | 1994–95 | 1995–96 |
|---|---|---|---|---|---|
| *(a)* television advertising | [1] | [1] | [1] | — | — |
| *(b)* radio advertising | [1] | [1] | [1] | — | — |
| *(c)* newspaper advertising | [1] | [1] | [1] | 6,999 | 4,500 |
| *(d)* other promotion materials and activities | | | | 11,000 | — |
| *(e)* the totals of *(a)* to *(d)* | — | — | — | 17,999 | 4,500 |
| *(f)* proportion spent on recruitment advertising | — | — | — | 38.89 per cent. | 100 per cent. |

*Notes:*
[1] Expenditure prior to 1994–95 has not been identified, and none is anticipated for 1995–96.
The following non-departmental public bodies are also the responsibility of my right hon. Friend the Secretary of State for Social Security, but have not recorded any expenditure in the categories requested because budgets were centrally held.
Central Advisory Committee on War Pensions
War Pension Committees
Social Security Advisory Committee
Industrial Injuries Advisory Council
Disability Living Allowance Advisory Board
Occupational Pensions Board

## Poverty

**Mr. Alton:** To ask the Secretary of State for Social Security how many households in Liverpool are living on or below the poverty line. [18945]

**Mr. Burt:** No Government of any political persuasion have ever accepted that it is possible to provide a meaningful definition of poverty.

Statistics on patterns of household disposable income, for the United Kingdom as a whole, are provided in

"Households below Average Income 1979–1991/92" published in July 1994, a copy of which is in the Library. Information is not available on a regional basis.

### Maintenance

**Ms Lynne:** To ask the Secretary of State for Social Security what was the total monetary value of maintenance arranged or collected by his Department's liable relatives unit in the year from 6 April 1991 to 5 April 1992. [18821]

**Mr. Burt:** Benefit savings of £283.9 million were achieved in the 1991–92 financial year as a result of liable relative action by the Benefits Agency. It is not possible to break this down to show amounts arranged or collected.

### Child Support Agency

**Ms Lynne:** To ask the Secretary of State for Social Security what proportion of cases taken on by the Child Support Agency involve absent parents and parents with care who have separated since 5 April 1993. [18818]

**Mr. Burt:** The information is not collected.

### Incapacity Benefit

**Mr. Gordon Prentice:** To ask the Secretary of State for Social Security what estimates he has made of the number of people in Burnley, Pendle and Rossendale currently receiving invalidity benefit who will not qualify for the new incapacity benefit. [19395]

**Mr. Hague:** The information requested is not available. Estimates are not broken down into local areas or regions.

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for Social Security how many metres of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19834]

**Mr. Burt:** The information requested is not available, but as a matter of policy the Department has deliberately phased out the use of tropical hardwoods including mahogany.

## EMPLOYMENT

### Training and Enterprise Councils

**Mr. McMaster:** To ask the Secretary of State for Employment how many members of training and enterprise councils representing business and industry have been nominated by co-operative business; what are the criteria for business and industry nominations; and what steps are taken to ensure that nominations are received from co-operative business. [19069]

**Mr. Paice:** The Department does not hold information on the numbers of training and enterprise council board members from co-operative business. As private companies, TECs are responsible for the selection of their own board members. The Government contract with TECs requires that two thirds of the board should be private sector employers who are chairmen, chief executives or top operational managers at local level of a company. Private sector directors should broadly reflect the mix of commerce and industry in the TEC area.

### Jobseeker's Allowance

**Mr. McCartney:** To ask the Secretary of State for Employment when the jobseeker's allowance pilot was set up in Guildford in Surrey; and whether there has been a reduction in the unemployment register for Guildford since the pilot commenced. [19136]

**Miss Widdecombe:** The pilot currently running in the Employment Service's Guildford district is not a jobseeker's allowance pilot. It is part of a project aimed at improving and making more efficient ES's existing job-broking and advisory activities, in particular through developing better information technology support. The pilot has been developing and testing a prototype IT system, to deal with functions such as signing, vacancy taking, vacancy search, maintaining client records, carrying out in-work benefit calculations and managing diaries and case loads. The prototype system began operation in four of the five offices in the Guildford district in May 1994.

Between June and December 1994, average unemployment fell by 23 per cent. in the Guildford district.

### South London TEC

**Ms Ruddock:** To ask the Secretary of State for Employment what is the figure for expected youth training guarantees starts in 1995–96 in the expanded South London TEC area. [19292]

**Mr. Paice:** The figure for youth training guarantee starts for the SOLOTEC area of Bexley, Bromley, Croydon and Sutton for the 1995–96 contract year is 2,250. A further 1,152 guarantee starts are expected for Greenwich and Lewisham subject to further negotiation between SOLOTEC and the government office for London.

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for Employment how many metres of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19841]

**Miss Widdecombe:** None.

## TREASURY

### European Co-operative Statute

**Mr. Jon Owen Jones:** To ask the Chancellor of the Exchequer what action the Government are taking to progress the European Co-operative Statute with a view to reaching a common position during the French presidency in the first half of the current year; and if he will make a statement. [19451]

**Mr. Nelson:** The Government are negotiating constructively on the proposal for a European Co-operative Statute. A number of important issues need

to be resolved, including the legal base, protection of creditors on transfer of registered office and the question of compulsory employee participation. Discussions on the statute are continuing in the Council working group in Brussels.

### Industrial and Provident Societies

**Mr. Keen:** To ask the Chancellor of the Exchequer if he will set out the objectives of the forthcoming general review, under the deregulation initiative, of the industrial and provident societies legislation as outlined in the recent report of the Chief Registrar; what steps are being taken to consult interested societies and their members; if he will produce a timetable for the review; and if he will make a statement. [19449]

**Mr. Nelson:** A consultation document on proposed changes to industrial and provident societies legislation was published on 5 April, *Official Report*, column *1162*. Copies have been sent to promoting bodies, professional accounting bodies, solicitors' firms, housing associations and co-operatives. Proposals include aligning the audit requirements for industrial and provident societies with those of companies and changing the timetable for submitting returns. The closing date for response is 12 May. Subject to the responses, the Government hope to put draft orders to the Deregulation Committee as soon as possible thereafter.

### Schools (Tax Relief)

**Mr. Blunkett:** To ask the Chancellor of the Exchequer if schools will be able to claim tax relief on money raised by parents. [18900]

**Sir George Young** *[holding answer 18 April 1995]:* Schools are generally exempt from tax on moneys they receive from fund-raising by parents.

### Exchange Rates

**Sir Teddy Taylor:** To ask the Chancellor of the Exchequer if Her Majesty's Government are required by the Maastricht treaty to seek to arrange their economic policies with a view to seek to engage sterling in a stable exchange rate with other Euro-currencies. [18154]

**Mr. Nelson** *[holding answer 4 April 1995]:* There is no provision in the treaty which requires the United Kingdom to seek to maintain a stable exchange rate.

### Income Tax

**Mr. Andrew Smith:** To ask the Chancellor of the Exchequer if he will give a breakdown by category of the number of people who have *(a)* been brought into paying income tax since 1992–93 and *(b)* will come into paying income tax in 1995–96 as compared with 1994–95. [17428]

**Sir George Young** *[holding answer 31 March 1995]:* Available information is given in the table. The increase in taxpayer numbers is largely due to economic growth. In addition, the number of people in work is increasing—the UK work force in employment had increases of 174,000 between December 1993 and December 1994. If the 1978–79 income tax regime had been indexed to 1995–96, there would be 1 million more taxpayers in 1995–96.

*Number of taxpayers by status (thousands)*

| | *Single people* | *Husbands* | *Wives* | *Total* |
|---|---|---|---|---|
| 1992–93 | 10,460 | 9,080 | 5,840 | 25,400 |
| 1994–95[1] | 10,700 | 9,100 | 5,900 | 25,700 |
| 1995–96[1] | 10,800 | 9,400 | 6,000 | 26,200 |

[1] Provisional.

## NATIONAL HERITAGE

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for National Heritage how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19364]

**Mr. Sproat** *[holding answer 18 April 1995]:* My Department has not repealed any regulations this year. The following regulations were introduced in the first three months of the year:

The Natural History Museum (Authorised Repositories) Order 1995

The Wireless Telegraphy (Television Licence Fees) (Amendment) Regulations 1995.

Neither of these introduced new regulatory requirements which had costs for business.

**Mr. Steen:** To ask the Secretary of State for National Heritage what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19350]

**Mr. Sproat** *[holding answer 18 April 1995]:* My Department is committed to undertaking compliance cost assessments for all measures which impose costs on business. No such measures have been introduced this year and therefore no assessments have been prepared.

## TRADE AND INDUSTRY

### British Technology Group

**Mr. Battle:** To ask the President of the Board of Trade (1) what are the salaries of the directors of the British Technology Group currently; and what they were in 1991 before privatisation; [19251]

(2) what resources the British Technology Group has placed in the university sector *(a)* since 1991 and *(b)* in 1991 prior to privatisation. [19249]

**Mr. Ian Taylor:** This is a matter for the board.

**Mr. Battle:** To ask the President of the Board of Trade what assets held by the British Technology Group have been sold since it was privatised. [19250]

**Mr. Ian Taylor:** Under the terms of a special share in British Technology Group, the Secretary of State's approval is required for any disposal of the whole or a material part of the assets of the group. No such disposal has taken place. Any other asset sales are a matter for the board.

### Companies House

**Mr. Peter Atkinson:** To ask the President of the Board of Trade what targets he has set Companies House executive agency for 1995–96. [19994]

**Mr. Heseltine:** I have set Companies House executive agency the following targets for 1995–96:

to make all statutory documents available for public inspection within a maximum of five working days of receipt in Companies House

to achieve, on average, a monthly compliance rate for accounts submitted of 95 per cent. and for annual returns submitted of 93 per cent.

to ensure that a minimum of 90 per cent. of fiche provided to customers are error free and that the percentage of error free work in current processing is at least 97 per cent.

to reduce real unit costs by 10 per cent. compared with the outturn in 1993–94—an average reduction of 5 per cent. per annum

to achieve a 6 per cent. average annual rate of return based on operating surplus expressed as a percentage of average net assets employed at current values

to answer 90 per cent. of incoming telephone calls within six rings—20 seconds

In addition, I expect the chief executive of the agency to continue to reply within 10 working days to all letters from Members of Parliament delegated to him for reply.

### European Solar Prize

**Mr. Frank Cook:** To ask the President of the Board of Trade what support or endorsement his Department is giving to the 1995 European solar prize, judged and administered by EUROSOLAR International, and to the national UK solar prize, judged and administered by EUROSOLAR UK. [18895]

**Mr. Page:** The Department welcomes the joint European Commission—EUROSOLAR initiative in setting up the European solar prize, and the associated national UK solar prize. The Department's new and renewable energy programme is assisting with the publicity of this activity.

### Renewable Energy

**Mr. Frank Cook:** To ask the President of the Board of Trade if he will list the Government expenditure on research development, demonstration and dissemination of renewable energy technologies, as defined in energy paper No. 62, page 6, figure 2, for each year since 1990, together with projected expenditure for each year until 1997. [18926]

**Mr. Heseltine:** Government expenditure on research, development, demonstration and dissemination of renewable energy technologies since 1990 is shown.

*£ million*

| *Programme* | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *1994–95* |
|---|---|---|---|---|---|
| Wind | 4.5 | 6.7 | 8.7 | 7.3 | 2.7 |
| Wave | 0.4 | 0.5 | 0.3 | 0.2 | 0.1 |
| Geothermal Aquifers | 0 | 0.1 | 0.1 | 0.1 | 0 |
| Geothermal Hot Dry Rocks | 2.6 | 1.6 | 1.1 | 1 | 0.2 |
| Solar | 2.1 | 2.4 | 2.3 | 2.4 | 2.1 |
| Biofuels | 1.8 | 2.5 | 3.2 | 3.4 | 3.6 |
| Tidal | 1.9 | 1.9 | 1.7 | 0.6 | 0.2 |
| Hydro | 0.1 | 0.1 | 0.1 | 0.2 | 0.1 |
| Technology Transfer | 2.9 | 3.3 | 2.6 | 4.2 | 4.2 |
| ETSU R and D Management | 3.8 | 4.6 | 4 | 4.2 | 4.6 |
| Fuel Cells | n/a | 0.2 | 0.4 | 0.8 | 0.9 |
| Strategic Studies | 0.7 | 0.9 | 1 | 0.8 | 0.4 |
| New and Renewables Total Gross[1] | 20.8 | 24.8 | 25.6 | 25.2 | 19.2 |

[1] Minor difference due to rounding.

The Government's expenditure plans for renewable and novel sources of energy for 1995–96 to 1997–98 are shown below.

*£ million*

| | *1995–96* | *1996–97* | *1997–98* |
|---|---|---|---|
| New and Renewables | 18 | 15.5 | 15.5 |

### Raytheon Plant

**Dr. John Cunningham:** To ask the President of the Board of Trade if he has written to the Raytheon company to ask it to reconsider its decision to close its Broughton plant. [19455]

**Mr. Heseltine:** I refer the right hon. Member to the reply I gave him on 5 April 1995, *Official Report*, column *1187*.

### International Co-operative Alliance

**Mr. Keen:** To ask the President of the Board of Trade what steps he is taking to acknowledge the centenary celebrations of the international co-operative movement; and if he or one of his Ministers will be taking part in the centenary congress of the International Co-operative Alliance to be held in Manchester in September 1995. [19450]

**Mr. Heseltine:** No DTI Ministers will attend this event, but the Department expects to be represented at official level. I take this opportunity to wish the alliance a successful centennial congress.

### Coal Mining Contractors Pension Scheme

**Mr. McCartney:** To ask the President of the Board of Trade (1) how many members of the coal mining contractors pension scheme fund who have pensions retained in the scheme are not contactable because the coal mining contractors pension scheme fund does not have accurate information on their addresses; [18831]

(2) what is the expected amount of the coal mining contractors pension scheme fund to be transferred to the insurance company to be selected by the trustees; [18833]

(3) what is the current total sum in the coal mining contractors pension scheme fund; [18832]

(4) how many members of the coal mining contractors pension scheme are currently in receipt of a pension; and how many are not yet in receipt of a pension but who will qualify for a pension once they attain the age of 65 years. [18830]

**Mr. Page:** These are matters for the trustees of the coal mining contractors pension scheme who may be contacted through CMT Pension Trustee Services Ltd., 1 Hussar court, Hillsborough barracks, Sheffield, S6 2LW.

### Energy Consumption

**Mrs. Diana Maddock:** To ask the President of the Board of Trade what was *(a)* the total amount and *(b)* the total cost of (i) electricity, (ii) gas, (iii) coal, (iv) coke and breeze, (v) solid fuels, (vi) petroleum and (vii) solar and geothermal energy consumed by domestic users in each English county during the last year for which figures are available. [19890]

**Mr. Eggar:** I regret that this information is not available.

### AEA Technology

**Dr. Moonie:** To ask the President of the Board of Trade what is the current actuarial value of the forecast total liabilities of the pension rights of the employees at AEA Technology; and if he will make a statement. [19156]

**Mr. Heseltine** *[holding answer 18 April 1995]:* Employees of AEA Technology are employed by the UKAEA. Detailed data are available only for the whole of the UKAEA. However, the value of the liabilities in respect of AEA Technology is estimated to lie in the range of £120 million to £160 million.

### Arms Exports

**Mr. Mullin:** To ask the President of the Board of Trade, pursuant to his answer to the hon. Member for Teignbridge (Mr. Nicholls) of 2 March, *Official Report*, column *716*, if he will make a statement on how the EU criteria for arms exports were taken into consideration in the issuing of a licence to Alvis for the export of armoured vehicles to Indonesia. [19341]

**Mr. Heseltine:** I have nothing further to add to my statement of 2 March 1995.

### Overtime

**Mr. David Shaw:** To ask the President of the Board of Trade if he will list for each agency and the central department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19675]

**Mr. Ian Taylor:** Information concerning the paid overtime for the financial years 1992–93, 1993–94 and 1994–95 is given in the table.

| | *1992–93* | | *1993–94* | | *1994–95 (a)* | |
|---|---|---|---|---|---|---|
| | *Expenditure £K* | *Hours* | *Expenditure £K* | *Hours* | *Expenditure £K* | *Hours* |
| *Centre DTI* | 1,678 | 145,910 | 1,612 | 135,480 | 1,539 | 124,970 |
| *DTI agencies:* | | | | | | |
| Insolvency Service | 323 | 34,450 | 266 | 18,940 | 110 | 7,230 |
| National Weights and Measures Laboratory | 6 | 390 | 10 | 768 | 8 | 500 |
| Laboratory of the Government Chemist | 58 | 7,100 | 42 | 4,200 | 42 | 3,900 |
| National Engineering Laboratory | 67 | 4,882 | 58 | 4,329 | 71 | 5,409 |
| National Physical Laboratory | 51 | *(b)* | 81 | *(b)* | 82 | *(b)* |
| Radiocommunications | 359 | 17,071 | 414 | 18,047 | 394 | 13,523 |
| Companies House | 354 | 45,674 | 380 | 52,829 | 316 | 41,817 |
| Patent Office | 185 | 26,923 | 223 | 27,005 | 264 | 30,014 |
| Total | 3,081 | 282,400 | 3,086 | 261,598 | 3,826 | 227,363 |

*Notes:*
*(a)* The entries for 1994–95 are provisional figures.
*(b)* Figures could be provided only at disproportionate cost.

The total number of days lost by the centre of the department through sickness for calendar years 1992 and 1993 were 101,835.8 and 107,796.5 respectively. The Department could provide information on the monetary equivalents of these figures only at disproportionate cost. Data are not yet available for 1994.

### Chernobyl

**Mr. Llew Smith:** To ask the President of the Board of Trade if he will place in the Library a copy of the report on the stabilisation of the existing shelter and damaged remains of reactor 4 at the Chernobyl nuclear power plant in the Ukraine, commissioned by the European Commission under the EU Tacis contract WW92.04/01.01/B029. [19319]

**Mr. Heseltine:** The report in question is the property of the European Commission and is commercially confidential. However, the executive summary has been made available to the European Parliament, and copies have been placed in the Library of the House.

### Waste Management

**Mr. Llew Smith:** To ask the President of the Board of Trade what assessment he has made of the implications for present waste management strategy at Sellafield of the agreement between British Nuclear Fuels and Nuclear Electric on 31 March on reprocessing and spent fuel management services; and what meetings Ministers or officials of his Department had with each company respectively, in regard to the matters set out in the agreement. [19321]

**Mr. Heseltine:** The agreement between British Nuclear Fuels plc and Nuclear Electric plc is a commercial matter for the companies involved. Subject to meeting the appropriate regulatory requirements, BNFL is responsible for waste management strategy at Sellafield as operators of the site. I understand from the company that the agreement has no implications for this strategy. Ministers and officials meet representatives from the two companies from time to time to discuss a range of issues.

### Deregulation

**Mr. Steen:** To ask the President of the Board of Trade, pursuant to his answer of 27 March, *Official Report*, column *410*, if he will list the 1,000 regulations which have been targeted by Departments to remove unnecessary burdens to business; and if he will make a statement as to the progress proposed on each, and the timescale for so doing. [18090]

**Mr. Jonathan Evans** *[holding answer 18 April 1995]:* Of the 1,000 regulations, about 430 are concerned with transportation matters including about 25 aviation, about 250 maritime and about 150 road transport regulations; about 130 concern the Chancellor's Departments including amendments to the regulatory structure in implementing the investment services directive and the capital adequacy directive; regulatory changes arising from self-assessment of personal taxation and simplification of VAT accounting; about 110 are concerned with health and safety including legislation under the Health and Safety at Work, etc Act 1974; about 100 concern trade and industry, including consumer protection, weights and measures, patents, insurance regulation, company and competition law; about 80 relate to local government, housing, environmental controls, and planning and building regulations; about 75 deal with agricultural, fisheries and food matters; about 50 relate to health matters including human medicines and food safety legislation; about 30 concern matters dealt with by the Home Office including legislation on gambling, liquor licensing, street trading, public entertainment licensing and game licensing; the remainder are from other departments with regulatory responsibilities.

Considerable progress has already been made in implementing these changes. The timetable for the remainder varies because of the need for consultation with those affected by the regulations, but we expect about half of the 1,000 to have been dealt with by the end of the year.

Deregulatory action is also being undertaken in a number of other important areas, including ensuring that new regulations are introduced only if they are needed and have the minimum possible compliance costs; making enforcement procedures more business friendly; and promoting a deregulatory approach in the European Union.

### Rules and Regulations

**Mr. Steen:** To ask the President of the Board of Trade how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19369]

**Mr. Heseltine** *[holding answer 18 April 1995]:* In the first three months of 1995, there were three simple repeals of regulation. In the same period, 21 were introduced, not including commencement orders, Orders in Council and instruments not subject to parliamentary procedure, such as translations into Welsh, of which:

nine repealed earlier instruments or substituted a more favourable regime for business

two implemented EU obligations, including measures to facilitate trade between member states

four facilitated privatisations and competition

four updated fees and charges or related to local legislation

the remaining two, while not fitting any of the categories above, had no adverse impact on business

Very few introduced new regulatory requirements which had costs for business.

Other deregulatory activity by my Department is described in the answer to another question given to my hon. Friend today.

**Mr. Steen:** To ask the President of the Board of Trade what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19354]

**Mr. Heseltine** *[holding answer 18 April 1995]:* The Government have agreed that a compliance cost assessment should be prepared in the following circumstances:

in support of papers for collective discussion that deal with proposals which may have an impact on business;

when preparing statistical surveys which will involve business;

alongside draft primary, secondary and EC legislation having an impact on business when it is presented to Parliament;

as part of the advice to Ministers on the line to be taken on a private Member's Bill which affects business;

All CCAs accompanying draft Government legislation are published. My Department issued four of these in the first three months of this year, copies of which are in the Library. A list of all CCAs issued between November 1993 and June 1994 was published in December 1994—Cm 2719. Another Command Paper covering the period July to December 1994 will be published shortly.

### Mahogany

**Mr. Matthew Taylor:** To ask the President of the Board of Trade how many metres of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19849]

**Mr. Ian Taylor:** In the last five years the only item purchased for my Department's London headquarters which contains mahogany was a veneer meeting table bought in 1990 at a cost of around £400. Comparable information is not available for the DTI's agencies.

### Pergau Dam

**Mr. Worthington:** To ask the President of the Board of Trade, pursuant to his answer of 31 March, *Official Report*, column *886*, in what circumstances further contributions will be made from the public purse to meet cost escalations for the Pergau dam. [19692]

**Mr. Heseltine:** No approach has been made to date which will entail additional contributions from the public purse to meet cost escalations for the Pergau dam.

## HOME DEPARTMENT

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for the Home Department how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19363]

**Mr. Howard** *[holding answer 18 April 1995]:* Thirty eight instruments were revoked in the months January, February and March 1995. Twenty-eight statutory instruments were made during that period, not including commencement orders. Orders in Council and instruments not subject to parliamentary procedure. Of these, over half revoked earlier instruments or substituted a more favourable regime for business.

### Firearms

**Mr. McMaster:** To ask the Secretary of State for the Home Department (1) if he will list the *(a)* name, *(b)* occupation or former occupation, *(c)* place of residence and *(d)* annual honorarium, allowance and/or payment of each member of the Advisory Committee on Firearms; and if he will make a statement; [19017]

(2) what recommendations he has received from the Advisory Committee on Firearms in relation to the certification of shotguns in the past five years; and if he will make a statement. [19019]

**Mr. Maclean:** The Firearms Consultative Committee is a statutory body set up under section 22 of the Firearms (Amendment) Act 1988. Members appointed to the committee are chosen from those who appear to the Home Secretary to have knowledge and experience of either the possession, use or keeping of, or transactions in firearms; or weapon technology; or the administration or enforcement of the provisions of the Firearms Acts in Great Britain.

A list of committee members with biographies relevant to their appointment is contained in the committee's fifth annual report, a copy of which is in the Library. Since the report was published, Lord Shrewsbury has assumed chairmanship of the committee and Sir Malcolm Guthrie has resigned. Communications to committee members should be addressed to the Secretary, Firearms Consultative Committee, 50 Queen Anne's gate, London SW1H 9AT. Members receive no allowance, but travelling expenses are reimbursed.

The recommendations received from the Firearms Consultative Committee in the past five years including those relating to the certification of shotguns are listed in the committee's fifth annual report.

**Mr. McMaster:** To ask the Secretary of State for the Home Department (1) if he will list the differences between the current legislation governing *(a)* firearms and *(b)* shotgun certificates; and if he will make a statement; [19027]

(2) what plans he has to bring the legislation governing shotgun certificates into line with the legislation governing firearm certificates; and if he will make a statement. [19026]

**Mr. Maclean:** Before issuing either a firearm or shotgun certificate, a chief officer of police must consider whether the applicant is, by virtue of a previous conviction, prohibited from possessing firearms and whether the applicant can be permitted to possess firearms without danger to the public safety or to the peace. In addition, a firearm certificate will be refused where the chief officer is not satisfied that the applicant has a good reason for possessing the firearm(s) in question. A shotgun certificate will be refused where the chief officer is satisfied that the applicant does not have a good reason for possessing shotguns. The holder of a firearm certificate must obtain further authority from the police for each additional firearm he wishes to keep. The holder of a shotgun certificate may acquire additional shotguns subject to notifying the police of each acquisition.

There are no plans to bring the legislation governing the issue of shotgun certificates in Great Britain completely into line with that for firearm certificates, but the Firearms Consultative Committee in its fifth annual report recommended that a working group be set up to consider the issue of licensing as a whole. The merits of a single certificate to cover both firearms and shotguns will be considered.

### Closed Circuit Television

**Mrs. Roche:** To ask the Secretary of State for the Home Department, pursuant to his answer of 31 March, *Official Report*, column *853*, if Wood Green high road's bid was among those 289 bids for CCTV assessed by the panel as being of good or very good quality. [18800]

**Mr. Maclean** *[holding answer 18 April 1995]:* Yes.

**Mrs. Roche:** To ask the Secretary of State for the Home Department, pursuant to his answer of 31 March, *Official Report*, column *853*, how many of the 289 CCTV bids assessed as being of good or very good quality were from London. [19374]

**Mr. Maclean:** Thirty-three.

### Criminal Injuries Compensation Claims

**Mrs. Roche:** To ask the Secretary of State for the Home Department what proportion of claimants under *(a)* the Criminal Injuries Compensation Board and *(b)* the Criminal Injuries Compensation Authority lived in London in the last year for which figures are available. [19392]

**Mr. Maclean** *[holding answer 18 April 1995]:* Definitive records are not available centrally. However, such records as are available suggest that in the year 1 April 1994 to 31 March 1995 about 12.5 per cent. of the claims registered by CICA had a London address. The only figures available in respect of CICB relate to the period December 1993 to March 1994, when about 8 per cent. of the claims registered appear to have had a London address.

### Police National Computer

**Mr. Beith:** To ask the Secretary of State for the Home Department what consideration his Department has given to private sector investment in the operation and maintenance of the police national computer. [19153]

**Mr. Maclean:** I refer the right hon. Member to the reply that I gave to the hon. Member for Leyton

(Mr. Cohen) on 8 March 1995, *Official Report*, columns *185–86*.

### Miscarriages of Justice

**Mr. Mullin:** To ask the Secretary of State for the Home Department what information he has received from the Association of Chief Police Officers about the cost of police investigations into alleged and proven miscarriages of justice in the last five years. [19040]

**Mr. Maclean:** None. However, we are due shortly to discuss with the association the results of a survey of the costs of a small sample of recently completed investigations, based on information supplied to the Home Office by the police forces concerned.

### Crime Rates

**Mr. Straw:** To ask the Secretary of State for the Home Department if he will list for each OECD country for which data are available the total of recorded crime in 1979, 1987 and 1993, with an index for each country where 1979=100. [18898]

**Mr. Maclean** *[holding answer 18 April 1995]:* The readily available information on crimes recorded by the police in OECD countries is provided in the table:

*Crimes[1] recorded by the police in OECD countries[2]*

| | *1979* | | *1987* | | *1993* | |
|---|---|---|---|---|---|---|
| | *Number* | *Index* | *Number* | *Index* | *Number* | *Index* |
| Australia[3] | 642,066 | 100 | 1,070,367 | 167 | [4]1,273,948 | 198 |
| Austria | 330,132 | 100 | 391,291 | 119 | 493,786 | 150 |
| Belgium | — | — | 293,631 | — | 388,150 | — |
| Canada | 1,855,271 | 100 | 2,368,956 | 128 | 2,736,096 | 147 |
| Denmark | 355,054 | 100 | 524,323 | 148 | 546,894 | 154 |
| Finland | 192,979 | 100 | 317,290 | 164 | 385,985 | 200 |
| France | 2,330,566 | 100 | 3,170,970 | 136 | 3,881,894 | 167 |
| Germany | 3,533,802 | 100 | 4,444,108 | 126 | [5]6,750,613 | — |
| Greece | — | — | 303,182 | — | — | — |
| Ireland | 64,057 | 100 | 85,358 | 133 | 98,979 | 155 |
| Italy | 1,103,536 | 100 | 1,867,035 | 169 | 2,253,303 | 204 |
| Japan | 1,289,405 | 100 | 1,577,954 | 122 | 1,801,150 | 140 |
| Netherlands | 615,700 | 100 | 1,042,120 | 169 | 1,279,460 | 208 |
| New Zealand | — | — | 406,627 | — | 502,460 | — |
| Norway | 109,991 | 100 | 198,877 | 181 | 248,001 | 225 |
| Portugal | — | — | 251,588 | — | 339,662 | — |
| Sweden | 698,171 | 100 | 949,367 | 136 | 1,031,015 | 148 |
| *United Kingdom* | | | | | | |
| England/Wales | 2,536,700 | 100 | 3,892,200 | 153 | 5,526,300 | 218 |
| Northern Ireland | 54,262 | 100 | 63,860 | 118 | 66,228 | 122 |
| Scotland | 346,680 | 100 | 481,230 | 139 | 543,013 | 157 |
| USA[6] | 12,249,500 | 100 | 13,508,700 | 110 | 14,141,000 | 115 |

[1] More serious offences. In many countries defined as against the "penal code" or "criminal code" and excludes less serious crimes—misdemeanours. The range of offences covered differ between each country and some countries acknowledge double counting in the collection of such statistics. Comparisons based upon absolute figures are therefore misleading. For certain countries, it is additionally known that in the period 1979–87, improvements in data quality and changes in the penal code have affected these statistics.

[2] No information available for Iceland, Luxembourg, Mexico, Spain, Turkey and Switzerland.

[3] Data for financial years 1979 = 1979–80 etc.

[4] 1992 figures.

[5] Includes East Germany in 1993.

[6] FBI uniform crime index covering murder and non-negligent manslaughter, manslaughter by negligence, forcible rape, robbery, assault, burglary, larceny—theft of motor vehicles, theft and arson, but excludes offences such as drug, which are included in other countries' figures.

### Advisory Committee on the Misuse of Drugs

**Mr. McMaster:** To ask the Secretary of State for the Home Department if he will list the *(a)* name, *(b)* occupation or former occupation, *(c)* place of residence and *(d)* annual honorarium, allowance or payment of each member of the Advisory Committee on the Misuse of Drugs; and if he will make a statement. [19016]

**Mr. Michael Forsyth:** The current members of the Advisory Council on the Misuse of Drugs and their occupations are as follows:

Mrs. J. Barlow, Projects Manager, Aberlour Childcare Trust, Stirling.

Mr. R. Bartle, Metropolitan Stipendiary Magistrate, London.

Dr. W. Clee, General Medical Practitioner, Cardiff.

Dr. M. Donmall, Unit Director, University of Manchester Drug Research Unit.

Dr. A. Duxbury, Professor of Oral Medicine, University of Manchester.

Professor G. Edwards, Chairman, National Addiction Centre, London.

Mrs. J. Faugier, Research Fellow, North West Regional Health Authority, Warrington.

Professor D. Grahame-Smith, (Chairman), Professor of Clinical Pharmacology, Oxford University.

Dr. J. Greenwood, Consultant Psychiatrist, Community Drug Problem Service, Edinburgh.

Ms K. Hager, Director, Exeter Drugs Project.

Mr. P. Hayes, Assistant Chief Probation Officer, South East London Probation Service.

Mr. K. Hellawell, Chief Constable, West Yorkshire Police.

Ms L. Hewitt, Project Manager, the Stockwell Project, London.

Mr. M. Hindson, Assistant Chief Probation Officer, Greater Manchester Probation Service.

Professor R. Jones, Professor of Veterinary Medicine, University of Liverpool.
Ms R. Joyce, County Advisor for Health Education, Cambridge.
Mr. J. Kay, Managing Director, Healthwise Ltd. Liverpool.
Dr. M. Keen, Consultant Psychiatrist, Adfer Addiction Unit, Cardiff.
Dr. D. Kennedy, Consultant Physician, Glasgow.
Professor M. Lader, Professor of Psychopharmacology, University of London.
Mr. A. Massam, the Association of British Pharmaceutical Industry, London.
Mr. M. Narayn Singh, Public Education Officer, Manchester City Council.
Professor W. Ollis, Professor of Organic Chemistry, University of Birmingham.
Mr. K. Patel, Deputy Director, the Bridge Project, Bradford.
Dr. D. Paterson, Consultant Psychiatrist, Omagh.
Mr. A. Ramsay, Regional Advisor in Health Education, Glasgow.
Dr. S. Ruben, Consultant Psychiatrist, Liverpool Drug Dependency Clinic.
Viscountess Runciman, (independent), London.
Mr. I. Sherwood, Senior Speciality Nurse, Avon Drug Problem Team, Bristol.
Professor G. Stimson, Director, Centre for Research on Drugs and Health Behaviour, London.
Professor J. Strang, Consultant Psychiatrist, Addiction Research Unit, London.
Dr. D. Temple, Director of Post-Graduate Pharmaceutical Studies for the NHS in Wales, the University of Wales, Cardiff.
Mr. D. Turner, Former Director, Standing Conference on Drug Abuse, London.
Mr. E. Unsworth, Deputy Director, Social Services, Cambridgeshire County Council.
Mr. P. Walker, Headteacher, the Abbey School, Faversham.
Dr. T. Waller, General Medical Practitioner, Ipswich.

Official records of members' places of residence are not kept but, so far as we know, most live in the locality in which they work. They serve in a voluntary capacity and receive only reimbursement of travel and subsistence expenses.

## Drugs

**Ms Walley:** To ask the Secretary of State for the Home Department if he will list those mines where the British Coal occupational health service currently maintains responsibility for the holding of pethidine; in which mines pethidine is currently *(a)* held and *(b)* not held; and if he will make a statement. [19389]

**Mr. Michael Forsyth:** Mines are covered by a group licence issued by the Home Office to enable them to hold certain controlled drugs, including pethidine, on site for emergency use.

The British Coal Corporation's occupational health service currently maintains responsibility for the supply of pethidine to the following mines:

Annesley/Bentinck
Asfordby
Bilsthorpe
Calverton
Clipstone
Daw Mill
Ellington
Francis
Gascoigne Wood
Hatfield
Harworth
Kellingley
Longannet
Maltby
Markham
North Selby
Point of Ayr
Prince of Wales
Riccall
Rossington
Stillingfleet
Thoresby
Tower
Welbeck
Wistow
Whitemoor

At present, all these mines hold pethidine on site.

British Coal has no responsibility for occupational health services at the following mines:

Betwys
Coventry
Monktonhall
Silverdale
Trentham/Hem Health

None of these mines currently holds pethidine on site.

**Mr. McMaster:** To ask the Secretary of State for the Home Department what are the legislative differences relating to drugs which are classified as schedule 3 as compared with those classified as schedule 4; and if he will make a statement. [19015]

**Mr. Michael Forsyth:** The differences between the controls on drugs in schedule 3 and schedule 4 of the Misuse of Drugs Regulations 1985 are as follows:

possession of schedule 3 drugs requires authority. Possession of schedule 4 drugs does not require authority when they are in the form of medicinal products;

import and export licences are required for schedule 3 drugs but not for schedule 4 drugs;

certain schedule 3 drugs are subject to the Misuse of Drugs (Safe Custody) Regulations 1973 which require them to be kept in a locked cabinet or locked receptacle. The remaining schedule 3 and all schedule 4 drugs are exempted from these requirements;

schedule 3 drugs are subject to specific requisitioning requirements; prescriptions must be handwritten by doctors; supply on prescription is subject to certain requirements; and there are labelling requirements for some containers. Schedule 4 drugs are exempted from these requirements.

## Prison Population

**Mr. Jim Cunningham:** To ask the Secretary of State for the Home Department, pursuant to his answer to the hon. Member for Knowsley, North (Mr. Howarth) of 17 March, *Official Report*, column *761*, if he will list the prisons which his Department regards as significantly over the average level of overcrowding in all prisons. [18209]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. Jim Cunningham, dated 19 April 1995:*

The Home Secretary has asked me to reply to your recent Question about those prisons which are regarded as significantly over the average level of overcrowding in all prisons.

On 31 March 1995 the total population of the 133 prison establishments in England and Wales was 51,121. The total Certified Normal Accommodation in use at those establishments was 49,441. The percentage overcrowding in the prison estate as a whole was, therefore, 3%.

Of those 133 establishments, 45 had a population in excess of their Certified Normal Accommodation in use. The average percentage by which the population of these 45 establishments exceeded their Certified Normal Accommodation in use was 22%. In 18 of these 45 establishments, the population exceeded the Certified Normal Accommodation in use by a percentage greater than 22%. These establishments are shown in the attached table.

*Prison establishments with a population of more than 22 per cent. higher than their certified normal accommodation in use on 31 March 1995*

| *Establishment* | *Percentage overcrowding* |
|---|---|
| Birmingham | 45 |
| Brixton | 23 |
| Canterbury | 49 |
| Cardiff | 48 |
| Chelmsford | 57 |
| Dorchester | 42 |
| Durham | 41 |
| Exeter | 53 |
| Leeds | 31 |
| Leicester | 80 |
| Lincoln | 42 |
| Low Newton | 40 |
| Pentonville | 31 |
| Preston | 39 |
| Shepton Mallet | 32 |
| Shrewsbury | 83 |
| Stafford | 48 |
| Swansea | 46 |

**Mr. Jim Cunningham:** To ask the Secretary of State for the Home Department what resources are available to deal with overcrowding in prison. [18217]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. Jim Cunningham, dated 19 April 1995:*

The Home Secretary has asked me to reply to your recent Question about the resources available to deal with overcrowding in prisons.

The majority of prisons are not overcrowded. Overcrowding is concentrated principally in some local prisons and remand centres. This is because of the need to hold unsentenced prisoners close to the courts.

Our first priority is to ensure that existing accommodation is fully utilised. In addition, there is a substantial programme for the building of new accommodation. By the end of the decade, this will provide 6,400 new prison places through the building of new prisons and new houseblocks at existing prisons.

**Mr. Jim Cunningham:** To ask the Secretary of State for the Home Department what criteria his Department uses to determine the funding given to prisons in the United Kingdom with particular reference to prison numbers and overcrowding. [18216]

**Mr. Michael Forsyth:** Funding for prisons in England and Wales takes account of the need to accommodate the projected prison population with minimum overcrowding in accordance with agreed standards and policies.

Funding for prisons in Scotland and in Northern Ireland is the responsibility of the relevant Secretaries of State.

**Mr. Cox:** To ask the Secretary of State for the Home Department if he will list *(a)* the official cell capacity and *(b)* the inmate prison population in each prison in England and Wales on 24 March. [17236]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. Tom Cox, dated 19 April 1995:*

The Home Secretary has asked me to reply to your recent Question about the official cell capacity and the inmate population of each prison in England and Wales on 24 March 1995.

The information is given in the attached table.

| *Establishment* | *Certified normal accommodation in use* | *Population* |
|---|---|---|
| Acklington | 658 | 631 |
| Albany | 436 | 422 |
| Aldington | 127 | 122 |
| Ashwell | 404 | 385 |
| Askham Grange | 146 | 112 |
| Aylesbury | 230 | 224 |
| Bedford | 303 | 300 |
| Belmarsh | 792 | 589 |
| Birmingham | 567 | 828 |
| Blakenhurst | 649 | 653 |
| Blantyre House | 95 | 95 |
| Blundeston | 408 | 376 |
| Brinsford | 477 | 464 |
| Bristol | 464 | 483 |
| Brixton | 484 | 619 |
| Brockhill | 111 | 129 |
| Buckley Hall | 90 | 90 |
| Bullingdon | 644 | 631 |
| Bullwood Hall | 125 | 119 |
| Camp Hill | 378 | 421 |
| Canterbury | 184 | 274 |
| Cardiff | 321 | 476 |
| Castington | 300 | 283 |
| Channings Wood | 482 | 587 |
| Chelmsford | 251 | 393 |
| Coldingley | 292 | 292 |
| Cookham Wood | 120 | 140 |
| Dartmoor | 538 | 548 |
| Deerbolt | 417 | 393 |
| Doncaster | 771 | 768 |
| Dorchester | 147 | 209 |
| Dover | 316 | 287 |
| Downview | 287 | 288 |
| Drake Hall | 255 | 249 |
| Durham | 448 | 632 |
| East Sutton Park | 94 | 92 |
| Elmley | 637 | 624 |
| Erlestoke | 270 | 265 |
| Everthorpe | 318 | 249 |
| Exeter | 260 | 397 |
| Featherstone | 599 | 573 |
| Feltham | 844 | 847 |
| Ford | 536 | 445 |
| Frankland | 447 | 400 |
| Full Sutton | 567 | 555 |
| Garth | 512 | 507 |
| Gartree | 277 | 300 |
| Glen Parva | 767 | 789 |
| Gloucester | 202 | 243 |
| Grendon | 190 | 200 |
| Guys Marsh | 240 | 238 |
| Hollesley Bay | 365 | 354 |
| Haslar | 127 | 127 |
| Hatfield | 180 | 175 |

| Establishment | Certified normal accommodation in use | Population |
|---|---|---|
| Haverigg | 394 | 381 |
| Hewell Grange | 174 | 165 |
| Highdown | 629 | 617 |
| Highpoint | 679 | 642 |
| Hindley | 263 | 236 |
| Holloway | 517 | 531 |
| Holme House | 649 | 646 |
| Hull | 328 | 400 |
| Huntercombe | 240 | 231 |
| Kingston | 154 | 110 |
| Kirkham | 644 | 528 |
| Kirklevington | 86 | 80 |
| Lancaster Farms | 364 | 320 |
| Lancaster | 238 | 235 |
| Latchmere House | 151 | 137 |
| Leeds | 828 | 1,096 |
| Leicester | 192 | 354 |
| Lewes | 312 | 302 |
| Leyhill | 410 | 398 |
| Lincoln | 444 | 608 |
| Lindholme | 567 | 594 |
| Littlehey | 593 | 563 |
| Liverpool | 1,253 | 1,255 |
| Long Lartin | 362 | 354 |
| Low Newton | 198 | 263 |
| Maidstone | 494 | 473 |
| Manchester | 830 | 900 |
| Moorland | 620 | 592 |
| Morton Hall | 168 | 168 |
| New Hall | 169 | 200 |
| North Sea Camp | 201 | 205 |
| Northallerton | 150 | 194 |
| Norwich | 333 | 348 |
| Nottingham | 222 | 214 |
| Onley | 520 | 512 |
| Oxford | 106 | 114 |
| Parkhurst | 253 | 227 |
| Pentonville | 559 | 746 |
| Portland | 382 | 396 |
| Preston | 342 | 497 |
| Pucklechurch | 56 | 75 |
| Ranby | 347 | 334 |
| Reading | 182 | 164 |
| Risley | 794 | 764 |
| Rochester | 294 | 266 |
| Rudgate | 287 | 278 |
| Send | 113 | 134 |
| Shepton Mallet | 158 | 205 |
| Shrewsbury | 168 | 304 |
| Spring Hill | 210 | 206 |
| Stafford | 358 | 529 |
| Standford Hill | 384 | 375 |
| Stocken | 396 | 394 |
| Stoke Heath | 300 | 277 |
| Styal | 250 | 245 |
| Sudbury/Foston | 428 | 407 |
| Swaleside | 512 | 507 |
| Swansea | 151 | 205 |
| Swinfen Hall | 182 | 185 |
| Thorn Cross | 240 | 191 |
| The Mount | 484 | 470 |
| The Verne | 552 | 548 |
| The Wolds | 320 | 323 |
| Thorp Arch | 166 | 166 |
| Usk/Prescoed | 245 | 228 |
| Wormwood Scrubs | 714 | 804 |
| Wakefield | 727 | 713 |
| Wandsworth | 922 | 994 |
| Wayland | 580 | 554 |
| Wellingborough | 344 | 305 |
| Werrington | 114 | 110 |
| Wetherby | 160 | 135 |
| Whatton | 216 | 213 |
| Whitemoor | 534 | 496 |
| Winchester | 261 | 350 |
| Woodhill | 566 | 520 |
| Wymott | 432 | 414 |
| Total | 49,314 | 51,112 |

*Note:*

Certified normal accommodation is the uncrowded capacity of an establishment.

Certified normal accommodation in use does not include those places which are not available for immediate use, for example, damaged cells, cells affected by building works and cells not being used because of a shortage of staff resources.

## Portland Young Offenders Institution

**Mr. Morgan:** To ask the Secretary of State for the Home Department what arrangements were made to evacuate those detained in the young offenders institution, Portland, during the unexploded bomb defusing emergency on 1 and 2 April; and if he will make a statement. [18917]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. Rhodri Morgan, dated 19 April 1995:*

The Home Secretary has asked me to reply to your recent Question about the evacuation arrangements at Portland Young Offender Institution when an unexploded bomb was recently discovered in the vicinity.

Based upon expert advice received by the Major in charge of the bomb disposal squad, action was taken to relocate 90 inmates within the establishment but away from those areas which may have been at risk if the bomb had exploded.

Throughout the emergency high levels of supervision and control were exercised.

## John Martin Scripps (Home Leave)

**Mr. George Howarth:** To ask the Secretary of State for the Home Department (1) who made the decision to grant John Martin Scripps temporary home leave from Mount prison in October 1994; and which Ministers were involved in approving the decision to grant him temporary home leave; [17960]

(2) what inquiries or investigations have been set up into the decision in October 1994 to grant temporary home leave to John Martin Scripps; [17957]

(3) if he will give details of all previous occasions on which John Martin Scripps, who absconded from Mount prison in October 1994 while on temporary home leave, failed to return from such leave; [17958]

(4) if he will outline what factors were taken into account in determining the suitability of John Martin Scripps for temporary home leave from Mount prison in October 1994. [17959]

**Mr. Michael Forsyth:** Responsibility for these matters has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. George Howarth, dated 19 April 1995:*

The Home Secretary has asked me to reply to your recent Questions about the decision to grant John Martin Scripps temporary home leave.

On 2 October 1982 Mr. Scripps was sentenced to three years imprisonment for burglary. Whilst serving that sentence he was granted home leave from Spring Hill prison and failed to return on 5 June 1984. He was unlawfully at large until 15 March 1985 during which time he committed further offences for which he was sentenced to two years imprisonment concurrent to the sentence he was serving. Mr. Scripps completed this sentence on 25 November 1986.

On 22 January 1988 Mr. Scripps was sentenced to seven years imprisonment on charges of importing drugs. After serving the initial part of his sentence in Wandsworth and Swaleside prisons he was re-categorised from Category B to Category C and transferred on 24 January 1989 to Highpoint prison. On 1 June 1990 he was granted home leave and failed to return.

Mr. Scripps was arrested at Heathrow airport in November 1990 and charged with two offences of smuggling drugs. He was convicted and sentenced to six years imprisonment, consecutive to the seven years he was already serving.

In September 1993 Mr. Scripps applied for home leave and this was considered under the criteria set out in Circular Instruction No. 43/1992, a copy of which is in the Library of the House. The application was refused but in December 1993 he re-applied and this was granted for home leave to be taken in February 1994. He returned on time and he was granted a further home leave in April 1994 from which he returned on time.

On 24 August 1994 Mr. Scripps applied to take further home leave in October and this was approved by the appropriate governor grade. These applications are not required to be put to Ministers and none was involved in making these decisions about Mr. Scripps.

The area manager has set up an investigation into the decisions to grant Mr. Scripps home leave and, in particular, to establish what factors were taken into account in determining Mr. Scripps' suitability. I shall write to you again once this information is available.

On 4 April, the Home Secretary tabled amendments to the Prison Rules introducing tighter control on the temporary release of prisoners and, under these, Mr. Scripps would not have been eligible for release on temporary licence during his current sentence.

### Parkhurst Prison (Security)

**Mr. George Howarth:** To ask the Secretary of State for the Home Department (1) when *(a)* he and *(b)* the Director General of the Prison Service was informed of security problems at HM prison, Parkhurst prior to the breakout in January; and if he will publish or place in the Library details of such warnings; [17291]

(2) when he received a warning from the former governor of HM prison, Parkhurst, Mr. John Marriott, of potential security problems at the prison. [17290]

**Mr. Howard:** I explained in my statement to the House on 10 January the extent to which I was made aware of the security concerns at Parkhurst and the action which was taken as a result. As I indicated in that statement, I have asked Sir John Learmont and Sir John Woodcock to carry out an independent assessment of events at Parkhurst. This will include the issue of any warnings about security at Parkhurst which were given before the escapes on 3 January. The findings of their report will be published.

### Women Fine Defaulters

**Ms Janet Anderson:** To ask the Secretary of State for the Home Department how many women served custodial sentences for fine defaulting in each year since 1989. [17206]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Ms Janet Anderson, dated 19 April 1995:*

The Home Secretary has asked me to reply to your recent Question asking how many women served custodial sentences for fine defaulting in each year since 1989.

The number of women received into prison for fine default in the years requested are as follows:

| | *Number* |
|---|---|
| 1989 | 868 |
| 1990 | 845 |
| 1991 | 976 |
| 1992 | 1,044 |
| 1993[1] | 1,342 |
| 1994[1] | 1,440 |

[1] Provisional figures.

Information on the population of female fine defaulters from 1982–1992 is published in "Prison statistics England and Wales" (Cm 2581, Table 7.1 of the 1992 edition). The average time served is also shown in that table and is about one week.

The average number of females serving sentences for fine default at any given time in 1993 and 1994 were 21 and 22 persons respectively.

## WALES

### Publicity

**Mr. Malcolm Bruce:** To ask the Secretary of State for Wales (1) what was the total expenditure on *(a)* all forms of publicity and *(b)* all publications and pamphlets produced for his Department and for all the agencies and public bodies for which his Department is responsible, for each year since 1979, including the budgeted figure for 1995–96, (i) including and (ii) excluding privatisation-related expenditures and expressed in 1994 prices; and if he will supply information for the period from 1 April 1993 to 1 March 1995 showing (1) the nature and (2) the purpose of each publicity campaign and of each publication involving the expenditure of more than £50,000;

(2) pursuant to his answer of 13 February, *Official Report,* column *530,* what was the total expenditure on all publicity by his Department's non-departmental public bodies for the years *(a)* 1992–93 and *(b)* 1993–94. [17193]

**Mr. Redwood** *[holding answer 17 March 1995]:* A list containing the information requested has been placed in the Library of the House. The Welsh Office publicity budget for 1995–96 is under review.

### Advertising

**Mrs. Ann Taylor:** To ask the Secretary of State for Wales if he will list each non-departmental public body and agency for which he has responsibility and, for each, list separate figures for the spending by that body or agency on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotion materials

and activities, *(e)* the totals in each year of *(a)* to *(d)* and *(f)* the proportion of *(e)* that was spent on recruitment advertising for each year since 1979–80 or for each year of its existence if it has been created since then; and what are his latest estimates of *(a)* to *(f)* for the years 1994–95 and 1995–96. [17638]

**Mr. Redwood:** The available information is set out in the following table. The expenditure cannot be broken down into the categories asked for and non-departmental public bodies do not keep separate records of publicity expenditure for earlier years.

*NDPBs' Publicity Budgets*

| | *1994–95 (projected out-turn)* | *1995–96 (planned spend)* |
|---|---|---|
| ACAC (Curriculum and Assessment Authority) | 36 | 50 |
| Arts Council of Wales | 46 | 50 |
| Cardiff Bay Development Corporation | 2,400 | 1,900 |
| Countryside Council for Wales | 182 | 93 |
| Development Board for Rural Wales | 1,260 | 775 |
| Further Education Funding Council for Wales | 58 | 61 |
| Higher Education Funding Council for Wales | 42 | 44 |
| Housing for Wales | 61 | 148 |
| Land Authority for Wales | 120 | 120 |
| Residuary Body for Wales | nil | 3 |
| National Library of Wales | 25 | 30 |
| National Museum of Wales | 160 | 200 |
| Royal Commission on Ancient and Historical Monuments in Wales | 26 | 15 |
| Sports Council for Wales | 123 | 110 |
| Wales Tourist Board | 3,551 | 4,507 |
| Wales Youth Agency | 28 | 16 |
| Welsh Development Agency | 6,400 | 6,000 |
| Welsh Language Board | 100 | 45 |
| Welsh National Board for Nursing and Midwifery and Health Visiting | 20 | nil |

*Cadw: Welsh Historic Monuments*[1]

*£000*

| | *1991–92* | *1992–93* | *1993–94* | *1994–95 projected outturn* | *1995–96 planned spend* |
|---|---|---|---|---|---|
| Publicity | 243 | 280 | 374 | 450 | 410 |

[1] Cadw became an agency 1 April 1991. Since 1 April 1994 figures include expenditure, which cannot be separately identified, on the "Makers of Wales" campaign.

**Mrs. Ann Taylor:** To ask the Secretary of State for Wales if he will list, for 1992–93 and 1993–94, separate figures for the spending by his Department on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotion materials and activities, *(e)* the totals in each year of *(a)* to *(d)* and *(f)* the proportion of *(e)* that was spent on recruitment advertising; and what are his latest estimates for the years 1994–95 and 1995–96. [17637]

**Mr. Redwood:** Welsh Office publicity expenditure for the last three years is as follows:

*£000*

| | *TV* | *Radio* | *Press* | *Other* | *Total* | *Of which recruitment advertising* |
|---|---|---|---|---|---|---|
| 1992–93 | 77 | nil | 350 | 1,547 | 1,974 | 54 |
| 1993–94 | 6 | nil | 269 | 1,083 | 1,358 | 47 |
| 1994–95 | 8 | nil | 247 | 1,470 | 1,725 | 71 |

The publicity budget for 1995–96 is under review.

### Health Promotion Authority for Wales

**Mr. Rhodri Morgan:** To ask the Secretary of State for Wales, pursuant to his answer of 27 March 1995, *Official Report*, column *424*, what was the principal reason for the selection of the one Health Promotion Authority for Wales board member not reappointed with effect from 1 April of the four whose term expired on 31 March. [17745]

**Mr. Redwood** *[holding answer 31 March 1995]:* Mr. Griffiths has recently been appointed to a new post on the board of the University Dental NHS trust hospital.

### Education Expenditure

**Mr. Llwyd:** To ask the Secretary of State for Wales how many representations he has received on the question of the funding of education during the last 12 months; and if he will make a statement. [18889]

**Mr. Richards:** My right hon. Friend and I have received many representations on the question of the funding of education over the last 12 months. The funding of education is, however, a local government responsibility. We have made it clear that, in our view, there is sufficient scope for local authorities in Wales to fund education appropriately from within the overall settlement they have had. By long-standing arrangement, it is for local authorities in Wales to decide their priorities for spending.

**Mr. Alex Carlile:** To ask the Secretary of State for Wales what was the expenditure per pupil in each county council for *(a)* 1992–93, *(b)* 1993–94, *(c)* 1994–95 and *(d)* 1995–96. [19507]

**Mr. Redwood:** The latest figures available for 1992–93 are contained in tables 10,11, 14 and 15 of the Welsh Office "Education Finance Bulletin", issued on 24 March 1995 by

the training and education intelligence unit. A copy is available in the Library of the House.

### Dental Services

**Mr. Llwyd:** To ask the Secretary of State for Wales how many dental practitioners with fewer than three years' post-qualification experience there are in the county of Gwynedd; and if he will make a statement. [18887]

**Mr. Richards:** According to information supplied by the Gwynedd family health services authority, there is one general dental practitioner with less than three years' post-qualification experience in the county of Gwynedd.

**Mr. Llwyd:** To ask the Secretary of State for Wales how many representations on the delivery of dental services he has received from people living in the county of Powys; and if he will make a statement. [19043]

**Mr. Richards:** In the last 12 months, four individual representations on the subject of general dental services were received from, or on behalf of, people living in the county of Powys. The Montgomery community health council also submitted a petition signed by 1,661 persons, some of whom resided outside Powys.

### Religious Education

**Mr. Win Griffiths:** To ask the Secretary of State for Wales what representations he has received for Welsh Office funding of courses to promote his policies in the field of religious education in schools; and what plans he has to fund courses in addition to the money made available through grant for education support and training. [18859]

**Mr. Richards:** I have received one recent representation about the funding of religious education courses. GEST itself provides a sound mechanism for funding such courses.

### Children's Oral Health

**Mr. Llwyd:** To ask the Secretary of State for Wales what assessment his Department has undertaken within the last five years into the state of oral health of children *(a)* aged under eight and *(b)* aged between nine and 12 years; and if he will make a statement. [18881]

**Mr. Richards:** The dental health of all age groups between five and 15 years is surveyed decennially across the United Kingdom. The most recent survey is for 1993 and was published in 1994. A copy is available in the Library of the House.

### Opencast Coal Mining

**Mr. Llew Smith:** To ask the Secretary of State for Wales what recent discussions he has had with the Coal Authority over plans to develop potential opencast coal mining in south Wales. [19323]

**Mr. Redwood:** I met with the chairman and chief executive of the Coal Authority on 8 March. Opencast coal mining was one of a number of issues which were touched upon. There was no discussion of specific sites.

### TACP Architects

**Dr. Marek:** To ask the Secretary of State for Wales what work has been given by him or any quango accountable to him to the architects TACP in the last five years. [19114]

**Mr. Redwood:** Work commissioned from TACP Architects since 1990–91 is as follows:

| *Agency* | *Work* |
|---|---|
| *1990–91* | |
| Development Board for Rural Wales | Landscaping, structural planting and surveys |
| Cardiff Bay Development Corporation | Landscape design |
| Welsh Office | Landscaping scheme at Cadoxton, Barry |
| Welsh Development Agency | Architectural design, planning, landscaping and environmental assessment |
| *1991–92* | |
| Development Board for Rural Wales | Landscaping structural planting studies and surveys |
| Cardiff Bay Development Corporation | Landscape design |
| Welsh Office | Landscaping at Penpedairheol, Mid Glamorgan |
| Welsh Development Agency | Architectural design, planning, landscaping environmental |
| *1992–93* | |
| Development Board for Rural Wales | Landscaping structural planting studies and surveys |
| Cardiff Bay Development Corporation | Landscape design |
| Welsh Development Agency | Architectural design planning, landscaping and environmental assessment |
| *1993–94* | |
| Development Board for Rural Wales | Landscaping structural planting studies and surveys |
| Cardiff Bay Development Corporation | Landscape design |
| Welsh Office | Landscape advice and landscaping at Cadoxton, Barry |
| Countryside Council | Research on the distribution and environmental value of traditional orchards and associated features |
| Welsh Health Common Services Authority | Architects for the day centre Ysbyty Gwynedd, Bangor |
| Welsh Development Agency | Architectural design, planning, landscaping and environmental assessment |
| *1994—95* | |
| Development Board for Rural Wales | Landscaping structural planting studies and surveys |
| Cardiff Bay Development Corporation | Landscape design |
| Welsh Health Common Services | Post-contract works at Wrexham Maelor |
| Welsh Development Agency | Architectural design, planning, landscaping and environmental |

### Practice and Fund Managers

**Mr. Morgan:** To ask the Secretary of State for Wales, pursuant to his oral statement to the Welsh Grand

Committee on 4 April, *Official Report, Welsh Grand Committee*, columns 1-8, what statistical information he has on the number of practice managers and fund managers in post in each year since April 1991; and by what legal authority their salaries are paid. [19254]

**Mr. Redwood:** Although information on the numbers of staff employed by general medical practitioners has been collected for a number of years, the number of practice managers was collected, as a separate category, for the first time at 1 April 1994 when there were 523—373 whole-time equivalent—in Wales. Information on fund managers has not yet been collected as a separate category.

General medical practitioners are self-employed contractors to the NHS and, as employers, are responsible for the salaries of their staff.

### Welsh Development Agency

**Mr. Morgan:** To ask the Secretary of State for Wales if his Department gave consent to contract splitting in relation to the contract awarded to KLR and Co., consultants to the Welsh Development Agency on information technology and general financial management; if he will list the principal points in which his consent to contract splitting would affect the tendering and approval procedures; and if he will make a statement. [19222]

**Mr. Redwood:** KLR and Co. was contracted to provide cover for the vacant post of chief finance officer on 9 March 1995. This was in addition to the contract under which KLR and Co. was engaged to review the agency's information systems on 23 December 1994.

These were separate contracts and my consent was not required.

**Mr. Morgan:** To ask the Secretary of State for Wales what consultations he has had with the chairman of the Welsh Development Agency concerning the legal opinion of Vernon Pugh QC on the agency's involvement in the assembly and disposal of land for the Tesco superstore at Gadlys road, Aberdare; on what date he received a copy of council's opinion; and if he will make a statement. [19339]

**Mr. Redwood:** None. The opinion was received in my office on 22 March.

**Mr. Morgan:** To ask the Secretary of State for Wales what consultations he has had with the chairman of the Welsh Development Agency concerning the total cost to the agency of the Grant Thornton report into the Tesco—Cynon Valley superstore land deal, if his departmental consent was required for the commission to Grant Thornton; and if he will make a statement. [19255]

**Mr. Redwood:** None. The commissioning of the report did not require my Department's consent, although I agreed that the agency should commission an investigation.

### Mr. David Griffiths

**Mr. Morgan:** To ask the Secretary of State for Wales if he will list the principal points of *(a)* agreements and *(b)* disagreement in his meeting with former Health Promotion Authority for Wales board member Mr. David Griffiths on 3 April; what offers he made to Mr. Griffiths regarding his reinstatement on another non-departmental public body in (i) health or (ii) another field; and if he answered Mr. Griffiths's request for answers to his letter regarding the conduct and control of senior officers and board members and their overseas travel at the Health Promotion Authority for Wales. [19256]

**Mr. Redwood:** On 3 April 1995, I met with directors of education in Wales. Mr. Griffiths was present in his capacity as director of education for Gwent. The meeting was concerned only with various education matters.

Mr. Griffiths has been invited to serve as a non-executive director of the University Dental Hospital NHS trust and he has accepted that appointment.

I have answered the points Mr. Griffiths raised with me.

### Hinkley Point A

**Mr. Llew Smith:** To ask the Secretary of State for Wales if he or officials of his Department were consulted by the nuclear installations inspectorate in regard to the prospective safety implications for Wales over the decision announced on 3 April to give Nuclear Electric permission to extend the operating life of the Hinkley Point A magnox reactor. [19306]

**Mr. Gwilym Jones:** The nuclear installations inspectorate recently completed is assessment of Nuclear Electric's periodic safety review for Hinkley Point A. This concluded that safety remains adequately high for continued operation of the plant.

Although the Welsh Office was not specifically consulted about it, the review included detailed consideration of the risks to the general public in the UK, including Wales.

### Horse Disease

**Mr. Morley:** To ask the Secretary of State for Wales what was the number of cases of equine encephalomyelitis in each year since 1985. [19265]

**Mr. Gwilym Jones:** No cases of equine encephalomyelitis have occurred in Wales since 1985.

### Warble Fly

**Mr. Morley:** To ask the Secretary of State for Wales what was the number of cases of warble fly in *(a)* 1984 and *(b)* 1994. [19261]

**Mr. Gwilym Jones:** I refer the hon. Member to the reply given today by my hon. Friend the Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food.

### School Buildings

**Mr. Alex Carlile:** To ask the Secretary of State for Wales what is the estimated total expenditure required to clear the backlog of repairs to school buildings, per county council. [19508]

**Mr. Redwood:** Such information is not held centrally. Local education authorities are responsible for the repair and maintenance of school buildings.

### Housing Subsidy

**Mr. Alex Carlile:** To ask the Secretary of State for Wales if he will list the housing revenue grant for each Welsh district council for each year from 1992–93 to date. [19431]

**Mr. Redwood:** The amount of housing revenue account subsidy paid to Welsh district councils since 1992–93 is set out in the following table.

*Housing Revenue Account Subsidy*

| *Local Authority* | *1992–93* £ | *1993–94* £ | [1]*1994–95* £ |
|---|---|---|---|
| Aberconwy | 1,584,274 | 1,515,817 | 1,524,838 |
| Alyn and Deeside | 2,520,527 | 2,719,472 | 2,751,136 |
| Arfon | 2,942,801 | 3,116,312 | 2,825,706 |
| Blaenau Gwent | 10,775,958 | 11,272,511 | 11,286,414 |
| Brecknock | 714,469 | 749,124 | 774,012 |
| Cardiff | 19,410,690 | 19,496,006 | 21,358,039 |
| Carmarthen | 2,513,450 | 2,160,557 | 2,100,450 |
| Ceredigion | 1,884,669 | 1,786,023 | 1,719,132 |
| Colwyn | 2,109,823 | 2,176,710 | 2,223,516 |
| Cynon Valley | 4,947,233 | 5,065,626 | 4,752,984 |
| Delyn | 3,620,231 | 3,143,508 | 2,877,939 |
| Dinefwr | 1,246,634 | 1,189,524 | 1,281,196 |
| Dwyfor | 840,681 | 796,444 | 908,360 |
| Glyndwr | 827,842 | 860,859 | 667,859 |
| Islwyn | 5,369,027 | 5,281,749 | 5,620,094 |
| Llanelli | 7,044,582 | 7,774,394 | 8,105,862 |
| Lliw Valley | 4,308,923 | 4,136,117 | 4,086,333 |
| Meirionnydd | 1,061,048 | 1,022,707 | 967,774 |
| Merthyr Tydfil | 6,872,508 | 7,523,287 | 7,976,148 |
| Monmouth | 3,789,654 | 3,611,159 | 3,503,236 |
| Montgomeryshire | 666,527 | 474,913 | 295,577 |
| Neath | 4,776,019 | 4,765,055 | 5,269,282 |
| Newport | 11,244,594 | 10,794,066 | 10,937,908 |
| Ogwr | 7,692,875 | 7,532,193 | 7,381,391 |
| Port Talbot | 4,749,752 | 4,811,834 | 5,215,911 |
| Preseli Pembrokeshire | 2,755,958 | 2,806,607 | 3,035,119 |
| Radnorshire | 555,486 | 440,980 | 432,229 |
| Rhondda | 8,623,018 | 8,361,896 | 8,229,454 |
| Rhuddlan | 1,324,330 | 1,453,067 | 1,603,312 |
| Rhymney Valley | 10,884,002 | 10,823,491 | 11,702,169 |
| South Pembrokeshire | 1,642,291 | 1,351,363 | 1,457,527 |
| Swansea | 16,023,302 | 16,633,469 | 18,370,320 |
| Taff Ely | 6,938,835 | 6,735,632 | 6,754,749 |
| Torfaen | 13,117,637 | 12,842,923 | 12,438,124 |
| Vale of Glamorgan | 3,750,776 | 3,807,767 | 3,487,123 |
| Wrexham Maelor | 6,998,218 | 7,417,009 | 7,463,257 |
| Ynys Mon | 4,311,793 | 4,309,403 | 4,473,262 |

[1] On-account payments, subject to audit.

### Overtime

**Mr. David Shaw:** To ask the Secretary of State for Wales if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19672]

**Mr. Redwood:** Overtime payments in the last three financial years were:

*£000*

| | *Welsh Office* | *Cadw* |
|---|---|---|
| 1992–93 | 267 | 177 |
| 1993–94 | 539 | 185 |
| 1994–95 | 355 | 161 |

Working days, excluding weekends, lost through sickness were:

| | *Welsh Office* | *Cadw* |
|---|---|---|
| 1992–93 | 23,644 | 3,079 |
| 1993–94 | 23,831 | 2,931 |
| 1994–95 | 21,163 | 3,122 |

Information is not held centrally on the number of hours of overtime worked nor on the monetary equivalent of time lost through sickness absence.

Figures for 1994–95 are to 28 February 1995.

### Market Testing

**Mr. Hinchliffe:** To ask the Secretary of State for Wales what was the capital asset value of the computing and information technology services included in the market-testing/competitive tendering programme for each regional health authority for 1994–95 *(a)* as recorded on asset registers at 31 March 1994 *(b)* at project net book value as at 31 March 1994 and *(c)* as identified in the statement of services requirements of assets likely to be transferred to the successful supplier. [19502]

**Mr. Richards:** There is no regional health authority in Wales. No IT services provided by the Welsh Health Common Services Authority were market-tested in 1994–95.

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for Wales how many metres of mahogany or products containing it his Department has bought in the last five years, and if he will list the purposes and the costs. [19844]

**Mr. Redwood:** Three items of furniture containing mahogany from a sustainably managed source have been purchased in the last five years at a cost of £1,922.

## SCOTLAND

### Organ Transplants

**Mr. McMaster:** To ask the Secretary of State for Scotland (1) what provision the national health service makes for patients awaiting organ transplants requiring multiple prescriptions who are disqualified from free prescriptions because they are above income support levels; what plans he has to revise the specified conditions list to make patients awaiting organ transplants exempt from prescription charges either totally or above a specified level; and if he will make a statement; [19037]

(2) when the last review of the specified conditions list was carried out; on what date changes resulting from this review were implemented; how the review and its implementation impacted upon those awaiting organ transplants; how the review and its implementation impacted upon those whose medical condition precludes the reasonable prospect of an organ transplant; and if he will make a statement. [19035]

**Lord James Douglas-Hamilton:** Patients awaiting organ transplants who are not otherwise exempt or entitled to the remission of charges may qualify for free prescriptions if they have any one of the specified medical conditions, including a permanent fistula requiring continuous surgical dressing or an appliance, and hold an

exemption certificate issued by a health board. The specified medical conditions were last reviewed in 1993 as part of the fundamental review of health expenditure and we have no plans for change. Prescription prepayment certificates continue to offer savings for anyone not entitled to free prescriptions who needs frequent or extensive medication. Coupled with the wide-ranging arrangements for charge exemption and remission, they ensure that no one need be deterred from obtaining necessary prescribed medication for financial reasons.

### Drugs, Paisley

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will make a statement on the report entitled "The Paisley Plan to Smash the Drugs Dealers", a copy of which was sent to him on 29 March. [19005]

**Lord James Douglas-Hamilton:** My right hon. Friend the Secretary of State welcomes the report which was discussed in detail at a meeting attended by the hon. Member and my noble and learned Friend the Minister of State on 29 March. He fully supports the efforts being made by Strathclyde police to deal with the drugs-related problems in Paisley.

### Temazepam

**Mr. McMaster:** To ask the Secretary of State for Scotland what guidelines he has issued to health boards on the prescription of Temazepam; what is the latest date that he issued these guidelines; what guidelines he plans to issue; and if he will make a statement. [19013]

**Lord James Douglas-Hamilton:** In the light of concern about the misuse of Temazepam, the Chief Medical Officer at the Scottish Office had discussions with directors of public health in November 1992 about measures which might be taken to tackle the problem. Local action so far has included voluntary bans or restrictions on prescribing in some areas, and initiatives to raise the awareness of doctors about the implications of misuse.

Health boards were also asked to develop local policies in 1994–95 to reduce the use of anxiolytics and hypnotics—which include Temazepam—and to ensure that systems are in place for the clinical review of all repeat prescribing.

Guidance on the prescribing of benzodiazepines, including Temazepam and other hypnotic and anxiolytic drugs, was most recently issued in November 1994 in the form of a report prepared by a working group set up by the Scottish National Medical Advisory Committee. The report, which was issued to health boards and all doctors in Scotland, gives practical advice on how the prescribing of benzodiazepines can be reduced.

The need for further advice is being kept under review.

**Mr. McMaster:** To ask the Secretary of State for Scotland (1) what recommendations have been received from the Advisory Committee on the Misuse of Drugs in relation to Temazepam since 1992; what action he has taken on these recommendations; if he will review the position of his Department in relation to these recommendations; and if he will make a statement. [19021]

(2) If he will make Temazepam a schedule 3, rather than a schedule 4, drug as soon as possible; and if he will make a statement. [18995]

**Lord James Douglas-Hamilton:** The Advisory Council on the Misuse of Drugs reviewed the controls on Temazepam in 1992–93 and recommended, subject to public consultation, that the drug should be re-scheduled from schedule 4 to schedule 3 of the Misuse of Drugs Regulations 1985. Following wide public consultation and consideration the of responses, the council recommended to the Home Secretary in July 1993 that control of the drug should be tightened. The issues involved are complex, but the Government hope to announce the outcome of their consideration soon.

**Mr. McMaster:** To ask the Secretary of State for Scotland how the private prescription of Temazepam and other drugs is controlled and regulated; what record is kept by *(a)* doctors and *(b)* pharmacists of private prescriptions; what plans he has to tighten up the private prescription of Temazepam; and if he will make a statement. [19010]

**Lord James Douglas-Hamilton:** When prescribing in a private capacity, general practitioners operate outside the General Medical Service Regulations. It is good professional practice to keep accurate medical records. The General Medical Council has regarded as serious professional misconduct the prescription or supply of drugs of dependence otherwise than in the course of bona fide treatment.

The Misuse of Drugs Regulations 1985 require that when a private prescription is dispensed by a pharmacist an entry must be made in the private prescription book on the date of dispensing, or if that is not reasonably practicable on the following day. Also, the book must be preserved for two years from the date of the last entry and, in the case of prescription only medicines such as Temazepam, the prescription must be retained for two years. The regulations require that private prescriptions be produced for inspection on request by the Home Office drugs inspectorate or by other persons authorised to demand this information.

**Mr. McMaster:** To ask the Secretary of State for Scotland what plans he has to ban Temazepam in its jelly formulation; and if he will make a statement. [19024]

**Lord James Douglas-Hamilton:** I have no such immediate plans but the misuse of Temazepam capsules is of particular concern and we will keep the position under review.

### Police, Strathclyde

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will make a statement on the progress of the civilianisation programme undertaken by Strathclyde police over the past few years; and how it has been supported by the Scottish Office. [19033]

**Lord James Douglas-Hamilton:** The following table shows the numbers of civilians added to the authorised establishment of Strathclyde police each year since 1992 and the numbers of police officers released in consequence for operational duty.

| | *Number of additional civilians* | *Number of officers released* |
|---|---|---|
| 1992 | 79 | 68 |
| 1993 | 94 | 83 |

| | Number of additional civilians | Number of officers released |
|---|---|---|
| 1994 | 84 | 46 |
| 1995 (to 31 March) | 98 | 85 |
| Total | 355 | 282 |

The Scottish Office pays police grant the usual way at 51 per cent. of expenditure by Strathclyde regional council on the additional staff.

**Mr. McMaster:** To ask the Secretary of State for Scotland what percentage of the overtime budget of Strathclyde police has been spent in the two months since 1 February on *(a)* witness duties in court where police evidence was taken, *(b)* witness duties in court where police evidence was not heard for any reason, *(c)* the protests against the construction of the M77 link road and *(d)* drugs-related crime and violence within K division; and if he will make a statement. [19031]

**Lord James Douglas-Hamilton:** The information for the eight-week period between 23 January and 19 March 1995 supplied by Strathclyde police is set out in the following table.

| | Percentage of period overtime | Percentage of annual overtime |
|---|---|---|
| Overtime in the period from 23 January 1995 to 19 March 1995 incurred in relation to: | | |
| *(a)*—*(b)* Court attendance | 48.9 | 4.1 |
| (Records do not differentiate between officers who give evidence and those who do not) *(c)* M77 link road protests | 7.1 | 0.6 |
| *(d)* Drugs-related crime and violence in K Division | 0.8 | 0.07 |

**Mr. McMaster:** To ask the Secretary of State for Scotland what requests for additional police officers the chief constable of Strathclyde police has made to *(a)* him and *(b)* Strathclyde regional council within the past 12 months; what consultations he has carried out with Strathclyde regional council on the funding of additional police officers within its area during that period; what action he has taken to assist or facilitate funding for such requests from the chief constable; and if he will make a statement. [19032]

**Lord James Douglas-Hamilton:** Since the strength of Strathclyde police has been below authorised establishment during the past 12 months, there has been no need for Strathclyde regional council to seek the consent of the Secretary of State to recruit additional officers. Between 31 March 1994 and 31 March 1995 the strength of the force increased by 154, but 20 additional officers could still be recruited before the consent of the Secretary of State would be required.

### Sheltered Housing

**Mr. McMaster:** To ask the Secretary of State for Scotland (1) if he will make a statement on the desirability of developing sheltered housing in the Foxbar area of Paisley to allow residents there to remain within the community; and if he will make a statement. [18991]

(2) what assessment criteria are used by Scottish Homes in determining the need for sheltered housing in communities; how the agency facilitates the development of sheltered housing by housing associations and co-operatives; and if he will make a statement, with specific reference to the Foxbar area of Paisley. [18992]

**Lord James Douglas-Hamilton:** Housing for community care client groups, including elderly people, is a national priority for both local housing authorities and Scottish Homes and, wherever possible, housing initiatives should seek to maintain the existing social framework. However, the provision of sheltered housing, including its location, is decided by local housing authorities, working in partnership, as appropriate, with Scottish Homes, housing associations and other interests.

Scottish Homes issued a discussion paper, "Housing the Elderly in the 1990s", in May 1993. Scottish Homes is considering the responses to that paper and will publish a policy statement shortly. It is for Scottish Homes to assess its funding of individual housing association projects. I understand that the chairman, Sir James Mellon, has written recently to the hon. Member about plans for the Foxbar area and has offered briefing by local members of staff.

### Eye Tests

**Mr. McMaster:** To ask the Secretary of State for Scotland what percentage of the population was eligible for free NHS eye examinations in each of the last 10 available years. [19001]

**Lord James Douglas-Hamilton:** Until April 1989 everyone was eligible for free NHS sight tests. Since April 1989, when eligibility was restricted to certain groups, around 40 per cent. of the population in Scotland has been eligible.

### Alcohol

**Mr. McMaster:** To ask the Secretary of State for Scotland what plans he has to amend the laws on drinking alcohol in public places; and if he will make a statement. [18982]

**Lord James Douglas-Hamilton:** We have no such plans. In 1993, following an experiment in three authority areas, we invited all local authorities to consider making byelaws prohibiting the consumption of alcohol in designated public places. Byelaws require the confirmation of my right hon. Friend and are already in place in parts of Dundee, Motherwell and East Kilbride. Many other authorities, including Renfrew district council, are working up proposals.

### NHS Trusts

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will list for each NHS trust in Scotland the chairpersons and non-executive directors who live outside the boundaries of the operational boundaries of that trust. [18984]

**Lord James Douglas-Hamilton:** There are no such chairpersons or non-executive directors. The small number who do not live in the immediate vicinity of the NHS trust concerned all come from the trust's catchment area.

### Evening Primrose Oil

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will enable general practitioners to prescribe evening primrose oil, and products containing it, as a treatment for arthritis; and if he will make a statement. [18985]

**Lord James Douglas-Hamilton:** There are no preparations containing evening primrose oil which hold a product license for the treatment of arthritis. Licensed versions are available only for the treatment of eczema and mastalgia. Where general practitioners consider that it is clinically appropriate they may prescribe a drug on a named patient basis for a use outside its licensed indication. However, drugs which are listed in schedule 10 of the National Health Service (General Medical Services) (Scotland) Regulations 1995 may not be prescribed under the NHS.

A number of unlicensed evening primrose products are available for general sale but are included in the list of items which general practitioners cannot prescribe under the NHS, on the recommendation of the independent Advisory Committee on Borderline Substances.

### Raymond Gilmour

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will make a statement on the progress of his consideration of the application for the prerogative of mercy for and on behalf of Raymond Gilmour. [19004]

**Lord James Douglas-Hamilton:** I refer the hon. Member to my reply of 6 March, *Official Report,* column *86–87.* Inquiries into the matters raised on Mr. Gilmour's behalf are continuing.

### Warble Fly

**Mr. Morley:** To ask the Secretary of State for Scotland what was the number of cases of warble fly in *(a)* 1984 and *(b)* 1994. [19259]

**Sir Hector Monro:** In 1984, 23 herds were found to be infested with warble fly. No cases were reported in 1994.

### Drugs Prescribing

**Mr. McMaster:** To ask the Secretary of State for Scotland what are the legislative differences relating to drugs which are classified as schedule 3 as compared with those classified as schedule 4; and if he will make a statement. [19014]

**Lord James Douglas-Hamilton:** The differences between the controls on drugs in schedule 3 and those in schedule 4 to the Misuse of Drugs Regulations 1985 are as follows:

possession of schedule 3 drugs requires authority. Possession of schedule 4 drugs does not require authority when they are in the form of medicinal products;

import and export licences are required for schedule 3 drugs but not for schedule 4 drugs;

certain schedule 3 drugs are subject to the Misuse of Drugs (Safe Custody) Regulations 1973 which require them to be kept in a locked cabinet or locked receptacle. The remaining schedule 3 and all schedule 4 drugs are exempted from these requirements;

schedule 3 drugs are subject to specific requisitioning requirements; prescriptions must be handwritten by doctors; specified checks must be made before the drugs may be supplied on prescription; and containers must be labelled. Schedule 4 drugs are exempted from these requirements.

### Floods, Strathclyde

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will make a statement on the financial and other assistance given to individuals and local authorities following the floods in Strathclyde during December 1994. [18998]

**Mr. Kynoch:** The Government have assisted both individuals and local authorities in dealing with the consequences of the flooding. Resources totalling over £7 million have been made available including:

£100,000 supplementary capital allocation to Renfrew district council in 1994–95, to provide temporary accommodation for those made homeless;

£150,000 supplementary housing capital allocation to Strathkelvin district council in 1994–95 to undertake flood abatement works at Lennoxtown;

£200,000 supplementary capital allocation to Glasgow district council in 1994–95 to undertake urgent housing repairs;

£1.365 million supplementary capital allocations to Strathclyde regional council in 1994–95 for urgent repair work on non-housing services;

authorising Renfrew district council to carry forward unutilised capital consent of up to a maximum of £1.85 million from 1994–95 for expenditure in 1995–96;

authorising Strathkelvin district council to carry forward unutilised capital consent of up to a maximum of £0.53 million from 1994–95 for expenditure in 1995–96;

£2.5 million additional capital allocations in 1995–96 for remedial work on housing to Renfrew district council and Strathkelvin district council;

£10,000 contribution to Clyde river purification board study on the cause and extent of the recent flooding; and

an increase of £180,000 in the 1995–96 non-housing capital consent allocation to Renfrew district council to meet the cost of repairs to the Linwood sports centre.

£120,000 from DSS social fund for payments to individuals in need.

In addition, the Government scheme of special financial assistance, known as the Bellwin scheme, has been activated.

A draft national planning policy guideline on planning and flooding has recently been issued for consultation.

### Equine Encephalomyelitis

**Mr. Morley:** To ask the Secretary of State for Scotland what was the number of cases of equine encephalomyelitis in each year since 1985. [19263]

**Sir Hector Monro:** Equine encephalomyelitis has never been recorded in Scotland.

### Registered Drug Addicts

**Mr. McMaster:** To ask the Secretary of State for Scotland what plans he has to introduce photo-identity passes for registered drug users to ensure that they cannot attend more than one drug-prescribing centre to obtain drug supplies; if he will consider introducing legislation so that all registered drug users are required to register exclusively with the health board in whose

area they reside and that this health board maintain a photo-identity record of the registered user; if he will consider supplementing this legislation with a requirement that anyone seeking to register as a drug user must do so through his or her local health board and must specify a single prescribing centre to attend; if he will, in addition, legislate to ensure that anyone seeking to register as a drug user must be referred back to his or her local health board; if he will ensure that cross-referencing within and between each health board is encouraged and funded; and if he will make a statement. [19008]

**Lord James Douglas-Hamilton:** The arrangement recommended in the British National Formulary, and followed by many medical practices, is that registered addicts, before obtaining supplies of certain controlled drugs, should name the pharmacy where they will have their prescription dispensed. The prescription is then sent direct to that pharmacy by the medical practice. There are no plans at present to introduce photo-identity passes.

### Divorce Law Reform

**Sir David Steel:** To ask the Secretary of State for Scotland if he will bring forward proposals for an extension of divorce law reform which includes mediation provisions to Scotland. [19526]

**Mr. Lang:** I am considering the Scottish Law Commission report, "Reform of the Ground for Divorce"—Scot. Law Com. No. 116 of 1989—in the light of the consultation document, "Looking to the Future: Mediation and the Ground for Divorce", which was issued in England and Wales in December 1993 by my noble and learned Friend the Lord Chancellor, but I have no immediate plans to bring forward proposals to reform divorce law in Scotland.

### Birds (Licences)

**Mr. Graham:** To ask the Secretary of State for Scotland how many licences were issued in Scotland under the Wildlife and Countryside Act 1981 for the killing of *(a)* goosanders, *(b)* red-breasted mergansers and *(c)* cormorants during (i) 1993 and (ii) 1994; and what bag limits were imposed on these licences. [19498]

**Sir Hector Monro:** The information is as follows:

| *Licences issued for* | *1993* | *Limits of birds to be shot* | *1994* | *Limits of birds to be shot* |
|---|---|---|---|---|
| Cormorant | 12 | 166 | 13 | 100 |
| Goosander | — | — | 1 | 50 |
| Cormorant and goosander and red-breasted merganser | 12 | 632 | 10 | 618 |
| Cormorant and red-breasted merganser | 1 | 30 | 2 | 70 |
| Cormorant and goosander | 5 | 302 | 7 | 465 |
| Goosander and red-breasted merganser | 2 | 80 | 2 | 50 |

### Market Testing

**Mr. Hinchliffe:** To ask the Secretary of State for Scotland what was the capital asset value of the computing and information technology services included in the market testing/competitive tendering programme for each regional health authority for 1994–95 *(a)* as recorded on asset registers at 31 March 1994, *(b)* at project net book value as at 31 March 1994 and *(c)* as identified in the statement of services requirements of assets likely to be transferred to the successful supplier. [19500]

**Lord James Douglas-Hamilton:** The information requested is not available centrally.

### Environment Protection Agency

**Mr. Raymond S. Robertson:** To ask the Secretary of State for Scotland what plans he has to appoint a chairman to the Scottish Environment Protection Agency. [20161]

**Mr. Lang:** Subject to the successful passage of the Environment Bill, I intend to appoint Professor William Turmeau, who recently retired as principal and vice-chancellor of Napier university, Edinburgh, to become the chairman of the Scottish Environment Protection Agency at an initial salary of £36,000 per annum.

### Listeriosis

**Mr. Peter Bottomley:** To ask the Secretary of State for Scotland how many cases of listeriosis were recorded in each of the past five years; and what were the main causes. [18919]

**Lord James Douglas-Hamilton:** The numbers of cases of human listeriosis reported to the Scottish Centre for Infection and Environmental Health during the period 1990 to 1994 are as follows. Although no specific source of infection was identified for these particular cases, there is general agreement, based on international experience, that food-borne infection is the predominant means of transmission. Hospital-acquired infection and person-to-person spread are also recognised, but these are less common routes of transmission.

| *Year* | *Number of reports* |
|---|---|
| 1990 | 15 |
| 1991 | 12 |
| 1992 | 15 |
| 1993 | 12 |
| 1994 | 12 |

### Jurors

**Mr. Dalyell:** To ask the Secretary of State for Scotland on how many occasions over the last year for which figures are available females have been objected to as jurors; and what evidence he has of the number of occasions on which women have been objected to in rape cases. [17479]

**Lord James Douglas-Hamilton** *[holding answer 4 April 1995]:* No records of objections are maintained.

## Prescriptions

**Mr. Donohoe:** To ask the Secretary of State for Scotland what has been for each health board in Scotland the costs of operating the prescription service for medication in the NHS for each year since 1979–80. [18260]

**Lord James Douglas-Hamilton** *[holding answer 5 April 1995]:* The cost to each health board of operating the prescription service can be calculated by adding together the net ingredient cost of drugs and appliances and the fees and allowances paid for dispensing these items, and then deducting the income generated from NHS prescription charges paid by patients and from the sale of pre-payment certificates. The following table gives the information, calculated on this basis, for each of the years from 1979–80 until 1993–94. Equivalent information for 1994–95 is not yet available.

*£ million*

| *Health Board* | *1979–80* | *1980–81* | *1981–82* | *1982–83* | *1983–84* | *1984–85* | *1985–86* | *1986–87* |
|---|---|---|---|---|---|---|---|---|
| Argyll and Clyde | 8.40 | 10.00 | 11.39 | 13.03 | 14.50 | 15.59 | 16.63 | 17.68 |
| Ayrshire and Arran | 8.18 | 9.67 | 10.94 | 12.38 | 13.61 | 13.85 | 13.40 | 16.13 |
| Borders | 1.97 | 2.37 | 2.70 | 3.00 | 3.29 | 3.52 | 3.78 | 3.99 |
| Dumfries and Galloway | 2.77 | 3.27 | 3.71 | 4.25 | 4.74 | 5.06 | 5.40 | 5.77 |
| Fife | 6.12 | 7.24 | 8.17 | 9.11 | 9.94 | 10.54 | 11.32 | 12.07 |
| Forth Valley | 5.08 | 5.79 | 6.56 | 7.48 | 8.35 | 8.94 | 9.54 | 10.08 |
| Grampian | 8.12 | 9.59 | 10.82 | 12.07 | 13.11 | 14.03 | 14.92 | 15.81 |
| Greater Glasgow | 19.45 | 22.55 | 25.34 | 28.56 | 31.60 | 33.72 | 35.66 | 37.74 |
| Highland | 3.24 | 3.79 | 4.26 | 4.80 | 5.23 | 5.56 | 5.96 | 6.38 |
| Lanarkshire | 10.60 | 12.69 | 14.35 | 16.41 | 18.46 | 19.83 | 21.21 | 22.56 |
| Lothian | 13.31 | 15.82 | 17.71 | 19.97 | 21.97 | 23.52 | 25.27 | 26.92 |
| Orkney | 0.34 | 0.40 | 0.45 | 0.51 | 0.55 | 0.59 | 0.63 | 0.65 |
| Shetland | 0.36 | 0.45 | 0.51 | 0.55 | 0.59 | 0.60 | 0.63 | 0.68 |
| Tayside | 7.12 | 8.47 | 9.66 | 11.05 | 12.31 | 13.23 | 14.33 | 15.37 |
| Western Isles | 0.50 | 0.66 | 0.73 | 0.80 | 0.90 | 0.95 | 1.00 | 1.08 |
| Scotland | 95.56 | 112.76 | 127.30 | 143.97 | 159.15 | 169.53 | 179.68 | 192.91 |

*£ million*

| *Health Board* | *1987–88* | *1988–89* | *1989–90* | *1990–91* | *1991–92* | *1992–93* | *1993–94* |
|---|---|---|---|---|---|---|---|
| Argyll and Clyde | 19.88 | 22.26 | 24.64 | 27.17 | 30.49 | 34.38 | 36.91 |
| Ayrshire and Arran | 18.15 | 20.13 | 22.66 | 24.82 | 27.63 | 30.64 | 32.77 |
| Borders | 4.52 | 4.98 | 5.50 | 6.02 | 6.73 | 7.51 | 7.93 |
| Dumfries and Galloway | 6.36 | 7.05 | 7.95 | 8.81 | 10.05 | 11.35 | 12.40 |
| Fife | 13.45 | 15.15 | 16.98 | 18.66 | 20.82 | 23.35 | 25.59 |
| Forth Valley | 11.33 | 12.67 | 14.14 | 15.79 | 18.20 | 20.75 | 22.48 |
| Grampian | 18.02 | 20.06 | 22.22 | 24.42 | 27.34 | 30.81 | 33.20 |
| Greater Glasgow | 42.65 | 47.00 | 52.61 | 57.57 | 64.59 | 72.42 | 78.46 |
| Highland | 7.26 | 8.24 | 9.42 | 10.54 | 11.97 | 13.55 | 15.00 |
| Lanarkshire | 25.61 | 28.83 | 32.29 | 35.42 | 39.85 | 44.79 | 47.84 |
| Lothian | 30.27 | 33.27 | 36.82 | 39.91 | 44.28 | 49.52 | 54.39 |
| Orkney | 0.72 | 0.79 | 0.87 | 1.00 | 1.13 | 1.28 | 1.36 |
| Shetland | 0.76 | 0.84 | 0.95 | 1.07 | 1.18 | 1.30 | 1.48 |
| Tayside | 17.55 | 20.19 | 22.61 | 25.07 | 28.02 | 31.32 | 33.45 |
| Western Isles | 1.20 | 1.31 | 1.47 | 1.59 | 1.76 | 1.94 | 2.20 |
| Scotland | 217.73 | 242.77 | 271.13 | 297.86 | 334.04 | 374.91 | 405.46 |

## Residential Homes

**Dr. Godman:** To ask the Secretary of State for Scotland, pursuant to his answer, of 22 March, *Official Report*, columns *337–38*, when he expects to receive the report of the working group which is examining inter alia, the ownership, management and monitoring of privately owned residential homes for the elderly; if he will place a copy in the Library; and if he will make a statement. [18089]

**Lord James Douglas-Hamilton** *[holding answer 18 April 1995]:* I expect to receive the report of the working group in the autumn when I will consider its recommendations.

# Written Answers to Questions

*Thursday 20 April 1995*

## ENVIRONMENT

### Caravans

**Ms Walley:** To ask the Secretary of State for the Environment if he will discuss with the Valuation Office reasons for the change in the basis for valuation of caravans; what representations he has received from caravan owners relating to this decision by the Valuation Office; and if he will make a statement. [18668]

**Mr. Robert B. Jones:** We have received many representations from caravan site operators and some from owners of individual caravans about the approach which has been adopted by the Valuation Office to the valuation of caravan parks for the purposes of the 1995 non-domestic rating revaluation. I understand that the agency is discussing the issues further with representatives of caravan site operators.

### Wildlife Imports (Vietnam)

**Mr. Morley:** To ask the Secretary of State for the Environment what representations he has received on the importation of wildlife into the United Kingdom from Vietnam; and what steps he will take to stop the practice. [19828]

**Sir Paul Beresford:** My Department has received representations on the import into the United Kingdom of crab-eating monkeys from Vietnam. The UK and Vietnam are parties to the Convention on International Trade in Endangered Species, which regulates international trade in wildlife. Under CITES, crab-eating monkeys can be imported into the UK from Vietnam, provided certain strict conditions are met. However, no such imports have been authorised in recent years.

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for the Environment how many metres of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19842]

**Sir Paul Beresford** *[holding answer 19 April 1995]:* My Department does not keep central records of individual purchases. Its policy, set out in its environmental purchasing guide "Selling to DOE", is to purchase joinery, furniture, and fittings manufactured only from wood produced from sustainably managed forests.

## DEFENCE

### RAF Logistics Command

**Mr. Duncan:** To ask the Secretary of State for Defence if he will make a statement about defence agency status for the logistics support services organisation of the Royal Air Force. [20451]

**Mr. Soames:** The Royal Air Force logistics support services organisation is part of Headquarters Logistics Command, and is responsible for providing a range of engineering and supply logistic support services to the Ministry of Defence, overseas Governments and the UK defence industry. It has been decided that the logistics support services organisation is to be considered for defence agency status under the next steps procedures. An entry to this effect will appear in the May 1995 edition of the market testing bulletin.

**Mr. Butler:** To ask the Secretary of State for Defence if he will make a statement on the proposed rationalisation of Headquarters Logistics Command. [20481]

**Mr Soames:** As part of the "Front Line First" process, my Department has consulted thoroughly with trade unions and local authorities closely associated with RAF Logistics Command on the proposal to rationalise its headquarters' structure.

No issues have been raised which call into question the viability of the proposal and I have therefore decided that it should proceed as set out in the consultative document, which was issued on 19 January 1995. The effect of this rationalisation is the creation of some 400 civilian posts in the Headquarters Logistics Command at various levels.

The details of the new civilian posts involved are being issued to trade unions for further local consultation and discussion.

### Defence Medical Services

**Mr. Robathan:** To ask the Secretary of State for Defence if he will make a statement about defence agency status for the Defence Medical Services' secondary care organisation. [20452]

**Mr. Soames:** Following my announcement in the House on 8 December, *Official Report*, columns *304–305*, in which I confirmed the recommendations made by the "Front Line First" medical study, it has been decided that the Defence Medical Services' secondary care organisation is to be considered as a candidate for agency status under the next steps procedures. An entry to this effect will appear in the May 1995 market testing bulletin and I should welcome comments from interested parties. These should be sent by 9 June to Mr. J. P. Green, head of the secondary care agency review team, Ministry of Defence, Room 118, Lacon house, Theobalds road, London WC1X 8RY.

### Married Quarters

**Mr. Sykes:** To ask the Secretary of State for Defence what progress is being made with the selection of financial advisers for the proposed transfer of his Department's married quarters estate to the private sector. [20482]

**Mr. Soames:** I am glad to announce that, following a competitive selection process, we have chosen NatWest Markets for this role.

### Occupational Health and Safety Agency

**Mr. Morgan:** To ask the Secretary of State for Defence if he will make a statement on the details of the methodology for transforming the Occupational Health Service into Trident Medical Services. [18915]

**Mr. Horam:** I have been asked to reply.

The Occupational Health and Safety Agency has not been transformed into Trident Medical Services. Previously the Occupational Health Service, it remains an executive agency of the Cabinet Office following a prior options review in 1994.

Trident Medical Services is a private sector provider of medical treatment.

**Mr. Morgan:** To ask the Secretary of State for Defence if he will make a statement on the suspension and subsequent resignation of the director of the civil service occupational health scheme at the Atomic Weapons Establishment; and if he will make a statement on the impact this has had on the formation of a successor company and the application of the Transfer of Undertakings (Protection of Employment) Regulations 1981 to those employed by the scheme within the AWE as at 31 March.

**Mr. Horam:** I have been asked to reply.

The senior medical officer employed by the Occupational Health and Safety Agency was suspended from duty on 20 March pending investigation of matters which had that day come to light regarding the tendering process for the contract to provide occupational health services to Hunting-BRAE, trading as AWE plc. It appeared that he had become a director of the company awarded the contract. He resigned voluntarily and with immediate effect on 23 March before any formal investigations had taken place.

His resignation has no effect on the future of the OHSA. The Transfer of Undertakings (Protection of Employment) Regulations 1981 apply to the transfer of relevant employees from OHSA to Trident Medical Services Ltd. This follows from AWE's decision to award the contract for provision of occupational health services to Trident.

### Sundstrand Corporation

**Mr. Colvin:** To ask the Secretary of State for Defence on what grounds his Department has selected Sundstrand of Rockford Corporation Illinois to supply gas-powered turbine engines for Spearfish torpedoes; what was the nature of the competition for this programme; which United Kingdom contractors were invited to tender; what offset arrangements have been agreed; and if he will make a statement. [18705]

**Mr. Freeman:** The choice of Sundstrand as engine supplier was made by GEC-Marconi in 1981 as the designers of Spearfish. The only competitive alternative was also of US manufacture. The intention had been fully to compete the main production order of the torpedo, including the engine under licence, but the declining numbers required has meant this has not proved to be feasible. However, maximum competition at the subcontractor level was implemented instead. Some 25 per cent. in value of the engine was competed between three UK contenders and Microturbo of Fareham was successful.

### Trident

**Mr. Llew Smith:** To ask the Secretary of State for Defence what is the maximum number of warheads which will be deployed on each Trident submarine; and when the decision was taken on this matter. [19329]

**Mr. Soames:** As announced by my right hon. and learned Friend the Secretary of State for Defence in his speech to the Centre for Defence Studies at King's college, London on 16 November 1993, each Trident submarine will deploy with no more than 96 warheads and many will carry significantly fewer.

### Radioactive Waste

**Mr. Llew Smith:** To ask the Secretary of State for Defence what is his latest assessment of the future costs of decontaminating and clean-up of military nuclear production and operational facilities, including radioactive waste management and disposal; and if he will commission a study along the lines of the United States Energy Department study, estimating the cold war mortgage of radioactive contamination arising from the United Kingdom nuclear weapons programme. [19317]

**Mr. Soames:** It has been the practice of successive Governments not to disclose details of planned spending associated with the defence nuclear programme. The importance and costs of radiological and other forms of decontamination are, however, fully recognised as part of future defence planning, and adequate funding will be made available. Studies already conducted or to be undertaken will continue to assist in refining the estimates of the costs of radioactive waste management and disposal.

### HMS Repulse and HMS Renown

**Mr. Llew Smith:** To ask the Secretary of State for Defence what is his latest estimate of the decommissioning date for *(a)* HMS Repulse and *(b)* HMS Renown. [19326]

**Mr. Soames:** It is not our practice to comment in detail on the strategic submarine ballistic nuclear operational programme.

**Mr. Llew Smith:** To ask the Secretary of State for Defence what are the reasons for HMS Renown being laid up at the Clyde submarine base, Faslane since June 1994. [19328]

**Mr. Soames:** HMS Renown returned to Faslane in June 1994 with a minor defect. It is not our practice to comment in detail on the material state of individual submarines.

### WE177 Free-fall Bomb

**Mr. Llew Smith:** To ask the Secretary of State for Defence if he will make a statement on progress made in the implementation of plans to withdraw from service by 2007 the WE177 free-fall nuclear bomb. [19332]

**Mr. Soames:** I refer the hon. Member to the answer I gave to the hon. Member for City of Chester (Mr. Brandreth) on 4 April, *Official Report*, column *1097*.

### Portland Naval base

**Mr. Fatchett:** To ask the Secretary of State for Defence if he will make a statement on the future sale of the Portland naval base. [19167]

**Mr. Soames:** My noble Friend the Under-Secretary of State for Defence announced the sale of Portland naval base to Portland Port Ltd. on 6 April. Portland Port Ltd. is a Dorset-based company and we believe it offers the best long-term prospect for the local community and for reuse of the naval base.

### Porton Down Volunteers' Children

**Mr. Fatchett:** To ask the Secretary of State for Defence, pursuant to his answer of 20 March, *Official Report*, columns *77–78*, what reports his Department has received of children of ex-Porton Down service volunteers being born with a disability; and if he will make a statement. [19272]

**Mr. Soames:** This is a matter for the Defence Evaluation and Research Agency. I have asked the chief executive to write to the hon. Member.

*Letter from Mr. John Chisholm to Mr. Derek Fatchett, dated 18 April 1995:*

1. Your Parliamentary Question to the Secretary of State for Defence asking what reports his Department has received of children of ex-Porton Down Service volunteers being born with a disability has been passed to me as the Chief Executive of the Defence Evaluation and Research Agency to reply since this now includes the former Chemical and Biological Defence Establishment Agency.

2. The Ministry of Defence has received no reports of any children of ex-Porton Down Service volunteers being born with disabilities.

3. It is important to bear in mind that disabilities at birth occur in the general population and, whilst every such birth is regretted, there is no statistical evidence to indicate a higher level of birth defects in the children of Service families, including ex-Porton Down service volunteers, compared with the general population.

### Decommissioned Ships

**Mr. Fatchett:** To ask the Secretary of State for Defence if he will make a statement on the current condition of HMS Kent, HMS Hermione and HMS Jupiter and the prospects for their sale; and if he will make a statement. [19304]

**Mr. Freeman:** HMS Kent, HMS Jupiter and HMS Hermione are at present lying decommissioned in Portsmouth naval base, preparatory to their future offer for sale to the commercial scrap market. Despite strenuous efforts by the Disposal Sales Agency, none of these ships has attracted an overseas buyer for further operational use. There does, however, appear to be a flourishing commercial market for scrap metal recovery.

### Surplus Land

**Mr. Fatchett:** To ask the Secretary of State for Defence if he will list the names of the estate agents and consultants who have advised his Department on the sale of surplus land and buildings over the last five years. [19282]

**Mr. Soames:** Records of the names of the estate agents and consultants who have advised my Department on the sale of surplus land and buildings over the last five years are not held centrally and could be obtained only at disproportionate cost.

### Navy Staff

**Mr. Fatchett:** To ask the Secretary of State for Defence how many civilian Navy personnel have lost jobs in each of the last 10 years for which figures are available. [19157]

**Mr. Freeman:** The number of UK-based civilian staff made redundant from the Navy department in each financial year since 1986–87, the earliest date for which records were kept centrally, is as follows:

1986–87: 1,129
1987–88: 321
1988–89: 311
1989–90: 400
1990–91: 251
1991–92: 213
1992–93: 249
1993–94: 587
'1994–95: 635

'up to end of February 1995

**Mr. Fatchett:** To ask the Secretary of State for Defence how much his Department has spent on careers counselling for naval personnel who have lost their jobs in each of the last five years; and if he will make a statement. [19159]

**Mr. Soames:** No separate record is kept of the cost of resettlement advice which has been given to naval personnel who left on redundancy.

### Press and Public Relations

**Mr. Fatchett:** To ask the Secretary of State for Defence, pursuant to his answer to the hon. Member for Newcastle upon Tyne, North (Mr. Henderson) of 31 March, *Official Report*, column *872*, if he will give the number and location of service personnel and civilians employed in press and public relations and public relations support posts overseas.

**Mr. Freeman:** The number of service personnel and civilians employed in press and public relations and public relations support posts overseas is 22. Posts are located in Belize, Cyprus, Falkland Islands, Gibraltar, Hong Kong, Germany and the former Yugoslavia.

### Defence Export Services Organisation

**Mr. Fatchett:** To ask the Secretary of State for Defence if staff on secondment to the Defence Export Services Organisation may simultaneously work for or offer consultancy services to companies in the private sector. [19436]

**Mr. Freeman:** Under the conditions of service issued on secondment no officer may:

(a) engage at any time in private activity which would require attendance during working hours or in any way impair his or her usefulness as public servant.

(b) engage in any occupation or undertaking which might in any way conflict with the interests of the Ministry of Defence or be inconsistent with his or her position as a public servant.

It is a condition of the secondment that the secondee does not engage in any such activity, occupation or

undertaking without the consent of the permanent secretary, MOD.

**Mr. Fatchett:** To ask the Secretary of State for Defence what is the level of bonuses to be paid for the financial year 1994–95 to the *(a)* head, *(b)* offset adviser and *(c)* international finance adviser of the Defence Export Services Organisation. [19435]

**Mr. Freeman:** On the position of the Head of the Defence Export Services Organisation, I would refer the hon. Member to the answer I gave on the 30 November 1994, *Official Report*, columns *777–78*. The offset adviser is on secondment to MOD and any bonus is a matter for his company and not for the department. The international finance adviser is on a fixed-term appointment as a civil servant and is eligible for the normal civil service performance-related pay arrangements. It is not the practice to comment on the pay of individual officers.

**Mr. Fatchett:** To ask the Secretary of State for Defence, pursuant to his answer of 30 November 1994 to the hon. Member for Nottingham, South (Mr. Simpson), *Official Report*, column *778*, if he will name the current offset adviser and international finance adviser at the Defence Export Services Organisation; and if he will give *(a)* the companies from which they are seconded, *(b)* the duration of their contracts, *(c)* any bonuses to which they are entitled and *(d)* the number of hours per week they are contracted to work for the organisation. [19433]

**Mr. Freeman:** The information requested is as follows:

Offset adviser: Mr. David Mitchell
Company: British Aerospace Defence Ltd.
Duration of contract: two years to October 1995
Bonuses: The responsibility of his Company
Hours per week: 41 hours including meal breaks

The post of international finance adviser, at present, is a fixed-term appointment as a civil servant and is not classed as a secondee.

IFA: Mr. Miles Faulkner
Previous company: Trafalgar house
Duration of contract: Two years extended by one year to March 1996
Bonuses: Eligible for normal civil service performance-related pay
Hours per week: Four days per week—32.8 hours

**Mr. Fatchett:** To ask the Secretary of State for Defence, pursuant to his answer of 22 November 1994, *Official Report*, column *139*, if he will give the net cost of the Defence Export Services Organisation in each year from 1979–80 to 1992–93. [19432]

**Mr. Freeman:** Final outturn figures for the Defence Export Services Organisation for the years 1988–89 to 1992–93 are as stated below. Figures before 1988–89 are not readily available.

*£ million*

| | *1988–89* | *1989–90* | *1990–91* | *1991–92* | *1992–93* |
|---|---|---|---|---|---|
| Gross Expenditure | 9.97 | 10.25 | 11.57 | 29.99 | 31.87 |
| Receipts by DESO | (22.20) | (26.24) | (29.20) | (18.94) | (19.98) |
| | (12.23) | (15.99) | (17.63) | 11.05 | 11.89 |

*Notes:*
1. The figures for 1988–89, 1989–90 and 1990–91 include Disposal receipts for the Army, RAF and Navy. These receipts were disaggregated to the appropriate areas from 1991 and no longer fall to the DESO budget.
2. Brackets indicate receipts.

### Competitive Tendering

**Mrs. Ann Taylor:** To ask the Secretary of State for Defence how many competitive tendering exercises carried out by his Department in each of the last two years were caught by the provisions of the public services directive but were not subsequently advertised in the *Official Journal* of the European Union in compliance with the relevant regulations. [19228]

**Mr. Freeman:** All requirements falling within the scope of the EU services directive where there is an obligation to advertise are customarily advertised in the prescribed manner in the supplement to the *Official Journal* of the European Communities. Records of exact numbers of advertisements are not kept.

### Arms Sales, Sierra Leone

**Mr. Worthington:** To ask the Secretary of State for Defence what exports of weapons there have been from Britain to Sierra Leone in the past five years. [18872]

**Mr. Freeman:** I refer the hon. Member to the reply I gave to the hon. Member for Ilford, South (Mr. Gapes), *Official Report*, column *501*, on 28 November 1994.

### Hunting

**Mr. Meale:** To ask the Secretary of State for Defence whether armed forces personnel who hunt are liable for the costs of the support staff who drive the horseboxes and care for the horses; and what those costs are as a daily rate and in total for each year since 1991. [19539]

**Mr. Soames:** Members of the armed forces who are permitted to hunt during duty time are not liable for the costs of military drivers and grooms as such costs arise irrespective of participation in hunting or any other form of training and are therefore not additional.

**Mr. Meale:** To ask the Secretary of State for Defence what has been the total cost of fuel used by the Household Cavalry in attending fox hunt meets that has been reimbursed to the Ministry of Defence for each year since 1991. [19537]

**Mr. Soames:** The costs of fuel used by members of the Household Cavalry Mounted Regiment in travelling to fox hunt meets are met privately by the individuals taking part. The requirement for reimbursement does not, therefore, arise.

**Mr. Meale:** To ask the Secretary of State for Defence in what circumstances it is permitted for individuals who are not serving members of the armed forces to use army horses or equipment to hunt; and what charges are made for the use of such equipment. [19540]

**Mr. Soames:** Individuals who are not serving members of the armed forces are not permitted to use Army horses or equipment to hunt.

**Mr. Meale:** To ask the Secretary of State for Defence from what date members of the armed forces who hunt have been liable for the costs of fuel for transport to and from hunt meets. [19538]

**Mr. Soames:** So far as we have been able to determine, members of the armed forces who are permitted to hunt have always been liable for the costs of fuel for transport to and from hunt meets.

### European Armaments Agency

**Mr. Jim Cunningham:** To ask the Secretary of State for Defence what discussions he has had with his European Union counterparts in respect of the markets which the European arms procurement agency will endeavour to satisfy; and if he will make a statement. [19446]

**Mr. Freeman:** Ministers and officials of my Department have played a full part in discussions, within the forum of the Western European Armaments Group, on the concept and role of a European armaments agency. These discussions continue.

**Mr. Jim Cunningham:** To ask the Secretary of State for Defence if membership of the European arms procurement agency will be subject to parliamentary approval. [19445]

**Mr. Freeman:** Discussions on a European armaments agency continue. Formal parliamentary approval would not be necessary if the UK were to become a member of such an agency, but Parliament will, of course, be kept informed of developments.

**Mr. Jim Cunningham:** To ask the Secretary of State for Defence how the United Kingdom's proposed joining of the European arms procurement agency will affect the policy of *(a)* subsidiarity in defence and *(b)* the resources available for diversification of defence industries. [19443]

**Mr. Freeman:** Discussions on a European armaments agency continue. If the UK became a member, this would not affect the principle that decisions on armaments procurement for the UK armed forces are the preserve of Her Majesty's Government. It is not envisaged that UK membership of a European armaments agency would have any effect upon the resources available for diversification of defence industries.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Defence if he will list the total amount paid by his central Department, and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19549]

**Mr. Freeman:** The information requested is as follows:

| | | £ million |
|---|---|---|
| *(a)* 1992–93 | 36.589 million[1] | |
| 1993–94 | Ministry of Defence | 40.944 |
| | Atomic Weapons Establishment | 0.583 |
| | Defence Research Agency | 3.694 |
| 1994–95 | Ministry of Defence | 39.944 |
| | Atomic Weapons Establishment | 0.450 |
| | Defence Research Agency | 4.392 |
| *(b)* 1992–93 | 7.345 million[1] | |
| 1993–94 | Ministry of Defence | 4.998 |
| | Atomic Weapons Establishment | 0.242 |
| | Defence Research Agency | 1.231 |
| 1994–95 | Ministry of Defence | 3.801 |
| | Atomic Weapons Establishment | 0.070 |
| | Defence Research Agency | 1.690 |

[1]Separate figures for defence agencies are not available.

### Haymes Garth

**Mr. William Ross:** To ask the Secretary of State for Defence what was the total cost of *(a)* all structural repairs, to Haymes Garth and *(b)* all other work carried out to the building, and the total sums expended. [19781]

**Mr. Soames:** The total cost of refurbishing Haymes Garth was £380,000; of which £80,000 was spent on essential external maintenance, £68,000 was spent on furniture and fittings and £232,000 on structural work and alterations.

**Mr. William Ross:** To ask the Secretary of State for Defence what sums were spent on *(a)* redecoration, *(b)* curtains and *(c)* other furnishings to Haymes Garth; what were the estimated costs in each such category; and by whom and on what dates these (i) estimates and (ii) payments were authorised.

**Mr. Soames:** The total sum spent on redecoration, curtains and other furnishings to Haymes Garth was £68,000. The original allocation for these items was £60,000. RAF Support Command costed and approved the work at Haymes Garth.

**Mr. William Ross:** To ask the Secretary of State for Defence by whom and on what date the decision was taken to renovate Haymes Garth.

**Mr. Soames:** The decision to retain Haymes Garth was taken by the then Air Officer Commanding in Chief RAF Support Command in February 1992, and the renovation programme stemmed from that decision.

**Mr. William Ross:** To ask the Secretary of State for Defence on what date Air Chief Marshall Sir Sandy Wilson was informed that he was to occupy Haymes Garth; and when he took up residence. [19785]

**Mr. Soames:** Sir Sandy Wilson took up residence at Haymes Garth in May 1993, and had been aware that he was to occupy the house from August 1992.

### Small Arms Spares

**Sir Nicholas Bonsor:** To ask the Secretary of State for Defence for what reason he has decided not to proceed with the market-test initiative on the management and supply of small arms spares; and if he will make a statement. [18799]

**Mr. Freeman:** The market test of management and supply of small arms spares was withdrawn from full competition because of insurmountable intellectual property rights and critical item manufacture problems. However, the market testing process has identified changes in procurement processes which, once introduced, will lead to efficiency savings.

## NORTHERN IRELAND

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Northern Ireland what requirements there are for officials in his department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19351]

**Mr. Ancram:** I refer my hon. Friend to the answer given by the Under-Secretary of State for Corporate Affairs on 19 April, *Official Report*, column *189*. My officials follow the procedures set out in that answer.

Four compliance cost assessments were issued in Northern Ireland in the first three months of this year.

### Parliament Buildings, Stormont

**Mr. Beggs:** To ask the Secretary of State for Northern Ireland when he expects work to start on the repair of the fire damage and refurbishment of Parliament buildings, Stormont; and what is his estimate of the completion date for this project. [19467]

**Mr. Moss:** The debris resulting from the fire on 2 January has now been removed from the former Commons chamber. A detailed examination of the damage has been undertaken to assess its extent and to develop options for repair and refurbishment. I will make an announcement when this assessment is completed.

### DNA Sampling

**Mr. Lidington:** To ask the Secretary of State for Northern Ireland what plans he has to amend the law to allow the RUC to make greater use of DNA sampling. [20333]

**Sir Patrick Mayhew:** I intend to introduce legislation which will allow the RUC to take full advantage of developments in the technology of DNA analysis and give the police in Northern Ireland the opportunity to take samples from those suspected of a range of offences in wider circumstances than at present. It is vital that the RUC should be able to make use of technological innovation in the detection and investigation of crime at the earliest opportunity.

These measures will facilitate the use of improved technology for the analysis of DNA samples and fine-tune the law in other areas. They will assist the RUC to maintain its well-earned reputation for professionalism and their standards of excellence in investigating and detecting crime.

In addition, I plan to clarify the law in Northern Ireland on the status of prisoners when they are required for interview by the police and in respect of prisoners who are unlawfully at large in Northern Ireland so that they may be arrested and returned to custody as swiftly as possible no matter what part of the UK from which they are unlawfully at large.

## TRADE AND INDUSTRY

### Advisers

**Ms Eagle:** To ask the President of the Board of Trade how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19415]

**Mr. Heseltine:** My Department employs one political adviser and one chief economic adviser. Their salary and conditions of work are negotiated individually in relation to their previous earnings, and are confidential. Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. Their grades range from grade 3 to economic assistant.

### Insolvency Service

**Mrs. Helen Jackson:** To ask the President of the Board of Trade if he will publish in full the official receiver's responses on whether the work of the Insolvency Service should be contracted out. [19936]

**Mr. Jonathan Evans:** The responses from official receivers are still being considered. If a decision is made to seek parliamentary approval for an enabling order a digest of the official receiver's responses will be published by laying copies in the Library of the House.

### Labour Statistics

**Mr. Sheerman:** To ask the President of the Board of Trade how many people and what percentage of the work force are employed in small and medium enterprises. [19093]

**Mr. Page:** At the end of 1991, 14 million people, or 67 per cent. of the work force, excluding central and local government, were employed in enterprises with fewer than 500 employees.

### Business Links

**Mr. Sheerman:** To ask the President of the Board of Trade how many Business Link initiatives are now fully operational in the United Kingdom. [19095]

**Mr. Page:** Ninety Business Links are open in England as at 12 April 1995. Separate arrangements for providing support services for businesses in the rest of the United Kingdom are being developed by the offices for Scotland, Wales and Northern Ireland.

### Regional Supply Networks

**Mr. Sheerman:** To ask the President of the Board of Trade what is the budget allocated to the regional supply networks in the current year. [19094]

**Mr. Page:** The budget allocated to the regional supply network in the 1995–96 financial year is £2.8 million.

### Advertising

**Mrs. Ann Taylor:** To ask the President of the Board of Trade if he will list each non-departmental public body and agency for which he has responsibility and, for each, list separate figures for the spending by that body or agency on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotional materials and activities, *(e)* the totals in each year of *(a)* to *(d)* and

*(f)* the proportion of *(e)* that was spent on recruitment advertising for each year since 1979–80 or for each year of its existence if it has been created since then; and what are his latest estimates of *(a)* to *(f)* for the years 1994–95 and 1995–96. [17622]

**Mr. Heseltine:** The NDPBs sponsored by my Department are listed in the publication "Public Bodies 1994", copies of which are available in the Library of the House. The other information requested is not available centrally and could not be compiled without incurring disproportionate cost.

The DTI's executive agencies are detailed on pages 80 to 84 of my Department's annual report—Cm 2804—which is also available in the Library of the House. I have asked the chief executives of these agencies to write direct to the hon. Member giving the other information requested.

*Letter from P. R. S. Hartnack to Mrs. Ann Taylor, dated 20 April 1995:*

The President of the Board of Trade has asked me to reply on behalf of the Patent Office to the parliamentary question tabled by you on 28 March 1995.

Promotional expenditure of the Patent Office since its inception as an executive agency (in March 1990) is shown below in the format requested:

£000

| | *Newspaper advertising* | *Other promotional matters and activities* | *Total* | *Proportion of total on recruitment advertising (per cent.)* |
|---|---|---|---|---|
| *actual* | | | | |
| 1990—91 | 56 | 530 | 636 | 1.1 |
| 1991–92 | 71 | 813 | 884 | 2.5 |
| 1992–93 | 398 | 989 | 1,387 | 0.6 |
| 1993–94 | 409 | 1,136 | 1,545 | 0.0 |
| *forecast* | | | | |
| 1994–95 | 228 | 643 | 871 | 0.8 |
| 1995–96 | 156 | 450 | 606 | 1.0 |

There has been no expenditure on television and radio advertising in the period shown. The main objective of our advertising is to encourage British companies, and individuals, to obtain patents, trade marks and registered design protection; and thus to promote innovation and the international competitiveness of British industry and commerce through intellectual property rights.

*Letter from John Hobday to Mrs. Ann Taylor, dated 20 April 1995:*

I am replying to your Question of 28 March to the President of the Board of Trade in which you asked for information on expenditure on promotional activities by non-departmental public bodies and agencies for which he has responsibility.

The accounts Services Agency was created in October 1991, since when it has had no spending on television, radio or newspaper advertising. It had however spent some £26,000 on other promotional material and activities as follows:

| | £ |
|---|---|
| 1992–93 | 5,600 |
| 1993–94 | 8,300 |
| 1994–95 | [1]12,100 |

[1]Estimated. None of the advertising was in respect of equipment. You will wish to know that the Accounts Services Agency ceased to be an agency on 31 March after which the services provided by it were contracted-out to the CSL Group Limited.

*Letter from David Durham to Mrs. Ann Taylor, dated 20 April 1995:*

You recently tabled a Parliamentary Question asking about the total expenditure on all forms of advertising, promotional materials and activities, by non-departmental public bodies and agencies since 1979.

Following the answer given by the President of the Board of Trade, I am replying as Chief Executive of Companies House which became an Executive Agency of the Department of Trade and Industry in November 1988.

Companies House Executive Agency advertising expenditure in £000 is as follows:

| *Year* | *(a) TV* | *(b) Radio* | *(c) Newspapers* | *(d) Other* | *(e) Total* |
|---|---|---|---|---|---|
| 1989–90 | 0 | 0 | incl. in D | 303 | 303 |
| 1990–91 | 0 | 0 | 224 | 174 | 398 |
| 1991–92 | 0 | 0 | 190 | 137 | 327 |
| 1992–93 | 0 | 0 | 332 | 168 | 500 |
| 1993–94 | 0 | 80 | 122 | 164 | 366 |
| 1994–95 | 0 | 0 | 174 | 205 | 379 |
| Total | 0 | 80 | 1,042 | 1,151 | 2,273 |
| The estimate for 1995–96 is: | 0 | 0 | 200 | 276 | 476 |

These figures include expenditure on advertising to raise the awareness of Late Filing Penalties and to inform and remind companies of the due dates for filing; on exhibitions, literature and leaflets, and on publications including the annual report to Parliament.

It is not possible to give precise figures on the amount of our budgets spent on recruitment advertising. While not included in the above figure, it is between 1% and 2% of the total at column (e). On the handful of occasions when a recruitment agency has been involved, the fee has covered advertising, sifting, preliminary interviews etc.

I hope this is helpful to you.

*Letter from Peter Joyce to Mrs. Ann Taylor, dated 20 April 1995:*

The President of the Board of Trade has asked me to reply to your Question about expenditure on advertising and on other promotional materials and activities.

The Insolvency Service, which became an Agency in March 1990, does not place advertisements or produce promotional material of its functions. It does however publish an Agency Annual Report, at a cost of some £13,000 for the 1993–94 report.

Recruitment advertising is undertaken from time to time at both national and local level. Expenditure was devolved to the Agency from 1993–94. The amounts expended have been £14,900 for 1993–94 and £4,594 for 1994–95.

Official Receivers of The Insolvency Service are required to place in newspapers and other journals, notices concerning specific matters relating to individual insolvency cases, for example a notice of the making of a bankruptcy order. The cost of these are a charge on the estates of the bankrupts and companies in compulsory liquidation to which they relate.

*Letter from W. Edgar to Mrs. Ann Taylor, dated 20 April 1995:*

I refer to your Parliamentary Question to the President of the Board of Trade on the subject of advertising for each non-departmental public body and agency for which he is responsible. NEL has not incurred any expenditure on either television advertising or radio advertising. The total expenditure on newspaper advertising and other promotional materials and activities is shown on the attached schedule together with the proportion of

that total which was spent on recruitment advertising. The period covered is from financial year 1992/93 which is when the data started being recorded in the detail you require.

I trust you will find the information satisfactory for your purposes.

*NEL Executive Agency*

| *Financial year* | *Total expenditure £* | *Recruitment as percentage* |
|---|---|---|
| 1992–93 | 38,010 | 9 |
| 1993–94 | 59,437 | 24 |
| 1994–95 | 43,689 | 35 |
| 1995–96 | 45,000 | 5 |

*Letter from Seton Bennett to Mrs. Ann Taylor, dated 20 April 1995:*

EXPENDITURE ON ADVERTISING

The President of the Board of Trade has asked me to reply on behalf of the National Weights and Measures Laboratory to your question about expenditure on advertising.

While NWML takes every opportunity to bring its activities to the attention of interested parties, the use of paid advertising is rare and there has been no such expenditure since 1992. Expenditure in previous years, for which figures are not readily available, was limited to occasional advertisements in specialist journals. For 1995–96 advertising expenditure is likely to be £5,000.

For 1993–94 expenditure on promotional materials and activities was £8,245.67. In 1995–96, this is likely to increase to approximately £9,500.

Expenditure on recruitment advertising has been restricted to local newspapers and amounts to approximately £1500 over the last five years.

*Letter from Dr. Peter Clapham to Mrs. Ann Taylor, dated 20 April 1995:*

I am writing in response to your question to the President of the Board of Trade about expenditure on advertising and promotional activities by agencies for which he is responsible. NPL became an Executive Agency in July 1990.

NPL does not use television or radio advertising, and we record expenditure on recruitment advertising separately from expenditure on other forms of advertising and promotion. The table below sets out (i) NPL's annual expenditure on recruitment advertising; (ii) expenditure on publicity, which covers the external cost of advertisements in the technical press, exhibitions and other promotional activities and materials; and (iii) the approximate amount of expenditure within (ii) accounted for by paid advertisements in the print media. All figures are in £000.

| | *(i) Recruitment advertising* | *(ii) Publicity* | *(iii) Advertising in print media included in (ii)* |
|---|---|---|---|
| 1990–91 | 28 | [1]50 | — |
| 1991–92 | 54 | 165 | 22 |
| 1992–93 | 32 | 413 | 12 |
| 1993–94 | 22 | 283 | 22 |
| 1994–95 (est) | 34 | 463 | 12 |
| 1995–96 (est) | 15 | 402 | 15 |

[1]Agency expenditure only. Most publicity in 1990–91 was included in DTIs central publicity expenditure.

I hope this provides the information you require.

*Letter from R.D. Worswick to Mrs. Ann Taylor, dated 5 April 1995:*

PQ ON PROMOTIONAL ACTIVITY

The President of the Board of Trade has asked me to write to you about the spend on promotional activity by the Laboratory of the Government Chemist.

The promotional activity undertaken by LGC is primarily in support of its scientific programmes, seminars and scientific events; but the figures also include expenditure on more general promotion of LGC and its annual report and accounts.

The attached table sets out the information that is readily available.

*Spend by LGC on Promotional Activities by Financial Year*

*£000 (ex-vat)*

| *Activity* | *1991–92* | *1992–93* | *1993–94* | *1994–95* |
|---|---|---|---|---|
| *a)* Television | 0 | 0 | 0 | 0 |
| *b)* Radio | 0 | 0 | 0 | 0 |
| *c)* Technical press | 3 | 6 | 4 | 13 |
| *d)* Other promotional activities[1] | 271 | 253 | 175 | 237 |
| *e)* total | 274 | 268 | 194 | 262 |
| *f)* recruitment advertising as per cent. of total | n/a | 6 per cent. | 8 per cent. | 5 per cent. |

[1]The majority of these activities are in support of DTI's Validity of Analytical Measurements the initiative aimed at creating awareness of quality issues concerned with chemical measurements.n/a Not available.

*Letter from Jim Norton to Mrs. Ann Taylor, dated 20 April 1995:*

The President of the Board of Trade has asked me to reply to your question about advertising costs for this Agency.

Since becoming an Agency in 1990 it has spent the following on advertising.

| | *A TV* | *B Radio* | *C Newspapers Magazine* | *D Other publicity* | *E Recruitment* | *F Year totals* |
|---|---|---|---|---|---|---|
| 1990–91 | Nil | Nil | — | 171,426 | — | [1]171,426 |
| 1991–92 | Nil | Nil | — | 216,166 | — | [1]216,166 |
| 1992–93 | Nil | Nil | — | [2]229,579 | 59,643 | 289,222 |
| 1993–93 | Nil | Nil | 38,018 | 149,786 | 57,149 | 244,953 |
| 1994–95 (Estimated) | Nil | Nil | 19,129 | 192,505 | 47,500 | 259,134 |
| 1995–96 Projection | Nil | Nil | 40,000 | 245,000 | 40,000 | 325,000 |

[1]Expenditure for columns C, D and E are not kept separately 1990–92.
[2]Expenditure for columns C and D not kept separately 1992–93.

## Consultancy Brokerage Scheme

**Mr. Malcolm Bruce:** To ask the President of the Board of Trade if he will reconsider his specific proposals for a consultancy brokerage scheme following representations received about them. [18904]

**Mr. Ian Taylor** *[holding answer 18 April 1995]:* I have received a number of representations from

organisations and individuals in the consultancy industry about the DTI's consultancy brokerage service. My officials have also consulted widely within the industry and across a range of relevant interest groups. The concept of such a service has been generally welcomed. As with all new initiatives, I am willing to consider constructive proposals for its further development.

**Mr. Malcolm Bruce:** To ask the President of the Boardof Trade how many consultants have to date joined the consultancy brokerage scheme; and if he will make a statement. [18905]

**Mr. Ian Taylor** *[holding answer 18 April 1995]:* As at 11 April 1995, 152 consultants had applied to join the DTI's consultancy brokerage service. Invitations to join the service were issued in late January and no deadline was set. We aim to recruit many more consultants and are actively considering how to speed up the pace of applications.

### Government Funding

**Mr. Cohen:** To ask the President of the Board of Trade what Government funding has been provided to *(a)* the Industrial Research and Information Services Ltd, *(b)* the Industrial Trust and *(c)* Kennington Industrial Company in each year since 1965; and for what purposes it was granted. [17259]

**Mr. Page** *[holding answer 3 April 1995]:* My Department has no knowledge of these companies and no record of having given the financial assistance.

## TRANSPORT

### Air Traffic Control (Privatisation)

**Mr. Legg:** To ask the Secretary of State for Transport what progress has been made in preparing the Civil Aviation Authority's air traffic control functions for privatisation and in preparing the timetable for privatisation. [18931]

**Mr. Norris:** Following discussion with interested parties, progress has been made in addressing the issues raised during the public consultation on privatisation of the CAA's air traffic control functions.

The chairman of the CAA has also instigated a number of management changes designed to secure a greater degree of separation between the national air traffic services and the CAA's other businesses.

### Aircraft Regulations

**Mr. David Marshall:** To ask the Secretary of State for Transport (1) what regulations apply to cabin baggage on aircraft; how these are enforced; and if he will make a statement; [18971]

(2) how many reported accidents to airline passengers involving cabin baggage have occurred in each of the last five years; and if he will make a statement. [18970]

**Mr. Norris:** Articles 29 (6) and 37 (2) (d) (ii) of the Air Navigation Order 1989 cover the safe carriage of cabin baggage in UK-registered aircraft and regulation 4 of the Air Navigation (General) Regulations 1993 covers the weighing of cabin baggage. Compliance with these requirements is enforced by the Civil Aviation Authority.

In addition, under UK aviation security requirements, all items of cabin baggage must be screened to a specified standard before they may be taken on board an aircraft. Airlines are also required to check to ensure that disembarking passengers have not left behind any baggage. Monitoring and enforcement of security requirements is carried out by my Department's aviation security inspectors.

Minor accidents involving cabin baggage are not reportable incidents under the Air Navigation Order. However, the Civil Aviation Authority advises me that in the past five years it has received five reports of incidents in which passengers have received minor injuries in accidents involving cabin baggage.

### Airline Charges

**Mr. David Marshall:** To ask the Secretary of State for Transport what assessment he has made of comparative charges to airlines in *(a)* the United Kingdom and *(b)* the United States of America; and if he will make a statement. [19143]

**Mr. Norris:** I have not made any such assessment.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Transport if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19649]

**Mr. Norris:** The information requested in respect of this Department and its agencies is as follows:

(a) the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment:

£

| | *1992–93* | *1993–94* | *1994–95* |
|---|---|---|---|
| CTG/MSA/TCA/HA | 1,413,449 | 1,353,022.14 | — |
| CTG | — | — | 154,110.35 |
| MSA | — | — | 178,589.85 |
| TCA | — | — | 365,911.33 |
| HA | — | — | 149,591.51 |
| VCA | 4,544 | 4,947 | 36 |
| VIEA | 121,595 | 156,780 | 56,424 |
| DSA | 14,130 | 73,534 | 51,605 |
| DVLA | 179,500 | 77,900 | 8,600 |
| TRL | 1,973 | — | 5,916.90 |

*Notes:*

The above figures do not include other allowances such as Excess Fares, Additional Housing Costs Allowance and Housing Cost Supplements which are paid monthly with salary. These figures would be difficult to disaggregate and present as total figures.

(b) the amount of each of the highest three claims that were concluded and settled:

1992–93: £30,200 (DVLA)
£26,254 (TRL)
£22,413 (TRL)

1993–94: £21,109 (VIEA)
£19,000 (DVLA)
£18,452 (CTG)

1994–95: £26,086 (HA)
£16,744 (MSA)
£14,574 (DSA)

(c) the average amount of each claim in each of the last three years.

| *Year* | *Agency* | *£* |
|---|---|---|
| 1992–93 | CTG/MSA/TCA/HA | 5,590.76 |
| | VCA | 325 |
| | VIEA | 7,152.69 |
| | DSA | 3,533 |
| | DVLA | 11,200 |
| | TRL | 1,193 |
| 1993–94 | CTG/MSA/TCA/HA | 6,765.12 |
| | VCA | 495 |
| | VIEA | 7,426 |
| | DSA | 4,902 |
| | DVLA | 5,600 |
| | TRL | 0 |
| 1994–95 | CTG. | 5,867.36 |
| | MSA | 6,231.03 |
| | TCA | 6,568.11 |
| | HA | 4,399.75 |
| | VCA | 18 |
| | VIEA | 1,276 |
| | DSA | 5,160 |
| | DVLA | 1,200 |
| | TRL | 1,972.30 |

## Overtime

**Mr. David Shaw:** To ask the Secretary of State for Transport if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19674]

**Mr. Norris:** The total hours and the amount paid in overtime for the last three years for the central Department and agencies for which I have responsibility are:

| | | *1992–93* | *1993–94* | *1994–95 (latest available)* |
|---|---|---|---|---|
| Central Department | Hrs | 82,971 | 57,904 | 54,463 |
| | Amt | £710,800 | £523,797 | £517,676 |
| Coastguard Agency | Hrs | 123,584 | 115,392 | 93,842 |
| | Amt | £1,015,125 | £946,562 | £777,611 |
| Driver and Vehicle Licensing Agency | Hrs | 11,132 | 25,163 | 58,060 |
| | Amt | £115,182 | £202,381 | £463,168 |
| Driving Standards Agency | Hrs | 37,187 | 39,789 | 51,835 |
| | Amt | £270,466 | £289,430 | £377,177 |
| Highways Agency[1] | Hrs | — | — | 42,997 |
| | Amt | — | — | £389,719 |
| Marine Safety Agency | Hrs | 6,023 | 6,807 | 6,718 |
| | Amt | £63,811 | £69,486 | £73,357 |
| Transport Research Laboratory[1] | Hrs | — | — | 12,750 |
| | Amt | — | — | £113,203 |
| Vehicle Certification Agency | Hrs | — | 80 | 275 |
| | Amt | — | £772 | £1,842 |
| Vehicle Inspectorate Executive Agency | Hrs | 62,452 | 75,993 | 89,698 |
| | Amt | £466,984 | £573,474 | £668,293 |

[1]Figures for previous years are included with the Central Department.

Data on sickness absence are submitted to the Occupational Health and Safety Agency and is not recorded separately for agencies. The total figure for the Department, including the agencies, is 153,507 days for 1992 and 145,391 days for 1993. Information relating to 1994 is not yet available. There is not reliable data available for a monetary equivalent to be calculated.

# NATIONAL HERITAGE

## National Lottery

**Mr. McMaster:** To ask the Secretary of State for National Heritage for what reasons he does not judge it appropriate to permit national lottery tickets to be sold by independent licensed bookmakers; and if he will make a statement. [19000]

**Mr. Dorrell:** The national lottery is at the softest end of the gambling spectrum. Not allowing the sale of national lottery tickets on certain premises, including licensed betting offices, reflects the distinction between the lottery and other types of gaming.

**Dr. Marek:** To ask the Secretary of State for National Heritage what information he has on the buying of national lottery tickets by people of different socio-economic groups. [19113]

**Mr. Dorrell:** I understand that Camelot Group plc carries out research as part of its programme to monitor the appeal of individual constituent games which make up the national lottery. This indicates that the profile of national lottery players broadly reflects the profile of the population as a whole.

## Advisers

**Ms Eagle:** To ask the Secretary of State for National Heritage how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19420]

**Mr. Dorrell:** My Department does not employ any political advisers. Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. The following numbers by grade are full-time equivalent:

| *Grade* | *Number* |
|---|---|
| Grade 6 | 1 |
| Grade 7 | 1 |
| Total | 2 |

### National Museum of Photography, Film and Television

**Mr. Madden:** To ask the Secretary of State for National Heritage what representations he has received about the closure on the education unit at the National Museum of Photography, Film and Television in Bradford; if he has authorised his officials to have discussions with the museum about the securing of funding to enable the unit to be reopened; and if he will make a statement. [19860]

**Mr. Dorrell** *[holding answer 18 April 1995]:* Since 1984, educational provision of the National Museum of Photography, Film and Television in Bradford has been generously supported by the city of Bradford metropolitan council. I understand this funding has now been withdrawn, reluctantly, at short notice and the education unit has had to be closed in consequence. I have not received any representations about the closure. My Department provides funding of £21.7 million to the National Museum of Science and Industry, of which the NMPFT is a part, and it is for the trustees of the National Museum of Science and Industry to decide how to spend this money. I understand, however, that the museum is currently reviewing its formal education programme of free direct teaching for educational visitors and that, when the necessary planning and preparation are completed, it expects to put in place a revised programme of education provision, as part of its long-term commitment to education as an integral part of its activities.

## OVERSEAS DEVELOPMENT ADMINISTRATION

### Natural Resources Institute

**Mr. Duncan:** To ask the Secretary of State for Foreign and Commonwealth Affairs what progress has been made in reaching a decision on the future ownership of the Natural Resources Institute. [20453]

**Mr. Baldry:** We announced on 20 December 1994 our intention to invite formal tenders for the future ownership of the Natural Resources Institute. A number of expressions of interest in assuming ownership of NRI were received.

Those being invited to prepare fuller bids are as follows:

Cranfield university
A consortium led by the university of East Anglia
University of Greenwich, in association with Edinburgh university, Imperial college and Wye college
Universities of Nottingham and Leicester
University of Reading
Scottish agricultural college
Serco International Ltd. in association with university of Wales
University of Warwick

## PRIME MINISTER

### Engagements

**Sir Peter Tapsell:** To ask the Prime Minister if he will list his official engagements for Thursday 20 April. [18720]

**Mr. Harry Greenway:** To ask the Prime Minister if he will list his official engagements for Thursday 20 April. [18718]

**The Prime Minister:** This morning I presided at a meeting of the Cabinet and had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall be having further meetings later today.

### Public Sector Pay

**Mr. McMaster:** To ask the Prime Minster what revision he has made to his statement of 18 July 1994, *Official Report*, column 2, that directors should follow the lead that the Government have set for pay in the public sector; and if he will make a statement. [19039]

**The Prime Minister:** The Government's approach to public sector pay stands as a commendable example to directors and others in the private sector. However, the remuneration of directors is ultimately a matter for the companies themselves and their shareholders. I have welcomed the establishment of the Greenbury committee, which will be making recommendations shortly relating to the arrangements for remunerating directors.

## HOUSE OF COMMONS

### Statutory Instruments

**Mr. Spearing:** To ask the Lord President of the Council how many statutory instruments were approved by the House in each Session or calender year since 1981; of these how many were of *(a)* general and *(b)* local application; and how many arise directly or indirectly from regulations or directives of the European Community.

**Mr. Newton:** The information requested could be provided only at disproportionate cost.

### Upper Waiting Hall

**Mr. Sims:** To ask the Chairman of the Administration Committee if he has considered an application for an exhibition relating to the Central Council for Education and Training in Social Work to be displayed in the Upper Waiting Hall.

**Mr. Michael J. Martin:** I understand that, under procedures agreed by the Administration Committee, arrangements have been made for the exhibition to be held in the Upper Waiting Hall from Monday 10 July to Friday 14 July 1995.

**Mr. Chris Smith:** To ask the Chairman of the Administration Committee if he has considered an application for an exhibition relating to Dadabhai Naoroji, India's Patriot: Britain's MP, to be displayed in the Upper Waiting Hall.

**Mr. Michael J. Martin:** I understand that, under procedures agreed by the Administration Committee, arrangements have been made for the exhibition to be held in the Upper Waiting Hall from Monday 1 May to Friday 5 May 1995.

### Disabled People

**Mr. McMaster:** To ask the Chairman of the Accommodation and Works Committee if he will make a statement on the provision being made for access for disabled people in the design and construction on the new parliamentary building.

**Mr. Ray Powell:** A ramp will be provided between the pavement at the main entrance and the main courtyard level, a rise of 0.5 m. The lifts at each corner of the courtyard will reach all floors of the building. The six Members' Rooms on the sixth floor are the only rooms not readily accessible to disabled persons, as they are reached from the floor below by spiral staircases. There are lavatories for disabled people on all the main floors.

### Official Report

**Mr. Peter Bottomley:** To ask the Administration Committee if he will make the contents of the *Official Report* available digitally to the media as soon as possible.

**Mr. Michael J. Martin:** The *Official Report* is conducting a pilot project to make the electronic text of the *Official Report* available within the House. I understand that the Information Committee recently approved an expansion of the project, which includes the electronic delivery of the full text and an on-line database. In the first instance, the system is being developed to meet the needs of Members and the House generally, but, in planning to develop the service to serve a wider readership, the needs of the media will be taken fully into account.

### Telephones

**Mr. Fatchett:** To ask the Chairman of the Administration Committee if he will make a statement on the exemption of telephones within the Palace of Westminster from British Telecom's 1471 call return system.

**Mr. Michael J. Martin:** As the BT 1471 call return system is available only to lines linked directly to the public exchange, it is not technically possible to connect the system to the Palace of Westminster telephone exchange.

### Weddings

**Mr. Cohen:** To ask the Chairman of the Administration Committee what consideration has been given to licensing Parliament for weddings under the Marriages Act 1994.

**Mr. Martin J. Martin** *[holding answer 24 March 1995]:* I am advised that the regulations made under the Marriages Act 1994 relate only to civil marriage. Approved premises must have no recent or continuing connection with religion or religious practices, be open to the public without charge, and be regularly available to the public for civil marriage. I do not therefore consider it appropriate for the House to be licensed under the Act.

### Committee of Privileges

**Mr. Steen:** To ask the right hon. Member for Berwick-upon-Tweed, as representing the House of Commons Commission, what has been the total cost of the inquiry by the Committee of Privileges regarding a complaint regarding an article in *The Sunday Times* of 10 July 1994 relating to the conduct of hon. Members; how many staff at the House were involved; what was the cost of publishing the report and annexes; and how many copies were printed.

**Mr. Beith** *[holding answer 18 April 1995]:* The Committee of Privileges is staffed by existing staff of the Department of the Clerk of the House; consequently no significant additional staff costs arise. The Committee has one Clerk who is also Clerk of the Journals and has other responsibilities. He is assisted by a secretary and a chief office clerk, both of whom have other duties. The fees of the Official Shorthand Writer for transcripts of evidence taken by the Committee and tape recordings supplied by *The Sunday Times* amounted to £5,676. Other costs directly attributable to the Committee's inquiry and the preparation of the report amounted to approximately £1,400.

The cost to the House of copies of the report, evidence and appendices supplied for issue by the Vote Office is £16,800.

The cost to Her Majesty's Stationery Office of printing and publishing the report, evidence, and appendices is estimated by them to be £23,400. I understand that HMSO expects to recoup a substantial part of this cost in sales. The number of copies of the report, evidence and appendices printed so far is 1,400.

## TREASURY

### Overtime

**Mr. David Shaw:** To ask the Chancellor of the Exchequer if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19673]

**Mr. Nelson:** The information is as follows:

| | *1992–93* | *1993–94* | *1994–95* |
|---|---|---|---|
| *a) total hours overtime* | | | |
| HM Treasury | 122,156 | 92,988 | 65,716 |
| Central Statistical Office | 20,792 | 15,291 | 16,202 |
| Office of HM Paymaster General | 67,552 | 69,353 | 41,170 |
| Royal Mint | 93,353 | 100,941 | 96,189 |
| Valuation Office | 141,820 | 124,499 | 191,590 |
| Total | 445,672 | 403,072 | 410,867 |

| | 1992–93 | 1993–94 | 1994–95 |
|---|---|---|---|
| *b) total amount paid (£)* | | | |
| HM Treasury | 983,565 | 761,352 | 562,646 |
| Central Statistical Office | 188,377 | 142,594 | 161,203 |
| Office of HM Paymaster General | 417,804 | 511,426 | 310,434 |
| Royal Mint | 763,829 | 858,788 | 986,326 |
| Valuation Office | 1,305,877 | 1,146,386 | 1,764,161 |
| Total | 3,659,452 | 3,420,546 | 3,784,770 |

| *c) days lost through sickness* | 1992 | 1993 |
|---|---|---|
| HM Treasury[1] | 11,792.1 | 12,016.6 |
| Central Statistical Office[1] | 11,395.6 | 11,734.5 |
| Office of HM Paymaster General[1] | 9,243.2 | 9,129.6 |
| Royal Mint[1] | 2,102.5 | 2,105.3 |
| Valuation Office | 54,017.0 | 60,176.0 |
| Total | 88,550.4 | 95,162.0 |

[1]Data provided by OHSA. A monetary figure equivalent to the total number of days lost to sickness is not appropriate as there are too many variables involved in this calculation and it would be difficult to rely on the accuracy of any such calculation. Data are not yet available for 1994.

## Allowances

**Mr. David Shaw:** To ask the Chancellor of the Exchequer if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19566]

**Mr. Nelson:** Expenditure on subsistence for travel both in the United Kingdom and overseas is shown in the table.

| | United Kingdom | Overseas |
|---|---|---|
| *HM Treasury* | | |
| 1992–93 | 141,595 | 154,198 |
| 1993–94 | 77,372 | 187,211 |
| 1994–95 | 48,663 | 196,021 |
| *Royal Mint* | | |
| 1992–93 | 22,230 | [1]27,837 |
| 1993–94 | 26,176 | [1]32,779 |
| 1994–95 | 24,057 | 30,130 |
| *Paymaster* | | |
| 1992–93 | 22,991 | 0 |
| 1993–94 | 29,252 | 0 |
| 1994–95 | 13,505 | 0 |
| *Valuation Office* | | |
| 1992–93 | 750,166 | [2]0 |
| 1993–94 | 703,731 | [2]5,000 |
| 1994–95 | 831,568 | [2]16,000 |
| *Central Statistical Office* | | |
| 1992–93 | 119,170 | 92,600 |
| 1993–94 | 151,700 | 114,900 |
| 1994–95 | 175,000 | 115,400 |

[1]Figures for 1992–93 and 1993–94 are available only at disproportionate cost. Figures have however been estimated using total expenditure on overseas travel and subsistence adjusted for the known actual overseas subsistence expenditure in 1994–95.
[2]Total expenditure on overseas travel and subsistence.

## Advertising

**Mrs. Ann Taylor:** To ask the Chancellor of the Exchequer if he will list, for 1992–93 and 1993–94, separate figures for the spending by his Department on *(a)* television advertising, *(b)* radio advertising, *(c)* newspaper advertising, *(d)* other promotions materials and activities, *(e)* the totals in each year of *(a)* to *(d)* and *(f)* the proportion of *(e)* that was spent on recruitment advertising; and what are his latest estimates for the years 1994–95 and 1995–96. [17625]

**Mr. Nelson:** The expenditure by Her Majesty's Treasury on advertising is shown. Figures are not held that split up the various forms of advertising other than recruitment advertising.

| Year | £ | Recruitment advertising percentage |
|---|---|---|
| 1992–93 | 314,471 | 84.5 |
| 1993–94 | 12,198,540 | 12.7 |
| 1994–95 | 8,402,420 | 3.4 |
| 1995–96 | 110,500 | 100.0 |

Figures for 1993–94 and 1994–95 include the advertising costs for the BT3 and the generating companies share sale.

## Nurses' Earnings

**Mr. Peter Bottomley:** To ask the Chancellor of the Exchequer if he will estimate the effects of income tax at the rates of 1978 and 1995 on the average nurse's current earnings. [19119]

**Sir George Young:** On the basis of the level of average earnings for full-time nurses as at April 1994, a single nurse will pay over £22 a week less income tax in 1995–96 than under a 1978–79 indexed tax regime. For the purposes of the calculation, it has been assumed that the nurse has no tax allowances or reliefs except for the basic personal allowance.

## Premium Bond Prizes

**Mr. David Marshall:** To ask the Chancellor of the Exchequer what plans he has to increase the number and value of premium bond prizes and to increase the maximum number of bonds which holders may purchase. [19466]

**Mr. Nelson:** Under the present prize structure, the number and value of prizes increase automatically in line with the number and value of bonds qualifying for the prize draws. For example, in April 1994 there were 222,380 prizes to a value of £14,454,700; in April 1995 there are 320,932 prizes to a value of £20,860,600. This reflects an increase in the value of eligible bonds over that period from £3,336 million to £4,814 million. I have no present plans to change the prize structure or to increase the £20,000 maximum holding limit.

## Advisers

**Ms Eagle:** To ask the Chancellor of the Exchequer how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19413]

**Mr. Nelson:** The Treasury does not employ political or economic advisers.

The Treasury does, however, employ two special advisers to Ministers whose salaries are negotiated individually in relation to their previous earnings and are confidential. They are normally paid on the special advisers' salary scale of 34 points, ranging from £19,503 to £65,609. Appointments are non–pensionable and the salary spine reflects this. Special advisers have the same conditions of service and are subject to broadly the same rules of conduct as other civil servants.

Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. Their grades range from assistant economist to grade 1A, the chief economic adviser.

All London–based non–industrial full–time civil servants work a five–day week of 41 hours, including meal breaks.

### Married Couples Allowance

**Mr. Malcolm Bruce:** To ask the Chancellor of the Exchequer what is the number of households whose after–tax income will be reduced by the forthcoming restriction of tax relief on the married couples allowance from 20 per cent. to 15 per cent. [17179]

**Sir George Young** *[holding answer 30 March 1995]:* About 7 million married couples will have their after–tax income reduced after allowing for changes in allowances and thresholds. The increase in age–related allowances will offset the married couples allowance restriction for most taxpayers aged 65 or over. Married couples will pay almost £5 a week less in tax than most single people on similar incomes in 1995–96.

### Green Policy

**Ms Ruddock:** To ask the Chancellor of the Exchequer if he will name the green Minister for his Department and list *(a)* the green initiatives taken by that Minister in respect of the Department's functions, *(b)* the representations made by the Minister in respect of functions carried out by other departments and *(c)* the input made by the Minister into consultations on the Environment Bill. [18644]

**Mr. Heathcoat-Amory** *[holding answer 5 April 1995]:* I am the green Minister for the Chancellor's Departments, but all my ministerial colleagues take an interest in environmental issues as they affect their responsibilities. Treasury Ministers are responsible for fiscal measures, and play an active part in the consideration of all environmental initiatives with significant public expenditure or supply side implications; they have been closely involved in discussion of the measures set out in the Environment Bill. The Chancellor's last Budget announced his intention to introduce a tax on landfill waste, and reaffirmed the decision progressively to increase excise duty on fuel in real terms.

## SCOTLAND

### Cattle Plague

**Mr. Morley:** To ask the Secretary of State for Scotland how many cases of cattle plague were reported in each year since 1985. [18615]

**Sir Hector Monro:** No cases of cattle plague have been recorded in Scotland since 1985.

### Fatal Accidents

**Mr. David Marshall:** To ask the Secretary of State for Scotland what assessment he has made of the factors underlying the difference in fatal accident rates on *(a)* motorways and *(b)* trunk roads in (i) Scotland and (ii) England and Wales; and what action he will take to reduce the rates in Scotland. [19127]

**Lord James Douglas-Hamilton:** There are a number of possible reasons for the differences in fatal accident rates on motorways and trunk roads in Scotland compared with England and Wales, including weather, traffic density and longer hours of darkness. In order to examine this further, the Scottish Office has recently commenced an investigation into the impact of characteristics of the road network in Scotland on accident rates. This investigation is expected to be completed at the end of 1996.

The Scottish Office is taking a number of new initiatives in the fields of engineering, education and enforcement which are designed to improve safety on all roads in Scotland. These include, for trunk roads, route accident reduction plans, route action plans and the introduction of speed cameras to decrease vehicle speeds and so to reduce the incidence and severity of accidents.

### Co-operative Sector

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will make a statement on the role of the co-operative sector in the economy of Scotland. [18981]

**Mr. Kynoch:** The co-operative sector continues to have a role to play in the economy of Scotland. This has been acknowledged by the Government and funding for a number of co-operative projects has been, and continues to be, available through the urban programme. Assistance is also available to co-operatives under a range of schemes designed to encourage the development of small and medium-sized businesses. In order to encourage the development of marketing co-operatives the Government have introduced a marketing development scheme, intended to help producers and processors improve their marketing and commercial expertise. The Scottish Agricultural Organisation Society also continues to receive Government funding. In the financial sector, it is intended that measures will be considered by the deregulation committee later this year to remove certain restrictions on credit unions and industrial provident societies. These measures should enable the organisations concerned to streamline their procedures and should encourage growth.

### Local Government Finance

**Sir David Steel:** To ask the Secretary of State for Scotland what was the cost to both local and central government of administration involved with the collection of the poll tax across Scotland; how many staff were involved; what is the cost of administration involved in the collection of the council tax across Scotland and how staff are involved; what was the cost of administering the transition period between the poll tax and the council tax; and how many staff were involved. [19522]

**Mr. Lang:** The net cost to local authorities of collecting both the community charge and the council tax since the introduction of the community charge in 1989–90 is given in the table below. As local tax collection is purely a local authority function, no central Government staff or costs are involved. Information on the numbers of local authority staff involved in the collection process is not held centrally. Records of the costs incurred by local authorities in relation to the change from the community charge to the council tax are not held centrally and central Government costs cannot be separately identified.

| | *£000* |
|---|---|
| 1989–90 | 10,426 |
| 1990–91 | 25,817 |
| 1991–92 | 25,618 |
| 1992–93 | 29,595 |
| 1993–94 | 40,128 |
| 1994–95 | 28,800 |

*Notes:*
1. All expenditure figures are net of any related income and loan and leasing charges.
2. The figures for the year 1989–90 to 1993–94 are final outturns. The figure for 1994–95 is a budget estimate.

### Rail Services

**Mr. Charles Kennedy:** To ask the Secretary of State for Scotland if he was consulted by ScotRail over its proposal to include in its draft timetable additional passenger services involving Cowlairs north curve and south-west junction, Springburn junction and Cumbernauld; and if he will make a statement. [19831]

**Lord James Douglas-Hamilton** *[holding answer 18 April 1995]:* No. Responsibility for railway matters rests with the Secretary of State for Transport on a Great Britain basis, and for rail services with British Rail and the train operating units.

## HEALTH

### Parliamentary Questions

**Mrs. Ann Taylor:** To ask the Secretary of State for Health (1) how many parliamentary questions to her Department were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which she has responsibility in each year since 1979–80 or for each year that the body or agency has been in existence; [18521]

(2) how many parliamentary questions to her Department that were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which she has responsibility received an answer which was not printed in the *Official Report* in each year since 1979–80 or for each year that the body or agency has been in existence. [18522]

**Mr. Sackville:** Parliamentary questions are not transferred to non-departmental public bodies. The Department's first agency was established on 1 April 1991.

Five parliamentary questions were referred to agency chief executives in the 1992–93 parliamentary Session. Two parliamentary questions were referred to chief executives in 1993–94 and so far in the 1994–95 parliamentary Session 17 questions have been referred. The answers to all questions referred to the Department's agency chief executives have been printed in the *Official Report*. No parliamentary questions were referred to agency chief executives in the 1991–92 parliamentary Session.

### Temazepam

**Mr. McMaster:** To ask the Secretary of State for Health what recommendations have been received from the Advisory Committee on the Misuse of Drugs in relation to Temazepam since 1992; what action she has taken on these recommendations; if she will review the position of her Department in relation to these recommendations; and if she will make a statement. [19022]

**Mr. Bowis:** The Advisory Council on the Misuse of Drugs reviewed the controls on temazepam in 1992–93 and recommended, subject to a wide public consultation exercise, that the drug should be rescheduled from schedule 4 to schedule 3 of the Misuse of Drugs Regulations 1985.

Following the public consultation exercise and consideration of the responses, the council recommended to the Home Office in July 1993 that control of the drug should be tightened.

My Department, in consultation with other Departments, has been considering the council's recommendation and we hope to be able to announce the outcome soon.

### Advisers

**Ms Eagle:** To ask the Secretary of State for Health how many advisers her Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19422]

**Mr. Sackville:** The Department of Health employs one special adviser. His salary and conditions of work are negotiated individually in relation to previous earnings, and are confidential.

Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. The following numbers by grade are full time equivalents:

| *Grade* | *Number* |
|---|---|
| Grade 3 level | 1 |
| Grade 5 level | 2 |
| Grade 6 level | 1 |
| Grade 7 level | 12 |
| Assistant Economist | 6 |

### Diseases

**Mr. Alex Carlile:** To ask the Secretary of State for Health what was the number of recorded cases of *(a)* smallpox, *(b)* rickets, *(c)* leprosy, *(d)* cholera, *(e)* tuberculosis, *(f)* poliomyelitis and *(g)* scorbutus, per region, for each year since 1985. [19695]

**Mr. Sackville:** The information relating to leprosy, cholera, tuberculosis and poliomyelitis can be found in tables 5 and 6 of "Communicable disease statistics,

England and Wales", series MB2, Numbers. 12–18, 1985–1992 HMSO 1987–1994, copies of which are available in the Library.

Data on rickets and scorbutus are not available centrally.

There have been no reported cases of smallpox in England and Wales since 1978.

### Malnutrition

**Mr. Alex Carlile:** To ask the Secretary of State for Health what was the number of recorded cases of malnutrition, per region, of *(a)* those below 16 years of age and *(b)* those 16 years old and above for the last five years for which figures are available. [19696]

**Mr. Sackville:** Malnutrition is a term which covers a wide variety of single or combined deficiencies of nutrients and/or energy. The Department of Health does not collect information specifically about the incidence of malnutrition, but in conjunction with the Ministry of Agriculture, Fisheries and Food it carries out dietary and nutritional surveys of groups of the population to gain information on the food and nutrient intakes and nutritional status of the population. Copies of the reports of these surveys are placed in the Library. Current surveillance indicates that on average children and adults in the United Kingdom are not malnourished in terms of energy or any specific nutrient, except iron.

### GP Fundholders

**Mrs. Beckett:** To ask the Secretary of State for Health what was the average amount spent by fundholders out of savings in extending premises and the average amount of improvement grants given to non-GP fundholders in the latest available year. [15003]

**Mr. Malone** *[pursuant to his reply, 20 March 1995, c. 37–38]:* I regret that the first paragraph of my previous reply is incorrect. It should read as follows:

Information about the amount of savings spent by general practitioner fundholders on premises improvements is not available centrally. However, the National Audit Office report on GP fundholding estimates that about one third of GP fundholders surveyed had used savings to improve practice premises for the benefit of patients—for example, to provide a wider range of services.

## EDUCATION

### Surplus Places

**Mr. Allen:** To ask the Secretary of State for Education what is the Government's policy on those schools required to close by local education authorities as a result of having surplus places but which then seek to avoid closure by opting out; and if she will make a statement. [18688]

**Mr. Robin Squire:** We have made it clear that we will not normally approve proposals for self-governing status prompted by the threat of closure. Each proposal is decided on its individual merits taking account of that general policy.

**Mr. Allen:** To ask the Secretary of State for Education what is the Government's policy on local education authorities reducing surplus places in schools; and if she will make a statement. [18687]

**Mr. Robin Squire:** We continue to encourage all LEAs to remove surplus places as far as possible. We expect them—and the Funding Agency for Schools where appropriate—to keep under review opportunities for rationalisation of surplus capacity.

### Standard Spending Assessment

**Mr. Alton:** To ask the Secretary of State for Education what account was taken of the economic index in determining Liverpool's education standard spending assessment; and if she will make a statement. [18939]

**Mr. Robin Squire:** None. The education standard spending assessment methodology includes an index of additional educational needs to allow for variations between authorities in the cost of providing a standard level of service in areas of socio-economic disadvantage or with a high proportion of non-English speaking children.

### Stress (Teachers)

**Mr. Sheerman:** To ask the Secretary of State for Education (1) how many teaching days have been lost due to teachers' extended leave as a result of stress in *(a)* 1992, *(b)* 1987 and *(c)* 1979; [19743]

(2) how many secondary school teachers take extended leave due to stress every year. [19742]

**Mr. Robin Squire:** This information is not collected centrally.

### Advisers

**Ms Eagle:** To ask the Secretary of State for Education how many advisers her Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19427]

**Mr. Forth:** This Department employs one political adviser. Salaries for special advisers are negotiated individually in relation to their previous earnings, and are confidential. Working hours are normally 41 hours a week.

Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. The following numbers—full-time equivalents—of Government economic service economists are employed in my Department: one grade 5, 1.6 grade sevens and four economic assistants.

## WALES

### Education Research Projects

**Mr. Win Griffiths:** To ask the Secretary of State for Wales how much money has been devoted to funding education research projects by his Department in each of the last five years; what percentage of education spending this is; and if he will make a statement about the equivalent figures for the Department for Education, the Scottish Office and the Northern Ireland Office. [18929]

**Mr. Richards:** Expenditure on education research projects by the Welsh Office over the past five years has been:

| | *Expenditure on education research projects* £ | *Percentage of Welsh Office Education expenditure* *Per cent.* |
|---|---|---|
| 1990–91 | 452,072 | 1.33 |
| 1991–92 | 545,768 | 1.29 |
| 1992–93 | 581,256 | 0.62 |
| 1993–94 | 401,508 | [1]0.10 |
| 1994–95 | 119,843 | [1]0.03 |

[1]The funding of further and higher education in Wales became the direct responsibility of the Welsh Office in 1993.

Expenditure on these matters in the Department for Education, the Scottish Office and the Northern Ireland Office are matters for my right hon. Friends in those Departments.

**Mr. Win Griffiths:** To ask the Secretary of State for Wales, if he will list the education research projects funded by his Department in each of the last five years. [18930]

**Mr. Richards:** The education research projects funded by the Welsh Office over the past five years are shown in the following list:

*1990–91*

Development of materials for the practice of mathematical techniques, strategies and skills
Principles and practice of GCSE in Wales
A national evaluation of pilot schemes for records of achievement
Preparation of materials and resources for welsh medium education in secondary schools—phase 3—publication
Assessment of pupils' performance in science, phase 2
Assessment of pupils' performance in design and technology
Media education—strategies for the 1990s
Services connected with the assessment of performance of pupils in certain subjects in schools in England, Wales and NI
A profile of the Welsh of pupils aged six to seven attending welsh medium schools in south-east Wales
Production of Welsh medium primary materials about humanities—"Gwreiddiau"
Design and technology as a cross-curriculum experience in schools in Wales
Creation of a Welsh dimension to the national educational resources information service database
Welsh for adults—further advanced distance learning—phase 3
Implementing the task force on schools management report in Wales
Economic awareness as a curriculum entitlement in Wales
The use of satellites in modern language teaching
NERIS in primary schools

*1991–92*

Preparation of materials and resources for Welsh medium education secondary schools, phase 3—publication
Production of Welsh medium primary materials about humanities—"Gwreiddiau"
Creation of a Welsh dimension to the national educational resources information service database
Implementing the task force on school management report in Wales
The use of satellites in modern language teaching
Economic awareness as a curriculum entitlement in Wales
The use and practical application of mathematics in a cross-curricular context
Survey of attitudes to returning to full-time teaching
NERIS in primary schools
Media strategies for the 1990s
Local management of schools

*1992–93*

Preparation of materials and resources for Welsh medium education secondary schools, phase 3—publication
The use and practical application of mathematics in a cross-curricular context
Economic awareness as a curriculum entitlement in Wales
National curriculum: key stage 3 data collection and aggregation systems
Welsh medium GCSE, A and A/s examination syllabuses and associated teacher guidance material
Gwreiddiau project: Welsh medium materials for humanities in the primary school
Gwreiddiau project: Welsh medium materials for science in the primary school
CATS Cymru—framework
Implementing the task force on school management report in Wales
Interactive video for INSET in secondary mathematics
Development of mathematical material for GCSE coursework
Induction training
To define a threshold level for the Welsh language

*1993–94*

To define a threshold level for the Welsh language
Economic awareness as a curriculum entitlement in Wales
Evaluation of WO satellites initiative
Interactive video in schools
Media education Wales
The use and practical application of mathematics in cross-curricular context
Gwreiddiau project: Welsh medium materials for science in the primary school
Induction training
Development of mathematical material for GCSE coursework
Interactive video for INSET in secondary mathematics
In-service education and training—INSET—in small primary schools in Wales
Broadcasting materials
Integrated learning systems
Welsh medium syllabuses
BBC feasibility study into the use of radio in Wales as part of a continuing education and training initiative.

*1994–95*

Gwreiddiau project: Welsh medium materials for science in the primary school
Induction training
In-service education and training in small primary schools in Wales
Integrated learning systems
Media education Wales
BBC feasibility study into the use of radio in Wales as part of a continuing education and training initiative.

**A48**

**Mr. Morgan:** To ask the Secretary of State for Wales, pursuant to his answer of 3 April, *Official Report*, column 977, what consideration he is giving to the application of the principles of the private finance initiative to the proposed private road linking the University hospital of Wales, Cardiff and the Eastern avenue A48; what initiatives he will bring forward to reduce the amount of time taken in considering how to apply the tests required on applying the initiative; and if he will make a statement. [19253]

**Mr. Redwood:** All proposals for capital schemes are subject to established guidance, which now includes guidance on the scope for involving the private sector. The inclusion of the private sector is not intended to delay schemes.

It is for South Glamorgan health authority and the relevant NHS trusts in the first instance to prepare business cases for the capital required. These discussions are on-going.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Wales if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19567]

**Mr. Redwood:** Records of costs are not held separately for internal and for overseas travel. The total identifiable expenditure on subsistence related to travel by Welsh Office staff in each of the last three financial years is as follows:

1992–93: £632,000
1993–94: £535,000
1994–95: £474,000

Cadw does not record this subsistence information separately.

**Mr. David Shaw:** To ask the Secretary of State for Wales if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19647]

**Mr. Redwood:** The amounts reimbursed to Welsh Office and Cadw staff in the last three financial years were:

1992–93: £327,000
1993–94: £256,000
1994–95: £257,000

Payments for individual cases can spread over several years. Information categorised by case is not readily available and could be provided only at disproportionate cost.

### Tenovus Cancer Research Campaign

**Mr. Barry Jones:** To ask the Secretary of State for Wales what representations he has received concerning the national lottery and Tenovus (Wales) Cancer Research Campaign, Clwyd. [19514]

**Mr. Richards:** None.

**Mr. Barry Jones:** To ask the Secretary of State for Wales what assistance he will give to Tenovus (Wales) Cancer Research Campaign, Clwyd; and if he will make a statement. [19514]

**Mr. Richards:** I have no plans to provide assistance to Tenovus (Wales) Cancer Research Campaign, Clwyd. However, charitable organisations including medical charities will be able to apply for lottery funds through the National Lottery Charities Board.

### Advisers

**Ms Eagle:** To ask the Secretary of State for Wales how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19412]

**Mr. Redwood:** My Department employs one political adviser. His salary and conditions of work were negotiated individually in relation to his previous earnings, and are confidential.

Economic advice is obtained from career civil servants. In the Welsh Office, these are all full time and comprise: one senior economist, grade 5; two economic advisers, grade 7, and two assistant economists, at HEOD.

### Countryside Council for Wales

**Mr. Ron Davies:** To ask the Secretary of State for Wales if the funding for the Countryside Council for Wales for 1995–96 will affect its role in the conservation of the 38 proposed special areas of conservation in Wales; and if he will make a statement. [19294]

**Mr. Redwood:** I am satisfied that the funding for 1995–96 will be sufficient to enable the Countryside Council for Wales to carry out its statutory duties with regard to the 38 proposed special areas of conservation in Wales.

### Local Government Finance

**Mr. Ron Davies:** To ask the Secretary of State for Wales if he will list the total of *(a)* usable and *(b)* set-aside capital receipts for each local authority in Wales; and what estimate he has made of the proportion of set-aside receipts which remain available. [19879]

**Mr. Redwood:** The latest available information is given in the following table. No information is collected on the proportion of set-aside receipts which remain available.

*Capital receipts at 31 March 1994*

*£000*

| | *(a) Usable cash backed accumulated receipts* | *(b) Receipts set-aside by not yet redeemed* |
|---|---|---|
| Alyn and Deeside | 967 | 5,006 |
| Colwyn | 924 | 3,046 |
| Delyn | 0 | 0 |
| Glyndwr | 283 | 2,155 |
| Rhuddlan | 334 | 3,242 |
| Wrexham Maelor | 981 | 0 |
| Carmarthen | 1,857 | 6,751 |
| Ceredigion | 2,069 | 7,862 |
| Dinefwr | 370 | 2,892 |
| Llanelli | 1.056 | 3,021 |
| Preseli Pembrokeshire | 2,725 | 1,212 |
| South Pembrokeshire | 1,641 | 0 |
| Blaenau Gwent | 2,876 | 11,978 |
| Islwyn | 359 | 9,990 |
| Monmouth | 4,905 | 6,847 |
| Newport | 8.125 | 6.150 |
| Torfaen | 3,271 | 7,928 |
| Aberconwy | 1,793 | 2,928 |
| Arfon | 207 | 6,860 |
| Dwyfor | 314 | 1,039 |

*Capital receipts at 31 March 1994*

£000

| | (a) Usable cash backed accumulated receipts | (b) Receipts set-aside by not yet redeemed |
|---|---|---|
| Meirionnydd | 0 | 749 |
| Ynys Mon | 60 | 4,084 |
| Cynon Valley | 0 | 5,134 |
| Merthyr Tydfil | 1,072 | 4,390 |
| Ogwr | 3,326 | 0 |
| Rhondda | 1,570 | 2,178 |
| Rhymney Valley | 1,107 | 6,067 |
| Taff Ely | 3,003 | 13,276 |
| Brecknock | 1,769 | 7,137 |
| Montgomeryshire | 1,574 | 8,996 |
| Radnorshire | 450 | 3,289 |
| Cardiff | 20,363 | 418 |
| Vale of Glamorgan | 5,716 | 23,487 |
| Port Talbot | 550 | 7,191 |
| Lliw Valley | 2,211 | 7,483 |
| Neath | 481 | 5,851 |
| Swansea | 268 | 11,367 |
| Clwyd | 2,216 | 9,911 |
| Dyfed | 1,318 | 0 |
| Gwent | 7,205 | 0 |
| Gwynedd | 2,615 | 3 |
| Mid Glamorgan | 3,915 | 1,741 |
| Powys | 431 | 4,627 |
| South Glamorgan | 2,563 | 0 |
| West Glamorgan | 1,971 | 0 |
| Dyfed/Powys Joint Police Authority | 0 | 70 |
| North Wales Joint Police Authority | 846 | 1,610 |
| South Wales Joint Police Authority | 437 | 0 |
| Total Wales | 102,094 | 217,966 |

*Sources:*

*(a)* Cash-backed accumulated receipts returns.

*(b)* Capital outturn returns. Excludes European Community grants.

### Housing Review

**Mr. Sweeney:** To ask the Secretary of State for Wales if he will provide details of the outcome of the financial management and policy review of housing for Wales. [20454]

**Mr. Redwood:** A summary of the FMPR report recommendations and my Department's response, has been placed in the Library of the House today.

## DUCHY OF LANCASTER

### Council for the Central Laboratory of the Research Councils

**Mr. Simon Coombs:** To ask the Chancellor of the Duchy of Lancaster what progress he has made in appointing members to the Council for the Central laboratory of the Research Councils. [20455]

**Mr. David Hunt:** I am delighted to say that I have appointed the following members to serve on the council:

COUNCIL FOR THE CENTRAL LABORATORY OF THE RESEARCH COUNCILS

*Chairman and Chief Executive*

Dr. Paul Williams

*Members:*

Professor Julia Higgins FRS (Imperial College, London)

Dr. Geoff Robinson FEng (IBM UK)

Professor John Krebs FRS (NERC)

Sir Martin Wood OBE FRS (Oxford Instruments plc)

Professor Robin Williams FRS (University of Wales, College of Swansea)

Dr. Derek Roberts CBE FRS FEng (University College, London)

Mr. Richard Lawrence-Wilson (Director, Finance and Administration, Council for the Central Laboratory of the Research Councils)

### Allowances

**Mr. David Shaw:** To ask the Chancellor of the Duchy of Lancaster if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19664]

**Mr. Horam:** Details of expenditure on removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment with the Cabinet Office, including the Prime Minister's Office, and the Office of Public Service and Science and its agencies for each of the last three years are as follows:

*(a) The total amount of removal cost and associated expenses reimbursed to officials who were required to relocate as part of their employment in each of the last three years (figures rounded)*

| | 1992–93 £ | 1993–94 £ | 1994–95 £ |
|---|---|---|---|
| Cabinet Office (incl. OPSS) | 24,900 | 200,600 | 250,500 |
| OPSS Agencies | | | |
| Civil Service College | 6,800 | 19,900 | 45,000 |
| Civil Service Occupational Health and Safety | 7,100 | 12,900 | 8,200 |
| Recruitment and Assessment Services | Nil | Nil | Nil |
| Chessington Computer Centre | Nil | Nil | 1,600 |
| COI | 300 | 19,300 | 29,000 |
| HMSO | 158,000 | 274,000 | 369,000 |

*(b) The amount of each of the highest three claims that were concluded and settled over the three year period*

| | £ | £ | £ |
|---|---|---|---|
| Cabinet Office (including OPSS) | 16,018 | 14,214 | 13,879 |
| OPSS Agencies | | | |

*(b) The amount of each of the highest three claims that were concluded and settled over the three year period*

| | £ | £ | £ |
|---|---|---|---|
| Civil Service College | 21,600 | 16,293 | 12,419 |
| Civil Service Occupational Health and Safety | [1]28,200 | nil | nil |
| Recruitment and Assessment Services | nil | nil | nil |
| Chessington Computer Centre | 1,600 | nil | nil |
| COI | 28,958 | 19,300 | 336 |
| HMSO | 25,000 | 17,000 | 15,000 |

[1] Reimbursed over three years.

*(c) The average amount of each claim in each of the last three years*

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| Cabinet Office (incl. OPSS) | 3,553 | 4,664 | 4,4668 |
| OPSS agencies: | | | |
| Civil Service College | 2,264 | 3,567 | 8,813 |

*(c) The average amount of each claim in each of the last three years*

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| Civil Service Occupational Health and Safety | 28,200 | Nil | Nil |
| Recruitment and Assessment Services | Nil | Nil | Nil |
| Chessington Computer Centre | Nil | Nil | Nil |
| COI | 336 | 19,300 | 28,958 |
| HMSO | 5,000 | 6,500 | 6,500 |

**Mr. David Shaw:** To ask the Chancellor of the Duchy of Lancaster if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19550]

**Mr. Horam:** Expenditure by the Cabinet Office, including the Prime Minister's Office, and the Office of Public Service and Science and its agencies on subsistence allowances for travel for each of the last three years, was as follows:

| | *1992–93* | | *1993–94* | | *1994–95 (Provisional Outturn)* | |
|---|---|---|---|---|---|---|
| | *UK* £ | *Overseas* £ | *UK* £ | *Overseas* £ | *UK* £ | *Overseas* £ |
| Cabinet Office (incl. OPSS) | 280,500 | 447,100 | 262,500 | 536,200 | 263,300 | (a) |
| *OPSS agencies:* | | | | | | |
| Civil Service College | 66,100 | 10,900 | 63,800 | 15,200 | 51,200 | 33,600 |
| Civil Service Occupational Health and Safety | 55,000 | — | 44,700 | — | 45,800 | — |
| Recruitment and Assessment Services | 8,100 | — | 6,000 | — | 4,200 | — |
| Chessington Computer Centre | 11,800 | — | 7,400 | — | 6,200 | — |
| COI | 331,700 | 37,100 | 275,700 | 71,000 | 217,400 | 41,200 |

*Note:*
[a] not separately recorded from overseas travel.

Subsistence expenditure by HMSO is not available in the form requested except at disproportionate cost.

### Overtime

**Mr. David Shaw:** To ask the Chancellor of the Duchy of Lancaster if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19686]

**Mr. Horam:** *(a* and *b)* The overtime figures for the Cabinet Office, including No. 10 Downing street, and the agencies for which I am responsible are as follows:

| | *Number of hours* | £ |
|---|---|---|
| *1992–93* | | |
| Central Department | 136,156 | 1,112, 678.70 |
| COI | 20,792 | 188,377.80 |
| CS College | 6,477 | 48,547.11 |
| HMSO | 111,904 | 955,577.53 |
| OHS | 1,224 | 9,278.58 |
| RAS | 3,100 | 21,287.27 |
| Chessington | 20,264 | 136,663.39 |
| *1993–94* | | |
| Central Department | 143,906 | 1,193,747 |
| COI | 16,176 | 151,505.49 |
| CS College | 6,781 | 49,861.88 |
| HMSO | 134,702 | 1,179,816.00 |
| OHS | 1,798 | 13,847.84 |
| RAS | 2,907 | 20,832.81 |
| Chessington | 16,178 | 113,023.66 |
| *1994–95* | | |
| Central Department | 122,048 | 1,012,483.30 |
| COI | 13,187 | 124,616.98 |
| CS College | 5,173 | 39,798.75 |
| HMSO | 141,809 | 1,209,716.20 |
| OHS | 2,646 | 21,222.95 |
| RAS | 2,019 | 13,628.68 |
| Chessington | 15,303 | 111,320.71 |

*(c)* The absence figures are as follows—days lost through sickness:

| *1992* | *Number* |
|---|---|
| Central Department | 6,005 |
| COI | 5,415 |
| CS College | 954 |
| HMSO | 29,107 |
| OHS | 662 |
| RAS | 2,167 |
| Chessington | 4,264 |

There are no figures available for the monetary equivalent of the total number of days lost to sickness. There are a number of variables involved in this calculation and it would be difficult to rely on the accuracy of this data.

Details for 1993 were given in an answer to the hon. Member for Eltham (Mr. Bottomley) on 7 February 1995, *Official Report*, columns *125–28*. Data are not yet available for 1994.

### Advisers

**Ms Eagle:** To ask the Chancellor of the Duchy of Lancaster how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19426]

**Mr. David Hunt:** My Department employs one political adviser. Advisers' salaries and conditions of work are negotiated individually in relation to their previous earnings, and are confidential. Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. There is currently a full-time grade 5 and a full-time grade 7.

I have also been asked to reply for the Chief Whips' offices, which employ two political advisers and no economic advisers.

## FOREIGN AND COMMONWEALTH AFFAIRS

### Turkey

**Mr. Battle:** To ask the Secretary of State for Foreign and Commonwealth Affairs what use has been made of United Kingdom supplied equipment, with particular reference to the Shorland S550 armoured personnel carriers and Land Rover vehicles, by the Turkish armed forces in their recent action against the Kurds. [19393]

**Mr. David Davis:** It is not possible to monitor the end use of such equipment. Proposed UK arms sales to Turkey are subject to stringent licensing procedures. We do not grant licences for the sale of equipment which we believe is likely to be used for internal repression.

**Mr. Alton:** To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to raise the issue of the persecution of the Christian minority in Turkey with the Foreign Minister of Turkey during his forthcoming visit to the United Kingdom. [19496]

**Mr. David Davis:** My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs met the Deputy Prime Minister of Turkey for talks and lunch when he visited London on 6 April. He took the opportunity to raise again our concerns at Turkey's overall human rights performance.

### Japan

**Mr. Llew Smith:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make it his policy to ensure that the leader of the United Kingdom delegation to the nuclear non-proliferation treaty review and extension conference in New York from 17 April raises under the review of compliance with article I of the treaty the recent allegations that the Aum Shinri Kyo religious group in Japan had obtained certain technologies that could assist in the development of nuclear weapons in contravention of article I. [19331]

**Mr. David Davis:** Japan is a non-nuclear-weapon state party to the nuclear non-proliferation treaty. We believe that Japan is in full compliance with all her obligations under the NPT.

### Mehdad Ansari-Shirazi

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs in what capacity Mehdad Ansari-Shirazi was employed by Her Majesty's Government. [19132]

**Mr. Goodlad:** Mr. Ansari-Shirazi has never been employed by Her Majesty's Government.

### Cyprus

**Sir Peter Fry:** To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he intends to take to persuade the Government of Cyprus to agree to the confidence–building measures proposed by the UN and accepted by the leadership of Turkish Northern Cyprus on 21 January. [19216]

**Mr. David Davis:** We continue to make clear to both communities in Cyprus our support for the package of confidence–building measures proposed by the United Nations Secretary-General. We fully support UN Security Council resolution 939 of 29 July 1994 which called for further efforts to secure implementation of the confidence–building measures.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the UK in each of the last three years. [19554]

**Mr. Goodlad:** The information requested is not readily available and could be obtained only at disproportionate cost.

### UK Security

**Mr. Gill:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what assessment he has made of whether withdrawal from the European Union would jeopardise the UK's security; and from whence any consequent threats might arise; [19543]

(2) what is the basis for the Government's belief that the security of the UK depends upon membership of the European Union; [19545]

(3) when Her Majesty's Government embraced the doctrine that the UK's security was dependent upon membership of the European Community. [19554]

**Mr. David Davis:** The security of the UK is assured through strong defence, a successful economy and our membership of a number of international institutions, in particular NATO but also the Western European Union, the EU, the UN and the Organisation on Security and Co-operation in Europe. We have no intention of withdrawing from any of these institutions.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19660]

**Mr. Goodlad:** The details for the diplomatic wing of the Foreign and Commonwealth Office are:

| | *(a)* £ | *(b)* £ | *(c)* £ |
|---|---|---|---|
| 1994–95 | 47,941 | 19,507 | 6,849 |
| | — | 10,672 | — |
| | — | 6,556 | — |
| 1993–94 | 111,769 | 25,958 | 7,451 |
| | — | 19,771 | — |
| | — | 17,143 | — |
| 1992–93 | 216,447 | 40,078 | 12,025 |
| | — | 22,534 | — |
| | — | 20,144 | — |

The details for the Overseas Development Administration are:

| | *(a)* £ | *(b)* £ | *(c)* £ |
|---|---|---|---|
| 1994–95 | 56,733 | 22,895 | 14,183 |
| | — | 22,315 | — |
| | — | 9,777 | — |
| 1993–94 | 32,923 | 29,619 | 16,461 |
| | — | 3,304 | — |
| 1992–93 | 47,802 | 33,428 | 23,901 |
| | — | 14,374 | — |

The details for Wilton Park, an executive agency of the Foreign and Commonwealth Office, are:

| | *(a)* £ | *(b)* £ | *(c)* £ |
|---|---|---|---|
| 1994–95 | Nil | Nil | Nil |
| 1993–94 | 5,000 | 5,000 | 5,000 |
| 1992–93 | 2,000 | 2,000 | 2,000 |

So far as the Natural Resources Institute, an executive agency of the Overseas Development Agency, is concerned, the chief executive will write separately to the hon. Gentleman when the figures have been collated.

The figures exclude *(a)* the costs of posting officers overseas and *(b)* the costs of moving officers within the United Kingdom when this has not been caused by relocation of work.

### Angola

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs which powers have offered the necessary transport to take the UNAVEM III—United Nations Angola unification mission—peacekeeping force to Angola when called upon. [19691]

**Mr. Douglas Hogg:** The British logistic battalion supporting UNAVEM III is being deployed to Angola in British military and civilian transport provided against an undertaking by the UN to repay the costs involved. We understand that other contingents will be deployed in commercial transport organised by the UN secretariat or using national resources against UN reimbursement.

### Overtime

**Mr. David Shaw:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19685]

**Mr. Goodlad:** The number of hours of overtime worked in the diplomatic wing of the Foreign and Commonwealth Office and Wilton Park, an executive agency of the FCO, is not readily available and could be obtained only at disproportionate cost. The details for the Overseas Development Administration and the Natural Resources Institute are as follows:

| | *ODA* | *NRI* |
|---|---|---|
| 1994–95 | 19,582 | 1,297 |
| 1993–94 | 27,424 | 1,538 |
| 1992–93 | 24,229 | 1,263 |

The total amount paid in overtime in the diplomatic wing, Wilton Park, ODA and NRI are:

| | *Diplomatic wing* £ | *Wilton Park* £ | *ODA* £ | *NRI* £ |
|---|---|---|---|---|
| 1994–95 | 3,773,172 | 17,587 | 173,657 | 11,053 |
| 1993–94 | 4,205,249 | 17,314 | 234,867 | 12,438 |
| 1992–93 | 4,942,219 | 12,166 | 198,561 | 10,667 |

A comprehensive system for collating sick leave information for the diplomatic wing and Wilton Park was started only in 1994 and is now being completed. Details of the total time lost through sickness and its monetary equivalent in each of the last three years could therefore be collated only at disproportionate cost. Details of days lost through sickness in the ODA and NRI are:

| | ODA | NRI |
|---|---|---|
| 1994 | n/a | n/a |
| 1993 | 11,744 | 2,641 |
| 1992 | 10,738 | 2,921 |

Neither the ODA nor NRI can provide figures for the monetary equivalent.

### Foreign Affairs Council

**Mr. Jacques Arnold:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the outcome of the Foreign Affairs Council on 10 April.

**Mr. David Davis:** "A" items listed in document 6418/95, a copy of which is available in the Library of the House, were adopted with the exception of item 13 and item 22.

The Commission reported on the state of play in negotiations on the EU-Tunisia agreement. The Committee of Permanent Representatives was mandated to find a solution to outstanding points at its meeting on 12 April.

The Council adopted a declaration confirming the EU's willingness to help with the observation of Palestinian elections.

The Council report of functioning of the Maastricht treaty was adopted without further amendment.

The Commission secured the Council's agreement to continue negotiations with Canada over the EU-Canada fisheries dispute.

The Commission reported that it was studying details of the Mohovce power station in Slovakia following concerns raised by a number of member states.

The Council reviewed recent developments in the EU's relation with Mexico, Chile and Mercosur. The Commission will produce a negotiating mandate for a new agreement with Mexico and a paper discussing ways of strengthening relations with Chile. Commissioner Marin presented a negotiating mandate for a new agreement with Mercosur, which was referred to COREPER for further discussion.

The Commission presented draft negotiating directives on long term EU-South Africa relations.

The Council agreed on a need for an indefinite and unconditional extension of the non-proliferation treaty.

Mr. Juppe noted agreement to the draft joint action on anti-personnel mines which would be adopted by written procedure as soon as it had been finalised.

A meeting of EU and central European Foreign Ministers took place. Among the subjects discussed were the forthcoming White Paper on approximation of laws, and common foreign and security policy issues including Chechnya, former Yugoslavia, Nagorno-Karabakh, the Baltic states and the stability pact.

Øn Iran-Rushdie, the Council agreed the terms of a demarche to be made in Tehran on the basis of Political Committee opinion of 4 April.

On Ukraine, the Council discussed preparations for the joint EU-G7 mission to Kiev on nuclear safety on 13 April.

On the Turkish incursion into Northern Iraq, the Council called for the withdrawal of all troops as soon as possible.

The Council reconfirmed its view that the European Parliament's 1993 resolution on a uniform electoral procedure is too general to satisfy the specific treaty requirement for proposals under article 138(3).

The first meetings of the association councils with the Czech Republic and Romania took place in the margins of the Council.

On former Yugoslavia, Mr. Koschnik, the EU administrator of Mostar, reported on latest developments there.

The Council took stock of developments in Chechnya and decided that further progress was required before it could agree to sign the EC-Russia interim agreement.

Preparations for the Euro-Mediteranean conference were discussed. The presidency noted that external expenditure priorities would be discussed at the European Council at Cannes in June.

On Burundi, agreement was reached on the need to continue diplomatic efforts, and to express support for the Organisation of African Unity ministerial mission.

The presidency reviewed progress on proposals for greater transparency in the Council. The dossier was remitted to COREPER for further work.

The presidency noted that no progress had been made in the negotiations on the size of EDFVIII.

## HOME DEPARTMENT

### Criminal Justice and Public Order Act 1994

15. **Sir John Hunt:** To ask the Secretary of State for the Home Department what assessment he has made of the effect the Criminal Justice and Public Order Act 1994 will have on the fight against crime; and if he will make a statement. [18369]

**Mr. Howard:** The Act will make a significant contribution to the fight against crime. As the Police Federation has said, it will

> "enhance the stature and ability of the criminal justice system to reduce crime, bring criminals to justice and significantly reduce the fear of crime, thereby improving the quality of life for many members of our society".

As with any major new legislation, the implementation of its provisions will be monitored and evaluated.

### Female Prisoners

16. **Dr. Lynne Jones:** To ask the Secretary of State for the Home Department what has been the change in the number of women sent to prison in the last two years; and what assessment he has made of the reasons. [18370]

**Mr. Maclean:** Some 2,952 women were sentenced to immediate custody in 1994, compared with 2,158 in 1992.

The total female prison population is approximately 2,000 compared to the total male prison population of approximately 50,000.

The reason for the increase in the sentenced population of both groups is the rise in numbers sentenced to custody by the courts.

### Boot Camps

18. **Mr. Gerrard:** To ask the Secretary of State for the Home Department when he plans to publish the report on boot camps produced by Prison Service officials after their visit to the United States of America in May 1994. [18372]

**Mr. Howard:** The report was commissioned as advice to Ministers. I have, therefore, no plans to publish it.

### Betting and Gaming

19. **Mr. John Greenway:** To ask the Secretary of State for the Home Department what steps he is taking to deregulate betting and gaming. [18373]

29. **Mrs. Lait:** To ask the Secretary of State for the Home Department what steps he is taking to deregulate betting and gaming. [18383]

**Mr. Michael Forsyth:** We are reviewing the controls on gambling as part of the Government's deregulation initiative.

We have made a number of changes to the law relating to small lotteries and the football pools and have removed certain restrictions on betting shop facilities. In addition, Sunday racing with on and off-course betting was introduced in January

Earlier this month, we laid a draft deregulation order before Parliament to relax restrictions on betting at greyhound tracks. We have also gone out to consultation on proposals for an all-cash amusement-with-prizes machine in adult premises, including betting shops.

Finally, we have to consult in the next few months on proposals on casino and bingo gaming, which will also include a review of the restrictions on the advertising of commercial gambling.

### Burglary

20. **Mr. Hoon:** To ask the Secretary of State for the Home Department if he will make a statement about the probability of any individual becoming a victim of burglary in *(a)* 1979 and *(b)* the last year for which figures are available. [18374]

**Mr. Maclean:** According to the general household survey one in 40 households in Great Britain experienced a burglary in a dwelling once or more in 1979 excluding attempts, and one in 22 in 1993.

### Probation Officers (Training)

21. **Mr. Soley:** To ask the Secretary of State for the Home Department what consideration he is giving to changing the standards of training of probation officers. [18375]

**Mr. Nicholas Baker:** My right hon. and learned Friend published on 22 February a consultation document setting out proposals for reform of the present arrangements governing the recruitment and qualifying training of probation officers.

### Ministerial Visits

22. **Mr. Bellingham:** To ask the Secretary of State for the Home Department when he next expects to visit East Anglia to tour the prisons in the region. [18376]

**Mr. Michael Forsyth:** My right hon. and learned Friend has no immediate plans to visit any of the prisons in East Anglia.

### Prison Punishment

23. **Mr. David Evans:** To ask the Secretary of State for the Home Department what steps he intends taking to introduce pain into punishment in prisons. [18377]

**Mr. Michael Forsyth:** None. The purpose of imprisonment is to punish offenders by depriving them of their liberty, to protect the public from the commission of offences by those in prison and to reduce the likelihood that they will reoffend on release.

### Pub and Club Doorkeepers

24. **Mr. Rendel:** To ask the Secretary of State for the Home Department what guidelines his Department issues to local authorities in respect of training to doorkeepers of pubs and clubs in their areas. [18378]

**Mr. Maclean:** None at present. We are considering issuing guidance to local authorities and the police on the setting up of local registration schemes for door supervisors.

### Wheel Clamping

25. **Mr. Spellar:** To ask the Secretary of State for the Home Department when he expects to produce proposals regarding wheel clamping on private land. [18379]

**Mr. Maclean**: My right hon. and learned Friend shall introduce proposals when he has come to firm conclusions on the right way ahead.

### Prisons (Hard Drugs)

26. **Mrs. Gillan:** To ask the Secretary of State for the Home Department what assessment he has made of the use of hard drugs in Her Majesty's prisons; and if he will make a statement. [18380]

**Mr. Michael Forsyth:** The use of hard drugs in Her Majesty's prisons is monitored by the Home Office addicts index. During 1994, 4,784 hard drug addicts were reported to the index by prison medical officers.

Additional information on the extent of the use of all drugs will be provided by random drug testing which is being introduced into all prison establishments in England and Wales.

### Merseyside Fire Brigade

27. **Mr. O'Hara:** To ask the Secretary of State for the Home Department what representations he has had about the level of service provided by the Merseyside fire brigade since the publication by the Merseyside fire and civil defence authority of its budget for 1995–96; and if he will make a statement. [18381]

**Mr. Nicholas Baker:** Since the authority set its budget on 28 February, my right hon and learned Friend has received one letter from an hon. Member forwarding a copy of a letter sent to the Merseyside fire and civil defence authority on behalf of a local tenants' forum. My right hon. and noble Friend met a deputation from the Merseyside fire and civil defence authority on 30 March.

### Drug Seizures

28. **Mr. Jack Thompson:** To ask the Secretary of State for the Home Department how many individual consignments of illicit drugs have been intercepted during

1994–95 to date; and what is the total estimated street value of those consignments. [18382]

**Mr. Michael Forsyth:** The latest year for which the information requested is available is 1993, and this is contained in table 1.1 of the Home Office "Statistical Bulletin", No 28/94, "Statistics of drugs seizures and offenders dealt with, UK, 1993", a copy of which is in the Library. The Home Office does not collate information on the monetary value of seized illicit drugs.

### Metropolitan Police

**Mr. Harry Greenway:** To ask the Secretary of State for the Home Department how many police officers are estimated to be on the beat full-time in the metropolitan area and at what cost to public funds; what were the figures *(a)* five and *(b)* 10 years previously; and if he will make a statement. [18719]

**Mr. Maclean:** I understand from the Commissioner of Police of the Metropolis that in January 1995 there were 11,739 police officers on patrol in the Metropolitan police district—5,839 of these were assigned to foot patrol duties. The cost of this function is £485,115,000 per annum—£237,706,000 per annum for foot patrol officers.

Comparable figures are not available for the earlier years requested.

### External Frontiers Convention

**Mr. Cash:** To ask the Secretary of State for the Home Department if he will make it his policy to use the unanimity rule under article K4.3 of the Maastricht treaty to refuse to sign any final text of the external frontiers convention which includes a two thirds majority rule under the proviso to article K3. [19482]

**Mr. Nicholas Baker:** The Government do not accept the Commission's proposal that all the implementing measures for the external frontiers convention should be adopted by a two-thirds majority and have made their view clear in discussions of the draft text.

### Temazepam

**Mr. McMaster:** To ask the Secretary of State for the Home Department if he will make temazepam a schedule 3, rather than a schedule 4, drug; and if he will make a statement. [18996]

**Mr. Michael Forsyth:** We are considering in consultation with other Departments a recommendation from the Advisory Council on the Misuse of Drugs to tighten the controls on temazepam, and hope to be able to announce the outcome soon.

### Transferred Prisoners

**Mr. French:** To ask the Secretary of State for the Home Department (1) what is his policy on moving prisoners from one prison to another; [17725]

(2) what representations he has received about the treatment of prisoners known as ghosting; and if he will make a statement. [17724]

**Mr. Michael Forsyth:** Responsibility for these matters has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. Douglas French, dated 20 April 1995:*

The Home Secretary has asked me to reply to your recent Questions about the movement of prisoners from one prison to another; and the representations he has received about the treatment of prisoners known as ghosting.

Prisoners are moved from one prison to another only when there are compelling operational reasons for doing so. Transfers can take place for a number of reasons, the usual considerations being the needs of security and control, the needs of the individual prisoner and the need to make the best use of all available accommodation.

Representations have recently been made by a number of organisations and individuals about cases where prisoners have been moved to other establishments without any prior notice being given, a practice described as 'ghosting' in some quarters. These cases involve Category A prisoners who, for security reasons, are not given notice of transfers to other prisons.

### Bowbelle-Marchioness Collision

**Mr. Spearing:** To ask the Secretary of State for the Home Department which statements made by the crew members of the Bowbelle to officers of the Metropolitan police on 20 August 1989 in connection with its sinking of the Marchioness were sent *(a)* without request, *(b)* after request *(c)* were not sent at all to the inspectors of the marine accident investigation branch of the Department of Transport for the purposes of its inquiry; on what dates such statements, or a refusal to do so, were dispatched; and if such statements were sent in full. [19778]

**Mr. Maclean** *[holding answer 18 April 1995]:* The Commissioner of Police of the Metropolis informs me that no statements were taken by his officers from crew members of the Bowbelle on 20 August 1989.

**Mr. Spearing:** To ask the Secretary of State for the Home Department if he will make available to relatives of the deceased the file of evidence on the Marchioness disaster sent by the City of London police to the Crown Prosecution Service to enable it to consider whether or not the evidence contained therein was sufficient to provide a realistic prospect of conviction for an offence reflected in the loss of life; and if he will list the evidence not contained in that file which was accepted as proper evidence for the jury in the inquest recently concluded. [19777]

**Mr. Maclean** *[holding answer 18 April 1995]:* I understand that the police investigation in this case was carried out by the Metropolitan police, not the City of London police. It is not police practice to disclose evidence submitted to the Crown Prosecution Service. The conduct of the inquest is entirely a matter for the coroner.

### River Thames (Breathalysers)

**Mr. Spearing:** To ask the Secretary of State for the Home Department if he will make arrangements for the Thames division of the Metropolitan police to be equipped with breathalysers for use on the tideway reaches of the River Thames within its jurisdiction for use when it has reason to believe port byelaws or rules of navigation have been disregarded. [19773]

**Mr. Maclean** *[holding answer 18 April 1995]:* This is an operational matter for the Commissioner of Police of the Metropolis.

### Procedural Changes (Metropolitan Police)

**Mr. Spearing:** To ask the Secretary of State for the Home Department what changes in procedure have been made by the Metropolitan police since August 1989 concerning procedures for the severing of hands from deceased persons for purposes related to police inquiries; in what circumstances and by whom such actions are currently authorised; and for what purposes. [19774]

**Mr. Maclean** *[holding answer 18 April 1995]:* The Commissioner of Police of the Metropolis informs me that the procedures followed by his officers in these circumstance are being revised. Such action will in future be taken only in wholly exceptional circumstances, where all other means of identification have proved unsuccessful, and on the written authority of the coroner.

### Miscarriages of Justice

**Mr. Michael:** To ask the Secretary of State for the Home Department on what date his Department asked individual police forces to provide information to his Department on the costs involved in investigating alleged miscarriages of justice; when this information was received by his Department; and what costs *(a)* to individual forces and *(b)* in total were revealed by analysis of the returns. [19741]

**Mr. Nicholas Baker** *[holding answer 18 April 1995]:* Information was requested on a sample of 16 cases from 11 police forces in January 1995. Replies were received in respect of seven cases, the most recent on 30 March. The estimated total costs of the inquiries undertaken in each of these seven cases was as follows:

| | *Estimated total costs* £ |
|---|---|
| Case 1: Avon and Somerset constabulary | 5,541.02 |
| Case 2: Lancashire constabulary | 570.04 |
| Case 3: Northumbria police | 3,113.02 |
| Case 4: Devon and Cornwall constabulary | 122,386.28 |
| Case 5: West Midlands police | 98,610 |
| Case 6: West Midlands police | 18,072 |
| Case 7: Greater Manchester police | 192,913 |

It is not possible to estimate the overall costs of miscarriage of justice investigations to the police service or to individual forces.

## EMPLOYMENT

### Health and Safety Executive

**Mr. Bennett:** To ask the Secretary of State for Employment when the Health and Safety Executive's office buildings in Bootle were last inspected by the relevant local authority to ensure they fully complied with all current legislation, with particular reference to toilet facilities, removal of all asbestos, canteen facilities and rest rooms and space standards; and what was the result of the inspection. [17310]

**Mr. Oppenheim:** Records held by the Health and Safety Executive's headquarters office in Bootle indicate that a full inspection of its buildings encompassing a check of their compliance with all current legislation, has not been undertaken by the relevant local authority within the last eight years. Records do not extend back beyond eight years.

**Ms Church:** To ask the Secretary of State for Employment what was the total budget for the Health and Safety Executive in *(a)* 1979, *(b)* 1985 and *(c)* each year since 1990; and what is the forecast budget for (i) 1996–97, (ii) 1997–98, and (iii) 1998–99. [19438]

**Mr. Oppenheim:** The Health and Safety Executive's grant in aid for each of the years requested is shown in the following table:

| *Year* | *£ million* |
|---|---|
| 1979–80 | 56 |
| 1985–86 | 93 |
| 1989–90 | 103 |
| 1990–91 | 120 |
| 1991–92 | 159 |
| 1992–93 | 173 |
| 1993–94 | 180 |
| 1994–95 | 188 |
| 1995–96 | 187 |

Present planned provision for 1996–97 and 1997–98 is £187 million and £186 million respectively. Plans for 1998–99 depend on the outcome of the 1995 public expenditure survey.

**Ms Church:** To ask the Secretary of State for Employment what was *(a)* the average, *(b)* the median and *(c)* the mode number within the Health and Safety Executive for Health and Safety Executive inspectors in *(a)* 1979, *(b)* 1985 and *(c)* each year since 1990; what is the current average; and what is the estimated average for 1996. [19469]

**Mr. Oppenheim:** The available figures are shown in the following table:

| *Year* | *Average* | *Median* |
|---|---|---|
| 1979–80 | 1,435.5 | 1,435.5 |
| 1985–86 | 1,242.5 | 1,244.5 |
| 1990–91 | 1,264.5 | 1,244.0 |
| 1991–92 | 1,396.0 | 1,385.0 |
| 1992–93 | 1,507.5 | 1,508.0 |
| 1993–94 | 1,578.0 | 1,580.0 |
| 1994–95 | 1,530.5 | 1,537.0 |
| 1995–96[1] | 1,499.0 | 1,499.0 |

[1] Estimated.

Because of the way in which inspector numbers fluctuate, it is not possible to calculate a mode statistic. The figures are not comparable, year to year, because there have been successive changes in the Health and Safety Executive's responsibilities.

**Ms Church:** To ask the Secretary of State for Employment what was *(a)* the average, *(b)* the median and *(c)* the mode number of inspections an HSE inspector made in (i) 1979, (ii) 1985 and (iii) each year since 1990; and what is the estimate for (1) 1995, (2) 1996, (3) 1997 and (4) 1998. [19470]

**Mr. Oppenheim:** The average numbers of planned inspections completed by each of the Health and Safety Executive's operational division's field inspectors, for each of the financial years 1990–91 to 1993–94 are set

out in the following table. Median and modal averages are not available and could be obtained only at disproportionate cost. Comparable figures for 1979 and 1985 are not available.

The table also indicates the average numbers of planned inspections divisions expected to achieve in 1994–95 and plan to achieve in 1995–96. Detailed estimates for the years 1996–97 and 1997–98 are not available.

*Average number of planned inspections completed or planned by HSE operational division's field inspectors per year*

| | *1990–91 Outturn* | *1991–92 Outturn* | *1992–93 Outturn* | *1993–94 Outturn* | *1994–95 Planned* | *1995–96 Planned* |
|---|---|---|---|---|---|---|
| Field operations division planned inspections per inspector | 496 | 493 | 467 | 443 | 420 | 380 |
| Mines inspectorate planned inspections per inspector | 180 | 167 | 195 | 203 | 165 | 175 |
| Offshore safety division planned inspections per inspector[1] | — | 16 | 12 | 13 | 11 | 7 |
| Railway inspectorate planned inspections per inspector[2] | — | 271 | 179 | 141 | 198 | 183 |
| Technology and health sciences division planned inspections per inspector | 41 | 48 | 65 | 66 | 49 | 49 |

[1] HSE assumed responsibility for offshore safety on 1 April 1991.[2] The railway inspectorate transferred from the Department of Transport on 3 December 1990.

**Ms Church:** To ask the Secretary of State for Employment how many Her Majesty's inspectors of factories there were in each grade in each year since 1979. [19437]

**Mr. Oppenheim:** The available figures for the number of factory inspectors employed by the Health and Safety Executive on 1 April for each year are as follows:

| | *1979* | *1980* | *1981* | *1982* | *1983* | *1984* | *1985* | *1986* | *1987* |
|---|---|---|---|---|---|---|---|---|---|
| Chief Inspector | — | — | — | — | — | — | 1 | 1 | 1 |
| Deputy Chief Inspector | — | — | — | — | — | — | 7 | 6 | 6 |
| Senior Area Director | — | — | — | — | — | — | 2 | 2 | 2 |
| Superintending Inspector/Area Director | — | — | — | — | — | — | 19 | 20 | 22 |
| Deputy Superintending Inspector | — | — | — | — | — | — | 64 | 44 | 42 |
| Inspector 1A | — | — | — | — | — | — | 154 | 152 | 156 |
| Inspector 1B | — | — | — | — | — | — | 355 | 329 | 295.5 |
| Inspector Class 2 | — | — | — | — | — | — | 49 | 69 | 97 |
| Total | 742.5 | 759.5 | 735 | 678.5 | 654.5 | 627 | 651 | 623 | 621.5 |

| | *1988* | *1989* | *1990* | *1991* | *1992* | *1993* | *1994* | *1995* |
|---|---|---|---|---|---|---|---|---|
| Chief Inspector | 1 | 1 | 1 | 1 | 2 | 0 | 0 | 0 |
| Deputy Chief Inspector | 4 | 4 | 4 | 5 | 6 | 4 | 2 | 3 |
| Senior Area Director | 3 | 4 | 4 | 3 | 3 | 4 | 7 | 9 |
| Superintending Inspector/Area Director | 21 | 19 | 22 | 25 | 23 | 24 | 23 | 18 |
| Deputy Superintending Inspector | 43 | 38 | 34 | 28 | 26 | 28 | 24 | 16 |
| Inspector 1A | 158.5 | 162.5 | 161.5 | 163 | 173 | 172 | 175.5 | 158 |
| Inspector 1B | 270 | 276.5 | 269 | 263 | 266.5 | 278 | 312 | 358 |
| Inspector Class 2 | 92 | 99 | 139 | 163 | 199 | 197.5 | 159 | 96 |
| Total | 592.5 | 604 | 634.5 | 651 | 698.5 | 707.5 | 702.5 | 658 |

Information about factory inspectors by grade is not available before 1985.

**Ms Church:** To ask the Secretary of State for Employment how many health and safety inspectors there were in *(a)* 1979, *(b)* 1985 and *(c)* each year since 1990; and what are the estimates for (i) 1996–97, (ii) 1997–98 and (iii) 1998–99. [19439]

**Mr. Oppenheim:** The available figures are shown in the following table:

| *Year* | *Average inspector numbers* |
|---|---|
| 1979–80 | 1,435.5 |
| 1985–86 | 1,242.5 |
| 1990–91 | 1,264.5 |
| 1991–92 | 1,396 |
| 1992–93 | 1,507.5 |
| 1993–94 | 1,578 |
| 1994–95 | 1,530.5 |
| 1995–96 (planned) | 1,499 |

## Unemployment, Liverpool

**Mr. Alton:** To ask the Secretary of State for Employment what is the unemployment rate in Liverpool; what is the long-term unemployment rate; how many children live in households where no parent works; and what are the corresponding national figures. [18944]

**Mr. Oppenheim:** The available information is given in the following tables:

*Table 1: Claimant unemployment (unadjusted for seasonality)*

| | *Claimant unemployment rate percentage* | *[1]Claimants unemployed over one year as a percentage of the workforce* |
|---|---|---|
| *Liverpool Travel-to-Work Area* | | |
| January 1995 | 13.1 | 6.0 |
| February 1995 | 12.8 | n/a |

*Table 1: Claimant unemployment (unadjusted for seasonality)*

| | *Claimant unemployment rate percentage* | *[1]Claimants unemployed over one year as a percentage of the workforce* |
|---|---|---|
| *United Kingdom* | | |
| January 1995 | 8.9 | 3.3 |
| February 1995 | 8.7 | n/a |

[1] Data by duration are available only every quarter in Jan, Apr, July and October.

*Table 2: ILO unemployment—labour force survey, unadjusted for seasonality*

| | *ILO unemployment rate Percentage* | *ILO unemployed over one year as a percentage of the economically active* |
|---|---|---|
| *Merseyside* | | |
| Autumn 1994 | 13.8 | 8.1 |
| *Great Britain* | | |
| Autumn 1994 | 8.9 | 3.9 |

*Table 3: Children living in households where the parents are (1) ILO unemployed or (2) not in employment[1]*

*Autumn 1994, unadjusted for seasonality*

| | *Merseyside* | *Great Britain* |
|---|---|---|
| *In households where:* | | |
| Parent(s) ILO unemployed | 31,000 | 316,000 |
| Parent(s) not in employment[1] | 110,000 | 2,700,000 |

*Source:*
Labour Force Survey.
*Notes:*
1. Figures refer to two-parent families where both parents are ILO unemployed/not in employment, or one-parent families where the parent is ILO unemployed/not in employment.
[1] ILO unemployed or economically inactive.

### Advisory, Conciliation and Arbitration Service

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment what consideration he has given to proposals for the involvement of ACAS at the outset of an industrial dispute. [19311]

**Mr. Oppenheim:** The quinquennial review of ACAS conducted by the Employment Department in 1992–93, examined all aspects of the service's operations. It concluded that the current system of voluntary conciliation in industrial disputes worked well and there are therefore no plans to change this at present.

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment with how many *(a)* small, *(b)* medium and *(c)* large organisations in terms of numbers employed, ACAS has been involved in attempting to settle disputes in each of the last five years. [19312]

**Mr. Oppenheim:** The Advisory, Conciliation and Arbitration Service provides assistance in settling disputes through conciliation in collective industrial disputes and through conciliation in most individual employment rights cases, where complaints have been or could be made to an industrial tribunal.

In 1994, ACAS was requested to provide collective conciliation in 1,313 cases, as follows:

| *Number of employees in establishment* | *Percentage of requests* |
|---|---|
| 1–49 | 13 |
| 50–199 | 29 |
| 200–999 | 37 |
| 1,000+ | 21 |

I regret that it is not possible to provide a similar breakdown for previous years, but the total number of collective conciliation requests received in the previous four years is shown in the following list:

1993: 1,211
1992: 1,207
1991: 1,386
1990: 1,260

As regards individual conciliation cases, no records are kept of the size of the respondents' organisations. However, the following figures relate to cases completed in 1990–91 and derived from the Employment Department's 1992 survey of industrial tribunal applications. These show the distribution of industrial tribunal cases in four of the jurisdictions where ACAS conciliation officers were statutorily required to intervene, by size of organisation.

*Distribution of Industrial Tribunal Cases in which ACAS Conciliation Officers were statutorily required to intervene, 1990–91*

| *Number of employees* | *Percentage of Cases* |
|---|---|
| PRIVATE FIRMS | |
| *Sole establishments* | |
| 1–19 | 16.2 |
| 20–49 | 9.5 |
| 50+ | 10.0 |
| *Organisations (Multiple establishments)* | |
| up to 200 | 14.6 |
| 201—1,000 | 11.3 |
| 1,000+ | 23.0 |
| PUBLIC SECTOR | |
| All sizes | 15.7 |

*Source:*
Data on unfair dismissal, Wages Act, sex discrimination and race discrimination cases taken from the 1992 survey of industrial tribunal applications, Employment Department, research series No. 22, 1994.

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment if he will list the funding that ACAS has received in each of the last five years. [19166]

**Mr. Oppenheim:** The Advisory, Conciliation and Arbitration Service received the following grant in aid for the last five years:

1990–91: £17,463,000
1991–92: £19,549,000
1992–93: £21,661,000
1993–94: £22,451,000
1994–95: £22,012,000

### Construction Industry

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment what methods other than legislation exist

to counter the problem of unfair payment practices for construction workers. [19315]

**Mr. Oppenheim:** Payment practices, like other terms and conditions of employment, are a matter for negotiation and agreement between employers and employees—or their representatives—subject to existing law.

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment how many building workers are currently under contract not to be paid unless their employer receives the fee for the work concerned; and in what other sectors of the economy this practice is operated. [19307]

**Mr. Oppenheim:** We do not have such information, as contractual matters are for the parties to agree.

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment how many workers have not been paid as their construction employers had become insolvent in each of the last five years. [19309]

**Mr. Oppenheim:** The information is not available.

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment what discussions he has had with the construction industry on workers' conditions of employment; and what were the results of these talks. [19308]

**Mr. Oppenheim:** I have had no such discussions. Terms and conditions of employment are matters for negotiation and agreement between employers and employees—or their representatives—subject to existing law.

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment what assessment he has made as to whether legislation in main competitor countries that all workers be paid for their work in main competitor countries has helped growth in the construction industry through attracting skilled workers. [19314]

**Mr. Oppenheim:** None.

### Wages

**Mr. Jim Cunningham:** To ask the Secretary of State for Employment if he plans to introduce legislation to guarantee that all workers would be paid for their work. [19313]

**Mr. Oppenheim:** The Wages Act 1986 already makes unauthorised deduction from due wages unlawful. Workers who have not received the wages to which they are entitled at the time when payment is due can make a compliant to an industrial tribunal.

### Green Policy

**Ms Ruddock:** To ask the Secretary of State for Employment if he will name the green Minister for his Department and list *(a)* the green initiatives taken by that Minister in respect of the Department's functions, *(b)* the representations made by the Minister in respect of functions carried out by other departments and *(c)* the input made by the Minister into consultations on the Environment Bill. [18647]

**Mr. Oppenheim** *[holding answer 5 April 1995]:* As the green Minister for the Department, I can inform the hon. Member that the Department's green initiatives are described in the 1995 departmental report, Cm 2805, at paragraphs 8.45 to 8.50, a copy of which is available in the Library.

I and all my ministerial colleagues share the common objective of promoting sustainable development, and I am consulted on relevant proposals and developments.

## SOCIAL SECURITY

### Incapacity Benefit

**Mr. Wareing:** To ask the Secretary of State for Social Security if he will publish the guidance in respect of the new incapacity benefit which is given to *(a)* Benefits Agency medical service doctors who will be administering the all-work test and the mental health test for the new incapacity benefit, *(b)* to adjudication officers and *(c)* to the medical assessors to the social security appeal tribunals; and if he will make a statement. [19133]

**Mr. Hague:** Guidance for BAMS doctors involved in assessing incapacity for work entitled "The Medical Advisers' Guide to Incapacity Benefit" has been issued. Copies have been placed in the Library. The chief adjudication officer published his guidance as an amendment to the adjudication officer's guide on 20 March. Copies of this are in the Library. Guidance to medical assessors is a matter for the president of the Independent Tribunal Service, His Honour Judge Bassingthwaighte. He will write to the hon. Member shortly.

### Child Support Agency

**Ms Lynne:** To ask the Secretary of State for Social Security (1) what proportion of absent parents deemed by the Child Support Agency to be paying child support maintenance for the first time are claiming one of the social security benefits prescribed in section 6 of the Child Support Act 1991; and what proportion are claiming any other state benefit or allowance; [18823]

(2) what proportion of absent parents who are deemed by the Child Support Agency to be paying child support maintenance for the first time claimed on the maintenance inquiry form that they were already paying child support maintenance; [18824]

(3) how many parents with care claim to be receiving no child support maintenance payments in cases where the absent parents have stated on the maintenance inquiry form that they are already paying child support maintenance. [18820]

**Mr. Burt:** The administration of the Child Support Agency is a matter for Miss Ann Chant, the chief executive. She will write to the hon. Member.

*Letter from Ann Chant to Ms Liz Lynne, dated 20 April 1995:*

I am replying to your recent Parliamentary Questions to the Secretary of State for Social Security about the proportion of absent parents on certain benefits and the proportion who were, or who were not already paying child maintenance when their cases were taken on by the Child Support Agency.

We estimate that 41 percent of all absent parents are in receipt of a social security benefit; 31 percent of all absent parents are in receipt of income support; and less than 2 percent are in receipt of family credit or disability working allowance.

We estimate from our sampling that of the cases taken on between April 1994 and February 1995, about 77 percent of parents with care were not receiving child maintenance.

Records of disputes between parents are not kept, but once an assessment is made, the Agency will resolve conflicting information concerning relevant payments of child maintenance.

**Ms Lynne:** To ask the Secretary of State for Social Security what proportion of parents with care receiving child support maintenance which has been arranged by the Child Support Agency are in receipt of the lone parent premium or have indicated on the maintenance application form that they are lone parents. [18819]

**Mr. Burt:** The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

*Letter from Ann Chant to Ms Liz Lynne, dated 20 April 1995:*

I am replying to your recent Parliamentary Question to the Secretary of State for Social Security concerning the proportion of parents with care with maintenance arranged by the Child Support Agency who are lone parents.

We estimate that 92 per cent of parents with care (PWC) who have had their maintenance arranged by the Agency are lone parents. This figure includes PWCs who receive a lone parent premium within their benefit entitlement.

I hope this is of help.

**Ms Lynne:** To ask the Secretary of State for Social Security what is the weekly income of absent parents who have been the subject of a child maintenance assessment by the Child Support Agency. [18827]

**Mr. Burt:** The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

*Letter from Ann Chant to Ms Liz Lynne, dated 20 April 1995:*

I am replying to your recent Parliamentary Question to the Secretary of State for Social Security about the weekly income of absent parents who have been the subject of a maintenance assessment by the Child Support Agency.

The average net weekly income for absent parents who have declared an income from employment is estimated to be just under £196.00.

I hope this is helpful.

**Ms Lynne:** To ask the Secretary of State for Social Security how many deduction of earnings orders have been issued by the Child Support Agency; how many of these orders have subsequently been withdrawn; and how many of these orders have been shown to contain errors. [18828]

**Mr. Burt:** The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

*Letter from Ann Chant to Ms Liz Lynne, dated 20 April 1995:*

I am replying to your recent Parliamentary Question to the Secretary of State for Social Security about deduction from earnings orders (DEOs) issued by the Child Support Agency.

Since launch to the end of February 1995, the Agency has issued a total of 32,483 DEOs; 29,883 of which have been issued since April 1994.

No information is currently collected on the number of DEO's subsequently withdrawn or found to contain errors. The Agency is, however, investigating ways of measuring the effectiveness and quality of DEO's issued.

I hope this is of help.

**Ms Lynne:** To ask the Secretary of State for Social Security how many child support maintenance assessments have been made by the Child Support Agency, broken down by the amount per week of the assessment. [18826]

**Mr. Burt:** The administration of the Child Support Agency is the responsibility of the chief executive, Miss Ann Chant. She will write to the hon. Member.

*Letter from Ann Chant to Ms Liz Lynne dated 20 April 1995:*

I am replying to your recent Parliamentary Question to the Secretary of State for Social Security about the number of assessments made by the Child Support Agency and the amount per week of those assessments.

The table at Annex A shows the number of full maintenance assessments (FMA) and interim maintenance assessments (IMA) as at 11 March 1995, banded into weekly liability.

I hope this is of help.

*ANNEX A—Weekly maintenance for full/interim assessments where the Absent Parent is not receiving Income Support*[1]

| £ | *FMA*[2] | *IMA*[3] |
|---|---|---|
| *Total cases assessed* | 132,300 | 87,500 |
| 2.31–5.00 | 1,800 | 0 |
| 5.01–9.99 | 4,500 | 0 |
| 10.00–19.99 | 11,800 | 0 |
| 20.00–29.99 | 15,100 | 0 |
| 30.00–39.99 | 18,800 | 1,100 |
| 40.00–49.99 | 18,600 | 3,000 |
| 50.00–59.99 | 17,000 | 8,700 |
| 60.00–69.99 | 17,800 | 3,000 |
| 70.00–79.99 | 13,100 | 2,500 |
| 80.00–89.99 | 7,700 | 1,900 |
| 90.00–99.99 | 3,600 | 30,300 |
| 100.00–109.99 | 1,300 | 12,900 |
| 110.00–119.99 | 400 | 13,300 |
| Over 120 | 800 | 10,800 |

[1] Excluding cases assessed at the minimum rate of £2.30.
[2] Includes Category 'B' IMAs (where information about the income of the partner, or other member of the family, of an AP or parent with care has not been provided to the CSO and it is information which could have been provided):
[3] Excludes Category 'B' IMAs

## War Pension Applications

**Ms Walley:** To ask the Secretary of State for Social Security what assessment he has made of the number of staff needed to process war pension applications. [19075]

**Mr. Arbuthnot:** These are matters for Mr. Peter Mathison, the chief executive of the War Pensions Agency. He will write to the hon. Member.

*Letter from Peter Mathison to Ms Joan Walley, dated 19 April 1995:*

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question about the assessment of the number of staff needed to process war pension applications.

Resources allocated to the War Pension Agency are made in cash terms rather than specifically in numbers of staff. The amount allocated in 1995/96 for processing war pension applications is a total of £12.9 million, within which figure the number of staff has been assessed at 1072.

I hope you find my reply helpful.

## Housing Benefit (Fraud)

**Mr. Elletson:** To ask the Secretary of State for Social Security what instructions are issued by his Department

to local authorities about the prevention of fraud with respect to payments of housing benefits. [19091]

**Mr. Roger Evans:** General housing benefit anti-fraud guidance has been provided for all local authorities since the introduction of the present housing benefit scheme in 1988. Expanded anti-fraud guidance was issued in 1991. The Department also collaborated with the Chartered Institute of Public Finance and Accountancy, the Institute of Revenues Rating and Valuation and the Local Authority Investigation Officers' Group (UK) to issue an anti-fraud good practice guide for local authorities in 1991. The Department plans to issue a comprehensive fraud investigator's manual, giving detailed guidance on the investigation and prevention of fraud, to all local authorities later this year.

# Written Answers to Questions

*Friday 21 April 1995*

## LORD CHANCELLOR'S DEPARTMENT

### Landlord and Tenant Rights

**Mr. Thurnham:** To ask the Parliamentary Secretary, Lord Chancellor's Department what has been the result of his period of consultation on the landlord and tenant rights and duties paper concerning reform of the law of privity of contract; if he is now in a position to support an amended Landlord and Tenant (Covenants) Bill containing the agreement made between the British Retail Consortium and the British Property Federation; and if he will make a statement. [20212]

**Mr. John M. Taylor:** Following a substantial response to the consultation in favour of the package, the Government will support such a Bill, provided that the principal change concerning controls over assignment of leases will not apply to purely residential tenancies or to farm business tenancies.

## EMPLOYMENT

### Youth Training

**Mr. Bradley:** To ask the Secretary of State for Employment how many people were on *(a)* YT/youth credits and *(b)* modern apprenticeships (i) on average in 1994 and (ii) at the last date for which figures are available. [19938]

**Mr. Paice:** On average in 1994, there were 280,400 people on youth training, including youth credits, in Great Britain. In January 1995, the latest date for which figures are available, there were 287,100 people on YT, including youth credits, in Great Britain.

As modern apprenticeship prototypes did not begin until September 1994, it is not possible to give an average figure for 1994. As at 7 April 1995, the latest date for which figures are available, according to training and enterprise council estimates 1,393 young people had started modern apprenticeships in the 17 prototype TECs in England.

**Mr. Bradley:** To ask the Secretary of State for Employment what is the number and percentage of YT trainees who currently have employed status. [19940]

**Mr. Paice:** In the period April to December 1994, 38 per cent. of those leaving youth training in England and Wales had employed status at the time they left. As this figure is estimated from incomplete information, it is possible to give only the percentage of employed status leavers, not the actual number.

### National Council of Vocational Qualifications

**Mr. Don Foster:** To ask the Secretary of State for Employment what the National Council for Vocational Qualifications has cost to run in each year of its existence. [19944]

**Mr. Paice:** The National Council of Vocational Qualifications is funded through its co-sponsoring Departments of Employment, Education, Wales and Northern Ireland and from other sources—primarily national vocational qualification fees payable by awarding bodies and subscriptions to the national database of vocational qualifications. Grant in aid funding, which has contributed towards NCVQ's operating costs has been provided since it was established in 1986 is shown in the following table:

| *Year* | *£* |
|---|---|
| 1986–87 | 520,000 |
| 1987–88 | 3,708,698 |
| 1988–89 | 3,750,000 |
| 1989–90 | 3,000,000 |
| 1990–91 | 2,621,000 |
| 1991–92 | 3,700,000 |
| 1992–93 | 3,900,000 |
| 1993–94 | 3,826,000 |
| 1994–95 | 1,928,000 |

Other funding has been provided to NCVQ by the Employment Department and the Department for Education for specific activities to support Government activities. Details of NCVQ's other income are set out in the council's annual reports and accounts, copies of which are available in the Libraries.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Employment what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19345]

**Mr. Oppenheim** *[holding answer 18 April 1995]:* For a statement of Government policy on the preparation and publication of compliance cost assessments, I refer my hon. Friend to the reply given by my hon. Friend the Under-Secretary of State for Corporate Affairs on 19 April 1995, *Official Report,* columns *189–90.*

Proposals from the Health and Safety Executive are accompanied by cost-benefit analyses rather than CCAs. CBAs compare the costs of compliance, both to the employer and to the economy, with the expected benefits of the measures proposed and include all the information required in a CCA. All CCAs and CBAs accompanying draft legislation are published. In the first three months of 1995, the Department has contributed to a CCA published by the Department of Social Security and two CBAs have been released into the public domain.

**Mr. Steen:** To ask the Secretary of State for Employment how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19359]

**Mr. Oppenheim** *[holding answer 18 April 1995]:* Only two of the statutory instruments made by the Employment Department in the first three months of 1995 introduced new regulations. These revoked seven previous sets of regulations as well as specified provisions contained in one statute and nine other sets of regulations.

## HOUSE OF COMMONS

### Exhibitions

**Mr. Bill Walker:** To ask the Chairman of the Administration Committee if he has considered an application for an exhibition relating to overseas trade services to be displayed in the Upper Waiting Hall.

**Mr. Michael J. Martin:** I understand that, under procedures agreed by the Administration Committee, arrangements have been made for the exhibition to be held in the Upper Waiting Hall from Monday 24 April to Friday 28 April 1995.

## ENVIRONMENT

### Rents

**Mr. Raynsford:** To ask the Secretary of State for the Environment what was the average percentage increase in rent levels registered by rent officers *(a)* in London and *(b)* in the rest of England together with the comparable increases and decreases in (i) the retail price index and (ii) average house prices in each of the years from 1988 to 1994. [18780]

**Mr. Curry:** The available information is given in the tables:

*Registrations by rent officers 1988–1994*
*Percentage change on previous rent, unfurnished re-registrations*

| *Private* | | *Housing association* | | |
|---|---|---|---|---|
| *London per cent.* | *Rest of England per cent.* | *Year* | *London per cent.* | *Rest of England per cent.* |
| 18 | 18 | 1988 | 18 | 15 |
| 18 | 19 | 1989 | 19 | 16 |
| 20 | 23 | 1990 | 21 | 20 |
| 22 | 26 | 1991 | 23 | 22 |
| 23 | 26 | 1992 | 23 | 22 |
| 23 | 22 | 1993 | 21 | 20 |
| 22 | 19 | [1]1994 | 19 | 15 |

Rents are registered for a period of two years. The percentage changes on previous rent refer to this period.
[1] 1994 figures are based on data for January—September.

| *Year* | *United Kingdom retail prices index all items January 1987 = 100* | | *United Kingdom mix-adjusted house price index 1990 = 100* | |
|---|---|---|---|---|
| | *Index* | *Annual percentage change* | *Index* | *Annual percentage change* |
| 1988 | 106.9 | 4.9 | 83.8 | 25.6 |
| 1989 | 115.2 | 7.8 | 101.3 | 20.9 |
| 1990 | 126.1 | 9.5 | 100.0 | –1.3 |
| 1991 | 133.5 | 5.9 | 98.6 | –1.4 |
| 1992 | 138.5 | 3.7 | 94.9 | –3.8 |
| 1993 | 140.7 | 1.6 | 92.5 | –2.5 |
| 1994 | 144.1 | 2.4 | 93.9 | 1.5 |

**Mr. Raynsford:** To ask the Secretary of State for the Environment how many rent officer registrations have been referred *(a)* by the landlord and *(b)* by the tenant or another party to the rent assessment committee (i) in London and (ii) in the rest of England in each of the years from 1988 to 1994; and what proportion of these led to the fair rent being confirmed, increased or reduced by comparison with the rent officer's decision. [18715]

**Mr. Curry:** Information collected on referrals to rent assessment committees does not identify the applicant. Statistics on RAC decisions, including the proportion of cases where rents were reduced, confirmed or increased compared with the rent officer's determination, have been published quarterly in "Rent Officer Statistics" since 1990. Prior to this information was published half yearly in "Statistical Notes for Rent Officers". Both these series are available in the Library.

### Construction Industry

**Mr. Jim Cunningham:** To ask the Secretary of State for the Environment when he will announce his conclusions on the recommendations of the Latham report. [19316]

**Mr. Robert B. Jones:** I refer to the answer given to the hon. Member for Ilford, South (Mr. Gapes) on 5 April, *Official Report*, columns *1283–84*. Further to that answer, a consultation document on proposals for legislation on liability and latent defects insurance was published on 12 April; we hope to publish a second consultation paper shortly on legislation to underpin Sir Michael's recommendations on fair construction contracts.

**Mr. Jim Cunningham:** To ask the Secretary of State for the Environment what is his policy on the Latham report's proposal of standard contract documents for the construction industry. [19310]

**Mr. Robert B. Jones:** We shall be consulting shortly on proposals for legislation to underpin Sir Michael Latham's recommendations on fair construction contracts.

### Local Government Finance

**Mr. Rendel:** To ask the Secretary of State for the Environment what is the interest receipts element in the all other services block of standard spending assessments

for each district, borough and metropolitan council, including London, for the years 1993–94, 1994–95 and 1995–96. [19829]

**Mr. Curry** *[holding answer 18 April 1995]:* A table containing the information requested has been placed in the Library.

**Mr. Rendel:** To ask the Secretary of State for the Environment what interest receipts were earned by each district, borough and metropolitan council, including London, for 1993–94, separating the capital financing element from other receipts; and what are the budgeted estimates for interest receipts of these councils for 1994–95 and for 1995–96 where available. [19830]

**Mr. Curry** *[holding answer 18 April 1995]:* I have placed the available information in the Library of the House.

### Housing Partnership Fund

**Mrs. Maddock:** To ask the Secretary of State for the Environment how many applications were received in total by his Department for the housing partnership fund for 1995–96 in each region of England; and what was the total amount bid for *(a)* by successful bids and *(b)* by all bidders in each region. [19888]

**Mr. Robert B. Jones:** The information is provided in the table.

| *Government office* | *Successful bids* | *Amount bid for (£)* | *Total bids* | *Total bid for (£)* |
|---|---|---|---|---|
| South East | 18 | 3,213,000 | 94 | 19,886,503 |
| South West | 18 | 2,079,000 | 93 | 11,796,000 |
| West Midlands | 21 | 3,086,800 | 56 | 10,212,000 |
| Eastern | 19 | 2,138,836 | 64 | 13,439,212 |
| East Midlands | 19 | 1,926,000 | 61 | 6,560,693 |
| London | 45 | 9,679,784 | 158 | 43,966,656 |
| Yorkshire and Humbershire | 21 | 2,712,000 | 37 | 5,233,251 |
| Merseyside | 5 | 762,000 | 22 | 3,396,461 |
| North East | 19 | 1,601,575 | 42 | 6,693,029 |
| North West | 35 | 2,801,000 | 127 | 14,954,000 |

**Mrs. Maddock:** To ask the Secretary of State for the Environment how many applications were received in total by his Department for the housing partnership fund for 1995–96 for *(a)* energy efficiency projects, *(b)* the re-use of empty property and *(c)* flats over shops schemes; and what was the total amount bid in each case. [19889]

**Mr. Robert B. Jones:** There were *(a)* 41 successful bids for energy efficiency schemes totalling £4,657,000, *(b)* 134 successful bids for re-use of empty property totalling £19,738,000 and *(c)* 39 successful bids for flats over shops schemes totalling £3,929,000. There is, of course, some overlap between these categories.

Information on the numbers of applications for different types of schemes is not held centrally.

### Carbon Dioxide Emissions

**Mr. Dafis:** To ask the Secretary of State for the Environment what plans he has to raise at the forthcoming meeting of the Commission for Sustainable Development the rate of progress of Canada in meeting its target for carbon dioxide emissions in 2000. [19808]

**Mr. Atkins:** None. The question of carbon dioxide emissions and climate change is not on the agenda for discussion at the CSD meeting.

### Community Charge

**Mr. Tipping:** To ask the Secretary of State for the Environment what is his latest estimate of uncollected community charge *(a)* nationally and *(b)* for each district council in Nottinghamshire. [19884]

**Mr. Robert B. Jones:** The outstanding arrears of community charge in England as at 31 March 1994 were estimated to be £1,700 million, of which £217 million had been collected by December 1994. No data are yet available centrally on the amount of community charge written off between April and December 1994.

Estimates of uncollected community charge for each local authority, including the district councils in Nottinghamshire, are published regularly by the Chartered Institute of Public Finance and Accountancy: figures for 31 March 1994 are available in its revenue collection statistics 1993–94 publication, a copy of which can be found in the Library of the House.

### Ordnance Survey

**Mr. Hendry:** To ask the Secretary of State for the Environment what performance targets have been set for the Ordnance Survey executive agency in the year 1995–96. [20350]

**Mr. Atkins:** The following performance targets have been set for Ordnance Survey in 1995–96.

1. To recover at least 80 per cent. of the total costs incurred by the agency.

2. To offer customers national coverage of Superplan by 31 December 1995.

3. To increase progressively the percentage of major detail which is surveyed and available to customers in the national topographic database so that, by the year 2000, 99 per cent. is available at any one time. The target for 1995–96 is 95 per cent.

4. In order to provide a quality supply service to customers, to dispatch products in response to valid orders as follows:

   95 per cent. of Land-Line digital map units within six working days.

   90 per cent. of small-scale maps within five working days.

5. To increase by 6 per cent. the annual revenue earned per member of staff employed.

These targets require further improvements on good performance by Ordnance Survey in previous years and recognise the importance of customers to the success of the agency.

### Environment Agency

**Mr. Anthony Coombs:** To ask the Secretary of State for the Environment what steps are being taken to appoint the chief executive of the proposed Environment Agency. [20810]

**Mr. Atkins:** Now that the Environment Bill has received a Second Reading in the Commons, thereby indicating parliamentary support for the principle of the Bill, I have informed the environment agency advisory committee that it may start the recruitment of the chief executive of the proposed Environment Agency. The successful candidate will not be formally appointed chief executive until the Bill has received Royal Assent.

Parliamentary approval to this expenditure will be sought in a summer supplementary estimate for the Department of the Environment's environmental protection and water vote—class VII, vote 3. Pending that approval, urgent expenditure estimated at £55,000 will be met by repayable advances for the Contingencies Fund.

This expenditure is required to meet the cost of recruiting the chief executive. Its urgency arises from the need to have the chief executive in place as soon as possible after Royal Assent to ensure that public funds are properly protected and to enable rapid progress with the establishment of the agency.

**Mr. Mans:** To ask the Secretary of State for the Environment when he intends to issue a draft of the guidance to be provided to the Environment Agency on its objectives, including the contribution it is to make towards the achievement of sustainable development. [21032]

**Mr. Gummer:** Together with my right hon. Friends the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, I am today issuing this draft guidance to inform debate on the Environment Bill. It expands on the draft outline scoping guidance issued by my right hon. Friend Lord Ullswater on 17 January 1995.

## EDUCATION

### Special Needs

**Mr. Frank Field:** To ask the Secretary of State for Education what representations she has received on the new special educational needs code of practice; and if she intends to keep to the August 1995 deadline for the code of practice. [19883]

**Mr. Forth:** The code of practice came into effect in September 1994. It has been widely welcomed as reflecting existing best practice, although there are naturally concerns in some schools about the process of implementation. Schools are required to publish their special educational needs policy by 1 August 1995. There are no plans to extend this deadline.

### Public Bodies

**Mr. Don Foster:** To ask the Secretary of State for Education, pursuant to her answers of 30 March, *Official Report*, column *718*, on public bodies, when she intends to write to the hon. Member for Bath with the information requested. [19976]

**Mr. Boswell:** A response to the question relating to the running costs of non-departmental public bodies sponsored by this Department was given to the hon. Member on 18 April 1995, *Official Report*, columns *50-52*. Additional information is being obtained. I will write to the hon. Member with the information requested very shortly.

## PRIME MINISTER

### Dr. Martin Gilbert

**Mr. Mandelson:** To ask the Prime Minister under whose auspices and at whose cost Dr. Martin Gilbert has been travelling on the Prime Minister's official visit to America. [18977]

**The Prime Minister:** The cost of Dr. Gilbert's journey was met by the Washington Institute for Near East Policy.

## DUCHY OF LANCASTER

### Annual Reports

**Mr. Matthew Taylor :** To ask the Chancellor of the Duchy of Lancaster how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990. [20181]

**Mr. Horam:** This information is not held centrally and could be made available only at disproportionate cost.

**Mr. Matthew Taylor:** To ask the Chancellor of the Duchy of Lancaster what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [20182]

**Mr. Horam:** The compilation of material for the Cabinet Office departmental report involves, in many cases only briefly, a large number of staff throughout the Department, its agencies, HMSO and the Central Office of Information.

No record is kept of the amount of time spent.

### Mahogany

**Mr. Matthew Taylor:** To ask the Chancellor of the Duchy of Lancaster how many metres of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19848]

**Mr. David Hunt:** This information is not available.

### Executive Agencies

**Mr. Cohen:** To ask the Chancellor of the Duchy of Lancaster how many Government agencies there are at present. [20063]

**Mr. Horam:** There are currently 108 executive agencies established under the next steps programme.

### Market Testing

**Mr. Morgan:** To ask the Chancellor of the Duchy of Lancaster if he will place in the Library copies of each standard letter of guidance or set of instructions on issues of conflicts of interest arising from market-testing or contractorisation on the Government-owned, contractor-operated and Government-owned, Government-operated models. [20306]

**Mr. Horam:** Guidance is set out in paragraphs 6.10 to 6.12 and paragraph 6.16 of the Government's "Guide to Market Testing", which is available in the Library.

## TRADE AND INDUSTRY

### AEA Technology

**Mr. Carrington:** To ask the President of the Board of Trade what arrangements have been made to appoint advisers in connection with the privatisation of AEA Technology. [20813]

**Mr. Page:** I am currently considering bids from financial and legal advisers in connection with the privatisation of AEA Technology. Appointments will be made shortly.

Parliamentary approval to this new service is being sought in the main supply estimates 1995–96 for the Department of Trade and Industry vote; programmes and administration—class IV, vote 1. Pending that approval, urgent expenditure estimated at £750,000 will be met by repayable advances from the Contingencies Fund.

### Industry Council

**Mr. Hendry:** To ask the President of the Board of Trade if he will make a statement on the outcome of the meeting of the EC Industry Council held in Luxembourg on 7 April. [20973]

**Mr. Eggar:** I represented the United Kingdom at this meeting. The Council adopted three sets of conclusions: on industrial competitiveness, industrial co-operation with central and eastern Europe and high-technology industries. The meeting heard oral reports from the Commission on the implementation of competition policy in 1994 and on the monitoring of the six article 95 steel state aid decisions approved in December 1993. On the latter, I underline the importance of the conditions imposed by the Council being fulfilled and that we would want to look closely at the Commission's written report when it appears. The Commission gave a short oral report on the outcome of the G7 ministerial conference on the information society held in Brussels in February. Finally, there was a Commission presentation of its plans to establish common industry/research task forces within the Commission. No votes were taken on any of the issues on the agenda.

### Companies House

**Mr. Morgan:** To ask the President of the Board of Trade if he will place in the Library a copy of the guidance note dated 24 March 1995 from senior management to all staff at Companies House on conflicts of interest in the contractorisation process of Companies House. [20305]

**Mr. Jonathan Evans:** I have placed in the Library of the House a copy of the guidance on conduct which has been drawn to the attention of Companies House staff.

## NORTHERN IRELAND

### Official Entertainment

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland what was the amount spent on entertaining by each Minister in the Northern Ireland Office in the last 12 months for which figures are available. [18967]

**Sir John Wheeler:** The information requested is listed and includes costs for VIP visits, official dinners and lunches and tea and coffee for visitors:

| | £ |
|---|---|
| Sir Patrick Mayhew | 24,217 |
| Mr. Michael Ancram | 10,561 |
| Sir J. Wheeler | 8,528 |
| Baroness Denton | 9,942 |
| Mr. M. Moss | 4,645 |
| Mr. T. Smith | 2,367 |

### United States Money

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland if he will make it his policy that any money given to Northern Ireland by the United States will count as extra resources and that the Government will not give less money to Northern Ireland as a result. [19874]

**Sir John Wheeler:** That is Government policy. Money from the United States does not affect public expenditure levels in Northern Ireland.

### Animal Diseases

**Mr. Morley:** To ask the Secretary of State for Northern Ireland how many cases of swine vesicular disease were reported each year since 1985. [19726]

**Mr. Ancram:** None. There has never been a case of swine vesicular disease in Northern Ireland.

### Government Loans Fund

**Mr. Peter Robinson:** To ask the Secretary of State for Northern Ireland if he will list the outstanding amounts from the Government Loans Fund for each of the Northern Ireland district councils; and what is the cost per head of population. [19733]

**Sir John Wheeler** *[holding answer 18 April 1995]:* The Government Loans Fund was abolished by articles 7 to 15 of the Financial Provisions (Northern Ireland) Order 1983 and its functions were transferred to the Consolidated Fund for Northern Ireland. The amounts owed to the Consolidated Fund at the year ended 31 March 1994 in respect of Government loans by each of the district councils are set out in the table:

| | £ |
|---|---|
| Antrim borough council | 4,408,035 |
| Ards borough council | 3,958,589 |
| Armagh district council | 4,853,541 |
| Ballymena borough council | 1,526,375 |
| Ballymoney borough council | 1,856,548 |
| Banbridge district council | 3,862,164 |
| Belfast city council | 15,449,088 |
| Carrickfergus borough council | 525,735 |
| Castlereagh borough council | 8,753,533 |

| | £ |
|---|---|
| Coleraine borough council | 3,369,164 |
| Cookstown district council | 293,187 |
| Craigavon borough council | 2,652,632 |
| Derry city council | 13,359,039 |
| Down district council | 5,452,358 |
| Dungannon district council | 1,348,878 |
| Fermanagh district council | 1,268,524 |
| Larne borough council | 3,403,134 |
| Limavady district council | 1,798,610 |
| Lisburn borough council | 3,086,063 |
| Magherafelt district council | 955,183 |
| Moyle district council | 2,039,776 |
| Newry and Mourne district council | 12,673,242 |
| Newtownabbey borough council | 10,110,947 |
| North Down borough council | 10,711,612 |
| Omagh district council | 4,862,266 |
| Strabane district council | 3,716.344 |

This equates to approximately £79 per head of population of Northern Ireland.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Northern Ireland how many rules and regulations he repealed in the first three months of 1995; how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19365]

**Sir John Wheeler** *[holding answer 18 April 1995]:* Forty-six rules and regulations were repealed by my right hon. and learned Friend in the first three months of 1995.

One hundred and thirty-eight new rules and regulations were introduced during the same period including:

14 which repealed earlier instruments or substituted a more favourable regime for business

24 which implemented EU obligations

Five which facilitated privatisations and competition

40 which updated fees and charges or related to local legislation

49 which, while not fitting any of the above categories, had no adverse impact on business.

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for Northern Ireland how many meters of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19847]

**Mr. Moss** *[holding answer 19 April 1995]:* The Department of the Environment for Northern Ireland has bought 43.98 cu m of mahogany in the last five years, at a cost of £11,500, for use in the manufacture and repair of furniture. In line with existing policy, the use of mahogany is being reduced and it is now primarily purchased for repairs.

## SCOTLAND

### Overtime

**Mr. David Shaw:** To ask the Secretary of State for Scotland if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years.

**Mr. Lang:** Information on the total number of hours overtime worked and the total amount paid in overtime is as follows:

| | *The Scottish Office* | | *Scottish Prison Service* | | *Scottish Record Office for Scotland* | | *General Register Office for Scotland* | |
|---|---|---|---|---|---|---|---|---|
| | £ | *hrs* | £ | *hrs* | £ | *hrs* | £ | *hrs* |
| 1994–95 | 3,227,331 | 504,735 | 288,728 | 42,379 | 36,480 | 6,021 | 32,736 | 4,264 |
| 1993–94 | 3,172,452 | 513,598 | 295,683 | 43,608 | 25,459 | 4,413 | 34,877 | 4,769 |
| 1992–93 | 3,296,869 | 547,691 | 272,469 | 41,661 | 67,896 | 11,931 | 43,951 | 6,021 |

The Scottish Office figures include all its agencies except the Scottish Prison Service. Individual information on these agencies cannot be provided without disproportionate costs in staff time.

The total number of days lost through sickness in 1992 and 1993, figures for 1994 are not yet available, is as follows:

| | *The Scottish Office* | *Scottish Prison Service* | *Scottish Record Office for Scotland* | *General Register Office for Scotland* |
|---|---|---|---|---|
| 1993 | 64,890 | 68,850 | 1,303 | 2,976 |
| 1992 | 54,734 | 55,446 | 913 | 3,544 |

Again, the Scottish Office figures include all its agencies, except the Scottish Prison Service. Individual information on these agencies cannot be provided without disproportionate costs in staff time. Because of the variables involved in this calculation, it is not possible to give the monetary equivalent of days lost to sickness.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Scotland if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom, in each of the last three years. [19652]

**Mr. Lang:** Information is not held separately for domestic and overseas travel or for individual agencies in the Scottish Office.

The total subsistence allowance paid by the Scottish Office and its agencies in each of the last three years was as follows:

| *Year* | £ |
|---|---|
| 1992–93 | 2,184,177 |
| 1993–94 | 3,675,067 |
| 1994–95 | 2,895,091 |

This information excludes the costs and expenses appropriate to the Scottish Office Prison Service, which is unable to provide the information in respect of prison officer grades without disproportionate costs in staff time.

**Mr. David Shaw:** To ask the Secretary of State for Scotland if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19562]

**Mr. Lang:** Information on individual agencies and *(b)* and *(c)* cannot be provided without disproportionate costs in staff time.

The total amount of removal costs and associated expenses reimbursed to officials in the Scottish Office and its agencies—excluding prison officer grades in the Scottish Prison Service, where it could not be provided without disproportionate costs in staff time—who were required to relocate as part of their employment in each of the last three years was as follows:

1992–93: £627,124
1993–94: £610,558
1994–95: £473,047

### Glaucoma

**Mr. Chidgey:** To ask the Secretary of State for Scotland what is the estimated number of people aged over 17 years with glaucoma in Scotland. [19730]

**Lord James Douglas-Hamilton:** Information on the prevalence of glaucoma is not held centrally.

## TREASURY

### Membership of the European Union

**Mr. Gill:** To ask the Chancellor of the Exchequer what quantified evidence he has on whether the United Kingdom would prosper outside the European Union. [19542]

**Mr. Heathcoat-Amory:** Membership of the EU involves a balance of benefits and obligations, which cannot be quantified precisely. The benefits to the UK include increased bargaining power in world trade negotiations and the benefits from influencing the outcome of decisions taken at a Community level on a wide range of matters affecting our prosperity, including the single market and state aids.

### Life Insurance

**Mr. Matthew Banks:** To ask the Chancellor of the Exchequer if he will make a statement about the taxation of the life insurance business of friendly societies. [20814]

**Sir George Young:** Regulations will be laid before the House shortly which will, among other things, clarify the treatment of expenses in arriving at the taxable profits of a friendly society writing life insurance business.

Tax is charged on the investment income and gains referrable to such business, less the management expenses incurred by the society in the course of that business; but friendly societies enjoy an exemption from tax on the investment return from smaller policies.

This distinction between taxable and tax-exempt business was introduced in 1966. Before then, societies had been able to offer only small-scale tax exempt policies. At that time, it seemed self-evident, both to the Inland Revenue and to the friendly society movement represented by the Friendly Societies Liaison Committee, that to calculate the profits of the taxable business one should take the investment return and expenses related specifically to that new category of business.

This approach was incorporated into guidance issued to societies by the liaison committee and was universally followed in practice for more than 25 years, but recently it has been challenged. It is argued that there is no bar in law to a society setting against the income of its taxable life insurance business expenses incurred not only in that strand of its business but in the pursuit of all of its other activities.

Such an interpretation is clearly contrary to the intention of the 1966 legislation. It would overturn a basis of taxation that has applied across the board for a quarter of a century with universal acceptance and would produce unfair results as between one society and another.

Litigation on this point has recently been initiated and it may be some long time before we have a final judgment. It is not satisfactory to leave so fundamental a point uncertain and the regulations to be laid will put the long accepted basis of taxation beyond question. The regulations will also cover other deductions such as capital allowances on assets used only partly for the purposes of taxable life insurance business.

Because expenses in excess of income and gains can be carried forward without limit of time, the regulations will have to have retrospective effect, but the retrospection will not in practice result in the recalculation of any figures which have already been agreed. Where a society has embarked on litigation, and a hearing by the tax commissioners has begun before today, the amount of the losses available to carry forward will be determined by the courts and not by the regulations.

### Mahogany

**Mr. Matthew Taylor:** To ask the Chancellor of the Exchequer how many metres of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19837]

**Mr. Heathcoat-Amory** *[holding answer 19 April 1995]:* I regret that information prior to the financial year 1992–93 is not available.

In the year 1992–93, the Treasury purchased some small tables with a mahogany veneer to a total value of less than £1,400. I am not aware of any such goods being purchased since. On 21 April 1993, the Treasury announced its environmental policy. This states that "wherever possible the department will avoid the purchase of goods which are manufactured or obtained in such a manner that the resource used to produce those goods is put under threat."

## HOME DEPARTMENT

### Specialist Support Unit

**Mr. Beith:** To ask the Secretary of State for the Home Department what reductions are being made in the Home

Office specialist support unit for training police officers in race and community relations matters; and if he will make a statement. [19512]

**Mr. Maclean:** The specialist support unit is contracted out to an independent training consultancy, Equalities Associates. I understand that the company is considering a reduction of two training staff in the forthcoming contract year, commencing in July 1995.

### Prison Escapes

**Mr. Elletson:** To ask the Secretary of State for the Home Department what was the performance of the Prison Service on escapes in 1994–95, including privately managed court escort services and prisons. [20812]

**Mr. Michael Forsyth:** In 1994–95, the total number of escapes from prison and escorts outside prison, as a proportion of the average prison population, was 32 per cent. lower than 1993–94 and 49 per cent. lower than 1992–93, the last year before the Prison Service became an agency. The total of 202 escapes from prison and escorts in 1994–95 includes 15 from the privately managed court escort and custody service—compared with 26 in 1993–94 and one from the four contracted-out establishments.

The rate of escapes continued to decline during 1994–95, and in the second half of the year—October 1994 to March 1995—the rate of escapes was 67 per cent. lower than the same period in 1992–93. In the period October 1994 to March 1995, there were only three escapes from the privately managed court escort and custody service—less than 10 per cent. of the number under the previous arrangements provided by the police and the Prison Service. In this period, there were no escapes from contracted-out prisons.

### Republican Prisoners

**Mr. Madden:** To ask the Secretary of State for the Home Department what representations he has received about the removal of basic privileges from 38 republican prisoners in prison in Britain; what representations he has received about such prisoners and visitors being stopped from talking in Irish; what instructions he or his officials have issued concerning these matters since 1 September 1994; and if he will make a statement. [17667]

**Mr. Michael Forsyth** *[holding answer 3 April 1995]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Derek Lewis to Mr. Max Madden, dated 21 April 1995:*

The Home Secretary has asked me to reply to your recent Question asking what representations have been received about the removal of basic privileges from 38 republican prisoners; what representations have been received about such prisoners and visitors being stopped from talking in Irish; what instructions have been issued concerning these matters since September 1994.

Representations have been received from a number of organisations and individuals about the treatment of some Irish republican prisoners. Some of these representations have been about enabling a particular prisoner in Full Sutton prison to speak Irish during visits by his family. This he is permitted to do.

Governors of the prisons concerned are required to treat prisoners in accordance with Prison Rules, Standing Orders and any relevant instructions. No instructions have been issued to the Governors of the prisons concerned about the treatment of Irish republican prisoners. The regime under which the five Irish prisoners who escaped from the Special Secure Unit at Whitemoor in September 1994 are held in Belmarsh was approved by Prison Service headquarters.

## TRANSPORT

### Railways (Surplus Land)

**Mr. Morgan:** To ask the Secretary of State for Transport if the Radyr bridge depot and yard was listed in the schedule of previously operational land transferred as surplus to railway requirements to Railtrack Property to be disposed of. [20307]

**Mr. Watts:** Radyr bridge depot and yard is owned by Railtrack PLC and is managed by Railtrack Property. The majority of the site is now surplus to operational requirements and Railtrack has recently decided to dispose of it, subject to access over the adjoining railway lines.

### Motorway Lane Discipline

**Mr. Foster:** To ask the Secretary of State for Transport what plans he has to issue further guidance to motorists on motorway lane discipline; and if he will make a statement. [19943]

**Mr. Norris:** Advice on good lane discipline is already contained in the "Highway Code" and the Driving Standards Agency's "Driving" manual. We take every opportunity to emphasise the need for good lane discipline. A controlled motorway experiment will start on the M25 next month with the use of variable speed limits and camera enforcement. We believe that this will have beneficial effect on lane discipline as the traffic flow will be smoothed with well-disciplined speeds and a consequent reduction in the number of lane changes. We shall be monitoring the effectiveness of the new measures.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Transport if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19565]

**Mr. Norris:** The information is not available in the form requested and could be provided only at disproportionate cost.

### M25

**Mr. Wilshire:** To ask the Secretary of State for Transport when he hopes to be able to hold local exhibitions and meetings to explain the details of his new proposals for the M25 between junctions 12 and 16. [19241]

**Mr. Watts:** This is an operational matter for the Highways Agency. I have asked the chief executive to write to my hon. Friend.

*Letter from Lawrie Haynes to Mr. David Wilshire, dated 21 April 1995:*

The Minister of State for Railways and Roads has asked me to write to you in response to your Parliamentary Question about the M25 widening between Junctions 12 and 16.

Following the Secretary of State's announcement on April 3, the Highways Agency have embarked on design work and an

environmental assessment of the widening proposals. We shall do this as quickly as possible, but it will necessarily take some time. We hope to publish details of the scheme between Junctions 12 and 15 early next year, and will hold a series of local public exhibitions to provide an opportunity for people to see the proposals and discuss them with Agency staff.

A copy of the Non-Technical Summary of the Environmental Statement will be sent to all those who objected to or commented on the original link road proposals, together with details of the exhibitions.

Preparation of the scheme between Junctions 15 and 16 will take longer and the detailed proposals will follow at a later date.

### BR Civil Engineering Design Offices

**Mr. Bayley:** To ask the Secretary of State for Transport how many people are employed at each of the British Rail civil engineering design offices in *(a)* Birmingham, *(b)* Croydon, *(c)* Glasgow, *(d)* Swindon and *(e)* York; how many bids in respect of each of these offices have been received by the BR vendor unit from organisations which wish to purchase them; and when he expects a decision on the bids will be made. [19751]

**Mr. Watts:** The number of staff currently employed at each of the civil engineering design offices is as follows:

| | *Number* |
|---|---|
| a) Birmingham | 119 |
| b) Croydon | 180 |
| c) Glasgow | 63 |
| d) Swindon | 140 |
| e) York | 160 |

The number of bids received for the design offices is commercially confidential.

A decision on the bids will be made when negotiations are completed.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of for Transport how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19370]

**Mr. Watts:** Two rules and regulations were repealed in the first three months of 1995. In the same period, 17 rules and regulations were introduced—not including commencement orders, Orders in Council and instruments not subject to parliamentary procedure—of which:

two revoked earlier instruments or substituted a more favourable regime for business;

five implemented EU and other international obligations including measures to facilitate intermember state trade;

none facilitated privatisation and competition;

eight updated fees and charges or related to local legislation;

the remaining two are minor miscellaneous provisions which amend existing legislation and have no adverse impact on business.

Only two introduced new regulatory requirements which increased cost to business: the Merchant Shipping (Hours of Work) Regulations 1995 and the Road Vehicle (Construction & Use) (Amendment) Regulations 1995. Compliance cost assessments for both regulations have been placed in the House Library.

**Mr. Steen:** To ask the Secretary of State for Transport what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19355]

**Mr. Watts** *[holding answer 18 April 1995]:* In accordance with the guidance provided in the DTI publication "Checking the Cost to Business", my Department has agreed to produce compliance cost assessments for all rules and regulations which may have an impact on business. We have issued five CCAs in the first three months of this year, copies of which are in the Library.

The reply given by my right hon. Friend the President of the Board of Trade on 19 April, *Official Report*, columns *189–90*, sets out the circumstances in which CCAs are required.

## WALES

### Local Authorities

**Mr. Wigley:** To ask the Secretary of State for Wales which local authorities in Wales have been identified by the Audit Commission as having a prima facie case against them of either corruption or maladministration; and if he will make a statement. [18877]

**Mr. Gwilym Jones:** I will write to the hon. Member as soon as possible.

### Council Tax

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales what powers he has for the overruling of a valuation tribunal in setting a council tax band for a domestic property. [18969]

**Mr. Gwilym Jones:** None.

### Dental Services

**Mr. Morgan:** To ask the Secretary of State for Wales if he will list those health authorities or family health services authority, or health commissions in Wales where the level of community dental provision is being reduced and the level of salaried dental provision is being increased in 1995–96. [20311]

**Mr. Redwood:** It is a matter for each health authority to determine, in the light of local circumstances, the appropriate level of community dental service provision for its area and information about this is not held centrally.

Family health services authorities can apply for permission to employ salaried dentists where and when they deem it necessary in accordance with local needs and circumstances. There are presently three salaried dentists in post in Wales. In addition, Dyfed family health services authority has recently been given permission to employ a second salaried dentist; Gwent family health services authority has approval in principle to appoint one; Gwynedd family health services authority has three vacant posts, and an application from Clwyd family health services authority is currently under consideration.

On 5 April, my right hon. Friend the Minister of Health announced the Government's plans for the reform of NHS

dentistry following the consultation on the Green Paper "Improving NHS Dentistry". That announcement restated the Government's commitment to strengthen the safety net role of the community dental service to meet the needs of patients in areas of the country where there is difficulty obtaining NHS treatment under the general dental service.

I have made available an extra £2.5 million to improve dental services in the community. Proposals from health authorities are currently under consideration by the Welsh Office.

### Disabled Drivers Assessment Centre

**Mr. Morgan:** To ask the Secretary of State for Wales what consultations he has had with the Wales disabled drivers assessment centre concerning the provision of a new integrated disabled drivers testing centre and test track; and if he will make a statement. [20310]

**Mr. Redwood:** Welsh Office officials have discussed with the Wales disabled drivers assessment centre—in connection with Welsh Office grant support—its wish to relocate. These discussions are continuing.

### Cancer Care Services

**Mr. Sweeney:** To ask the Secretary of State for Wales what plans he has to improve the provision of cancer care services. [20811]

**Mr. Redwood:** I have received the final report from the chief medical officers of England and Wales expert advisory groups on cancer "A Policy Framework for Commissioning Cancer Services", which sets out a strategic framework for cancer services.

I have accepted the recommendations in that report and a copy has been placed in the Library of the House.

It is essential that all patients with cancer have access to high-quality, safe and effective care, and that health authorities in Wales should work together, and across their boundaries, to provide such care and support to patients, their carers and professionals involved in delivering that care.

I am delighted that Professor Ian Cameron, provost of the University of Wales, college of medicine has agreed to lead an expert group to co-ordinate and support local action to implement the expert advisory group on cancer recommendations in Wales. I expect them to consult those affected and take local opinion into account.

## DEFENCE

### Chemical Weapons

**Mr. Llew Smith:** To ask the Secretary of State for Defence if he will list the burial sites on land for chemical weapon munitions recovered during the First World War which are known to his Department; and what remedial action is taking place as planned to decontaminate these sites. [19333]

**Mr. Soames:** Bramley training area—formerly Bramley central ammunition depot—is the only MOD site where first world war chemical warfare munitions are known to have been buried. Following the discovery in 1987 of CW munitions buried there, munition recovery and clearance work was carried out. Work on further searches is currently being undertaken at other locations within the site. Any CW munitions located will be removed, rendered safe and transported to the Chemical and Biological Defence Establishment, Porton Down for destruction.

### Nuclear Warheads

**Mr. Llew Smith:** To ask the Secretary of State for Defence, pursuant to his oral answer of 28 March, *Official Report*, columns 817–18, whether the figures he cites on future deployment of United Kingdom nuclear warheads include all existing categories of British land, sea and air-launched nuclear weapons presently deployed by the Untied Kingdom or allocated to NATO. [19335]

**Mr. Soames:** The figures cited are for the total number of Untied Kingdom nuclear weapons, excluding only any awaiting final dismantlement.

**Mr. Llew Smith:** To ask the Secretary of State for Defence if, pursuant to his oral answer of 28 March, *Official Report*, columns 817–18, if he will specify on which year in the 1970s his figures for nuclear warhead capacity are based. [19334]

**Mr. Soames:** The figures are based on the point in the mid-1970s when United Kingdom nuclear force plans authorised in the 1960s were fully implemented.

### Sub-strategic Nuclear Role

**Mr. Llew Smith:** To ask the Secretary of State for Defence when Trident is expected to take up a sub-strategic nuclear role; and if he will make a statement. [19330]

**Mr. Soames:** I refer the hon. member to the answer I gave to the hon. Member for the City of Chester (Mr. Brandreth) on 4 April, *Official Report*, column *1097*.

### Hunting Licences

**Mr. Meale:** To ask the Secretary of State for Defence which hunts currently have a licence to hunt on Ministry of Defence land; and to which areas of land those licences apply. [18966]

**Mr. Soames:** The following hunts have been issued with licences by my Department for the 1994–95 hunting season in the areas shown:

| *Hunt* | *Area* |
|---|---|
| The North Shropshire Hunt | Nesscliffe training area |
| The West Shropshire Hunt | Nesscliffe training area |
| The Tanatside Hunt | Nesscliffe training area |
| The Border Hunt | Otterburn training area |
| The West Percy Hunt | Otterburn training area |
| The Newcastle and District Beagles | Otterburn training area |
| The Tynedale Hunt | Albemarle barracks |
| The Bedale Hunt | Dry training area, Catterick |
| The West of Yore Hunt | Dry training area, Catterick |
| The Wensleydale Hunt | Bellerby, Catterick training area |
| The Zetland Hunt | Feldom training area |
| The Catterick Beagles | All parts of Catterick training area |
| The Blankey Hunt | Fulbeck and Beckingham training area |

| Hunt | Area |
|---|---|
| The Staff College and Royal Military Academy Drag Hunt | North East Hampshire and North West Surrey training area |
| The Windsor Forest Hunt | Aldershot Military lands and Surrey Commons training area |
| The Surrey Union Hunt | Aldershot Military lands and Surrey Commons training area |
| The Brecon Farmer's Hunt | Sennybridge Army Field training area |
| The Sennybridge Farmer's Hunt | Sennybridge Army Field training area |
| The Irfon and Towey Hunt | Sennybridge Army Field training area |
| The Glyn Celyn Beagles | Sennybridge Army Field training area |
| The Avon Vale Hunt | Salisbury Plain training area (West) |
| The Royal Artillery Hunt | Salisbury Plain training area (West) |
| The South and West Wiltshire Hunt | Salisbury Plain training area (West) |

### Job Losses

**Mr. Fatchett:** To ask the Secretary of State for Defence how many naval *(a)* engineers, *(b)* nursing officers, *(c)* aircraft controllers, *(d)* accountants, *(e)* metallurgists, *(f)* architects and *(g)* clerical staff have lost their jobs in the last five years for which information is available; and if he will make a statement. [19160]

**Mr. Soames:** Although information is not available in the precise form requested, the number of Royal Naval and Queen Alexandra's Royal Naval Nursing Service personnel who were made redundant between 1 April 1990 and 31 December 1994 is as follows:

Engineer officers and ratings in the engineering branch of the Royal Navy (including metallurgists)—2,621

Supply and secretariat officers and ratings in the writer branch (which will include accountants and clerical staff) in the Royal Navy—236

Nursing officers and rating aircraft controllers in the QARNNS and Royal Navy—0

### Redundant Naval Personnel

**Mr. Fatchett:** To ask the Secretary of State for Defence what provision is made for re-training those Navy personnel who have lost their jobs; and if he will make a statement. [19158]

**Mr. Soames:** Naval personnel who leave the service on redundancy are eligible for resettlement training and advice to help them prepare for, and find suitable employment in, civilian life. Typically, this includes: an interview to assess experience and qualifications, and consider future employment and training options; up to four week's pre-release training or individual resettlement preparation either at a tri-service resettlement centre or civilian college or university, or an attachment with a prospective employer; and a wide range of career and personal counselling. The individual may also register with the services' employment network which provides a computer-based job-matching service.

We believe that resettlement services for members of the Royal Navy are comprehensive and effective and note that the independent review by Mr. Bett has made some recommendations in this area which will be studied carefully.

**Mr. Fatchett:** To ask the Secretary of State for Defence how many of those naval personnel who have lost their jobs in the last five years have subsequently gained employment outside the service; what steps his Department takes to monitor the extent to which staff are re-employed elsewhere; and if he will make a statement. [19161]

**Mr. Soames:** Although information is not held in the form requested, tri-service surveys show that 80 per cent. of ex-service personnel are either in employment or retraining within three months of discharge.

Surveys are conducted to evaluate the success of tri-service resettlement provision. These surveys include questions about employment gained. In addition, the Royal Navy has conducted its own study into attitudes and experiences of those who have recently left the service. More detailed and longer-term monitoring of leavers in all three service is being introduced.

### Indonesian Students

**Mrs. Clwyd:** To ask the Secretary of State for Defence how many students from Indonesia have visited the United Kingdom to receive training at United Kingdom military establishments in each year since 1990. [19745]

**Mr. Soames:** Although the UK has provided training for Indonesian students since 1990, details—including the numbers involved—are not normally disclosed as they are regarded as confidential between Governments.

### NATO Officers

**Mr. William Powell:** To ask the Secretary of State for Defence what is his latest assessment of the number of serving officers holding *(a)* five star, *(b)* four star, *(c)* three star, *(d)* two star and *(e)* one star rank for each of the NATO countries, together with his estimate of the total current serving personnel. [20273]

**Mr. Soames:** The information requested is not held in my Department.

### Mr. Jonathan Moyle

**Dr. David Clark:** To ask the Secretary of State for Defence for what reasons a thesis on Soviet conventional air attack on the United Kingdom, written by Jonathan Moyle while studying at the department of international politics, university of Aberystwyth, remains classified information; whether a shortened version of this thesis is declassified; if he will specify the past involvement between his Department and Mr. Moyle; what information his Department has received concerning the events surrounding Mr. Moyle's death in 1990; and if he will make a statement. [19980]

**Mr. Soames:** There is only one version of the thesis and it is not classified. While conducting research for this thesis, Mr. Moyle had access to largely historical MOD material appropriate to the subject of his research. Mr. Moyle served in the RAF as a commissioned officer from August 1980 to April 1988, after which his connection with this Department ceased. it is for the Chilean authorities to investigate the circumstances of Mr. Moyle's death. The Foreign and Commonwealth Office has co-operated with them fully from the outset.

### Gulf War Syndrome

**Dr. David Clark:** To ask the Secretary of State for Defence what discussion his Department has had with its American counterparts concerning experiments conducted by the Pentagon and toxicology experts at the Duke university medical centre in America concerning the results of experiments carried out into alleged Gulf war syndrome. [19978]

**Mr. Soames:** My Department is aware of media reports of research undertaken by the Pentagon and Duke university, North Carolina, and has requested further information from the American authorities.

### HMS Vigilant

**Mr. Llew Smith:** To ask the Secretary of State for Defence what factors have led to the decision to delay the entry into service of HMS Vigilant until 1997. [19327]

**Mr. Freeman:** The planned in service date of Vigilant has for some years been 1998. She remains on course to achieve that date.

### AS90 Howitzers

**Sir Nicholas Bonsor:** To ask the Secretary of State for Defence when he expects AS90 howitzers to be refitted with a 52 calibre gun barrel; what difficulties have been encountered in trials with existing L17 practice rounds; what plans he has for procuring extended range ordnance for rebarrelled AS90 howitzers; and if he will make a statement. [18793]

**Mr. Freeman:** We expect to issue shortly an invitation to tender to Vickers Shipbuilding and Engineering Ltd. for the development and production of a 52 calibre ordnance for AS90. On current plans, this will lead to the first howitzers being covered to extended range ordnance before the end of the decade. Trials with a prototype 52 calibre barrel firing inert L17 rounds have resulted in some cases of "engraving" of the projectile when it has been fired at the maximum range. This is being addressed as part of the risk reduction work already in hand by the Defence Evaluation and Research Agency and industry.

### Surplus Equipment

**Mr. Fatchett:** To ask the Secretary of State for Defence, pursuant to his answer of 27 March, *Official Report*, column *504*, if he will give *(a)* the original cost of items listed as held for two years, *(b)* the date when they were commissioned and *(c)* an estimate of their current value. [19283]

**Mr. Freeman:** Further to my answer to the hon. Member for Leeds, Central, of 27 March 1995, *Official Report*, column *504*, HMS Kent, a County class destroyer, was commissioned on 15 August 1963 and was last refitted more than 10 years ago prior to the Dockyard privatisation. The original cost was £16 million.

HMS Jupiter and HMS Hermione, Leander class frigates, were commissioned on 9 August and 11 July 1969 respectively and were last refitted during 1986–87. Their original cost was £7 million each.

The 120 mm Wombat anti-tank guns came into service in 1962. The 105 mm pack howitzers entered service in 1961–62. Records of the original cost of these two weapons, which are no longer in service, are not available.

The Spey engine entered service with the RAF in June 1965 in the Phantom aircraft. The original cost of the engines were part of the all-up price for the aircraft and are not separately identifiable.

Most, if not all, of the equipment listed, will shortly appear on the commercial market. It would not be appropriate to reveal likely expectations of sales prices.

### Defence Export Services Organisation

**Mr. Fatchett:** To ask the Secretary of State for Defence, pursuant to his answer of 30 November 1994 to the hon. Member for Nottingham, South (Mr. Simpson), *Official Report*, columns *777–78*, how many hours per week Mr. Charles Masefield is contracted to work for the Defence Export Services Organisation. [19434]

**Mr. Freeman:** Mr. Charles Masefield's conditioned hours of work are 41 hours per week, for a five-day week, in accordance with the general conditions laid down for non-industrial civil servants. However, in order for Mr. Masefield to fulfil his role as Head of Defence Export Services he has, in practice, to work far in excess of these hours.

### Land Mines

**Dr. David Clark:** To ask the Secretary of State for Defence how many Ranger anti-personnel mines his Department possesses; when they were purchased; who they were purchased from; what was the total cost of the order; when they will need to be replaced; and if he will make a statement. [19983]

**Mr. Freeman:** The stocks my Department possesses were purchased from Thorn EMI Electronics Ltd., between 1970 and 1983, but we no longer retain a record of their cost. The quantity of Ranger anti-personnel mines, held by my Department is classified. No decisions have been taken on replacements.

**Dr. David Clark:** To ask the Secretary of State for Defence if his Department will establish *(a)* an engineering study and *(b)* a cost analysis study of the feasibility of fitting self-destruct mechanisms to his Department's anti-personnel mines. [19984]

**Mr. Freeman:** An engineering and costs analysis study of fitting self-destruct mechanisms to existing mines will take place when my Department next considers its future requirements and the most cost-effective way of meeting those requirements.

### Departmental Travel

**Dr. David Clark:** To ask the Secretary of State for Defence what consideration he has given to the privatisation of his Department's travel business; and if he will make a statement. [20061]

**Mr. Freeman:** The majority of MOD travel business is currently booked through the joint service travel centre which arranges flight bookings for MOD service and civilian personnel, their dependants and MOD contractors. Additionally, it arranges travel bookings by rail, ferry and through the channel tunnel.

The JSTC has been subject to review on a number of occasions by independent consultancies which have compared the service it provides with those available in the commercial market place. It is currently being examined as a part of the wider defence costs study. This

review is being undertaken by a firm of independent consultants and their remit, which is wide ranging, and encompasses not only air travel but the provision of support services such as car hire, hotel bookings and the procurement of visas and passports. Until the study has been completed, and its findings analysed it would be premature of me to speculate on the suitability of further privatisation measures in the future.

**Dr. David Clark:** To ask the Secretary of State for Defence what changes have been made to his Department's travel business in the last five years. [20062]

**Mr. Freeman:** The increased commitment by HMG to UN and out-of-area operations, such as the former republics of Yugoslavia and more recently Angola have placed heavy and persistent tasking levels on the RAF's fleet of transport aircraft. This pressure has resulted in my Department using commercial airlines for non operational airlift. This change of emphasis over recent years has resulted in the development of a sophisticated and cost-effective management approach in the commercial sector.

The Ministry of Defence has sought to reduce the cost of travel by taking advantage of commercial services for routine trooping purposes and have recently concluded negotiations with commercial airlines on a variety of routes; including the far east, northern Europe and the north Atlantic. An example is the trooping requirement between the UK and Germany where because of the distances involved and the frequency of service small to medium-size civil airliners provide the most cost-effective solution, thereby releasing the larger ATF aircraft—Tristars and VC10s—to meet long-range or operational tasks.

Use of commercial assets is also made for the movement of freight by road. This is achieved through the use of an enabling contract with a major freight carrier which also includes a requirement to support surges in movements arising from operational activity.

A further change has arisen through the placing of contracts with self drive car hire companies, the use of which is funded by individual budget holders within the department. The use of this service continues to increase as budget holders seek the most cost-effective means of meeting their travel requirements.

### Arms Sales (Taiwan)

**Dr. David Clark:** To ask the Secretary of State for Defence what is his Department's policy concerning the export of arms to Taiwan; and what changes there have been in arms export policy to Taiwan in the last five years. [19981]

**Mr. Freeman:** I refer the hon. Member to the answer given by the Minister of State, Foreign and Commonwealth Office, my right hon. Friend the Member for Eddisbury (Mr. Goodlad), on 4 April 1995, *Official Report*, column *981*.

**Dr. David Clark:** To ask the Secretary of State for Defence what assessment his Department has made of the implications for regional security tensions if Britain exported arms to Taiwan. [19982]

**Mr. Freeman:** Pursuant to the answer given on 4 April 1995 by the Minister of State, Foreign and Commonwealth Office, my right hon. Friend the Member for Eddisbury (Mr. Goodlad), *Official Report*, column *981*, the implications for regional security tensions of the supply of defence-related equipment and technology to Taiwan are considered case by case.

### Upholder Submarines

**Dr. David Clark:** To ask the Secretary of State for Defence how many Upholder submarines his Department has provided to Canada on extended loan; which submarines are on loan; what are the conditions of the loan; how much his Department is receiving from the Canadian Government; when the submarines first come into operational use with the Royal Navy; what was the total cost of each submarine; and for how long the submarines will be on loan. [19979]

**Mr. Freeman:** Since the MOD's decision in 1992–93, announced in Command 2270, to withdraw the four Upholder class submarines from RN service we have offered them for sale or lease to friendly or allied countries. We are in discussion with the Canadian Department of National Defence but no decisions have been taken.

The submarines of the Upholder class entered operational RN service as follows:

| *Submarine* | *Commissioning date* |
|---|---|
| HMS Upholder | December 1990 |
| HMS Unseen | July 1991 |
| HMS Ursula | June 1992 |
| HMS Unicorn | July 1993 |

The cost of the Upholder programme at 1993 prices is assessed at approximately £900 million.

### Royal Dockyards

**Dr. David Clark:** To ask the Secretary of State for Defence what is the total amount spent to date for management consultants working on his Department's privatisation plans for the royal dockyards at *(a)* Rosyth and *(b)* Devonport; when he expects to make an announcement concerning the privatisation of the dockyards; what consideration he has given to the future pension provisions of the workers currently employed at the two sites; and if he will make a statement. [19977]

**Mr. Freeman:** During the period between 18 October 1993, when my right hon. and learned Friend the Secretary of State for Defence announced our policy towards the future management of the royal dockyards, *Official Report*, 18 October 1993, columns *39–41*, and 28 March 1995, payments made or outstanding specifically for management consultancy advice given in relation to the proposed privatisation of the dockyards totalled some £3.1 million. Costs attributable to one dockyard or the other cannot be separately identified. Further announcements on the future management of the royal dockyards will be made as and when appropriate, but it is likely to be some months before any final decisions are taken. Full account will be taken of all relevant personnel issues, including those relating to the management and operation of the established dockyard company pension schemes, and consultation will take place as appropriate.

### Phoenix Project

**Dr. David Clark:** To ask the Secretary of State for Defence what steps he is currently taking to test Israeli unmanned surveillance aircraft as an alternative to the Phoenix project. [20060]

**Mr. Freeman:** *[Pursuant to his reply, 5 April 1995, Official Report, c. 1142]:*, the Ministry of Defence has now agreed with GEC-Marconi Avionics an additional programme of work on Phoenix to resolve the remaining technical difficulties and to demonstrate satisfactory system performance. This work is expected to last about one year and, while it is in progress, we will examine potential alternative systems, in case it does not prove practicable to bring Phoenix up to an acceptable standard. Our examination of alternatives has already begun and will cover all systems, including Israeli ones, which are likely to provide a capability that comes reasonably close to the Army's requirement.

## HEALTH

### Temazepam

**Mr. McMaster:** To ask the Secretary of State for Health what is her latest estimate of the number of units of temazepam which are sold in the United Kingdom each year from known manufacturers and suppliers; what is her latest estimate of the number of units of temazepam required for prescription under the national health service during the same period; and if she will make a statement. [19006]

**Mr. Bowis:** Information on the total quantity of temazepam manufactured, held in stock, imported and exported in the United Kingdom is shown in table A. Information on total quantities dispensed in family health services authorities in England is shown in table B.

*Table A: Summary of the 1993 annual returns for temazepam from Schedule 4 Authority holders under the Misuse of Drugs Regulations 1985 in the UK (kilograms)*

| Quantity manufactured | Manufacturers' stocks at 31 December | Imports total | Exports total |
|---|---|---|---|
| 970.200 | 923.039 | 4,505.314 | 1,815.770 |

*Table B:*
*Temazepam dispensing in the family health services authorities in England 1993 (thousands).*

| | Prescription items | Milligrams |
|---|---|---|
| Tablets | 2,765.3 | 1,307,399.5 |
| Capsules | 3,765.9 | 2,066,427.8 |
| Oral preparations | 119.8 | 60,665.5 |
| Total | 6,650.9 | 3,434,493.7 |

Total dispensing in the English FHSAs was therefore 3,434.5 Kilograms.

### Research and Treatment Ratings

**Mrs. Beckett:** To ask the Secretary of State for Health what rating London has for treatment and research in each of the last five years, relative to comparable centres in other countries. [19703]

**Mr. Malone:** Ratings of treatment and research are not undertaken annually in London or in other towns and cities elsewhere in the country. The most recent research review in London, 1993, confined itself to the work of the former postgraduate special health authorities. No formal ratings were issued as a result of that exercise but the report referred to the international quality of much of the research undertaken by these SHAs. A copy of the report is in the Library.

### Cancer Services

**Mr. Congdon:** To ask the Secretary of State for Health what plans she has to improve the provision of cancer care services. [10671]

**Mrs. Virginia Bottomley:** I have received the final report from the chief medical officers' of England and Wales expert advisory group on cancer "A Policy Framework for Commissioning Cancer Services" which sets out a strategic framework for cancer services. Copies of the report have been placed in the Library.

I have accepted the recommendations in that report.

They will provide the catalyst for change. They will, over time, build upon the excellent services already provided in many areas to ensure the delivery of a uniformly high level of cancer care based on a network of expertise covering primary care and secondary care, including the establishment of designated specialist cancer units and cancer centres.

I look to the national health service to make determined progress in this direction, and welcome the fact that many health authorities are already beginning to plan their cancer services around these recommendations.

**Sir John Gorst:** To ask the Secretary of State for Health what plans she has for changes in the cancer treatment services in London; with whom she has consulted on this subject; what proposals exist *(a)* for alterations to the present functioning of the Royal Marsden hospital and *(b)* its closure; and which matters relating to cancer treatment in the London region are to be the subject of public consultation. [19942]

**Mr. Malone:** Proposals for any major changes in the pattern of cancer services in London and for the necessary public consultation are drawn up by local health authorities in discussion with provider units. There are no proposals for changes, or for closures, at the Royal Marsden hospital.

### Waiting Times

**Mrs. Beckett:** To ask the Secretary of State for Health, pursuant to her answer of 28 March, *Official Report*, column *569*, how many patients were waiting for treatment under one year in 1987 and at December 1994. [19810]

**Mr. Malone:** The information is shown in the table.

*Patients waiting for inpatient or day case treatment*

| | *Number waiting under a year* | *Total number awaiting admission* | *Proportion waiting under a year Per cent.* |
|---|---|---|---|
| At 31 December 1987 | 662,469 | 873,130 | 75.9 |
| At 31 December 1994 | 1,017,335 | 1,071,638 | 94.9 |

**Mrs. Beckett:** To ask the Secretary of State for Health what was the average waiting time for an ear, nose and throat appointment in each of the last five years. [19792]

**Mr. Malone:** This information is not available centrally.

### Foetuses

**Mr. Patten:** To ask the Secretary of State for Health what research has been commissioned into whether foetuses feel pain while being aborted. [19746]

**Mr. Sackville:** A report on the subject of sensory development in the human fetus was prepared for the Department in 1988 by Dr. Maria Fitzgerald. A copy was placed in the Library.

### NHS Number

**Mr. Cohen:** To ask the Secretary of State for Health if she will give the Data Protection Registrar an undertaking that the NHS number will not be used for purposes not associated with health care; and if she will make a statement. [20041]

**Mr. Sackville:** Such an undertaking has been given by the Department to the Office of the Data Protection Registrar.

### General and Acute Beds

**Mrs. Beckett:** To ask the Secretary of State for Health how many general and acute beds there were in each region in *(a)* 1993–94 and *(b)* 1994–95: [19811]

**Mr. Sackville:** Regional tables showing the average daily number of available beds in the general and acute sector for 1993–94 are published in "Bed availability for England, Financial Year 1993/94", copies of which are available in the Library. Comparative information for 1994–95 is not yet available.

### Hearing Aids

**Mrs. Beckett:** To ask the Secretary of State for Health if she will list the *(a)* in-ear and *(b)* other hearing aids available on the NHS. [19789]

**Mr. Bowis:** A list of hearing aids available from central contract on the national health service in England via NHS Supplies will be placed in the Library. Hearing aid centres are also free to purchase and supply any other type of hearing aid if considered clinically necessary. Details are not kept centrally.

**Mrs. Beckett:** To ask the Secretary of State for Health what was the average waiting time for a hearing aid clinic in each of the last five years. [19791]

**Mr. Bowis:** This information is not held centrally, but, from April 1995, one of the new standards introduced under the patient's charter is nine out of 10 people can be expected to be seen within 13 weeks when they are referred by their GP to a hospital consultant; everyone is expected to be seen by 26 weeks.

**Mrs. Beckett:** To ask the Secretary of State for Health how many hearing aid clinics there were in the NHS in each of the last five years. [19790]

**Mr. Bowis:** This information is not available centrally.

### Infertility Treatment

**Mrs. Beckett:** To ask the Secretary of State for Health (1) if she will list the health authorities which are not purchasing IVF and GIFT infertility treatments plus the percentage of health authorities not purchasing this service; [19793]

(2) what guidance she has issued on the maximum age a woman should receive infertility treatment on the NHS; and if she will make a statement on health authorities which will not purchase IVF/GIFT treatment for women over the age of 35 years; [19794]

(3) if she will list the NHS centres providing IVF and GIFT in England; [19795]

(4) how many IVF/GIFT process treatments were given on the NHS in each of the last five years. [19746]

**Mr. Sackville:** Information on those health authorities providing IVF and GIFT treatments, the centres in which such treatment is provided, and the number of treatments provided on the national health service in each of the last five years, is not available centrally.

Advice on sub-fertility treatment provision is available to health authorities and clinicians in:

> The Effective Health Care Bulletin on "The Management of Subfertility" (August 1992), published for the NHS management executive by a consortium of Leeds and York universities and the research unit of the Royal College of Physicians.

The Royal College of Obstetricians and Gynaecologists has also published advice in:

> "Infertility—Guidelines for Practice" (RCOG Press 1992)

Copies of both publications are available in the Library.

Local health authorities are responsible for the provision of local health services, including the provision of infertility services. Decisions about the resources to be made available for these services must be left to individual health authorities as they are in the best position to determine priorities in the light of local needs and circumstances.

### Prescriptions

**Mrs. Beckett:** To ask the Secretary of State for Health what guidance she gives for NHS general practitioners treating NHS patients wanting to give a prescription on a private prescription basis because it will be cheaper for the patient. [19798]

**Mr. Malone:** Current guidance was issued on 4 May 1994 under FHSL (94) 26, copies of which are available in the Library.

### Primary Care Budgets

**Mrs. Beckett:** To ask the Secretary of State for Health what is the primary care budget for City and East London family health service authority for *(a)* 1993–94, *(b)* 1994–95, *(c)* 1995–96 and *(d)* 1997–98; and what is the general medical services budget for those years. [19799]

**Mr. Malone:** The level of primary care expenditure in any family health services authority is predominantly demand-led and will depend on the calls placed on services.

### Visits

**Mrs. Beckett:** To ask the Secretary of State for Health if she will list the dates of her visits to *(a)* St. Bartholomew's, *(b)* Queen Elizabeth Children's hospital, *(c)* Hackney, *(d)* the Royal London hospital and *(e)* the London Chest hospital in each year since 1989. [19880]

**Mr. Sackville:** My right hon. Friend the Secretary of State has visited numerous hospitals on various occasions both as Secretary of State and as Minister for Health.

### Private Finance Initiative

**Mrs. Beckett:** To ask the Secretary of State for Health if she will list all the private finance initiatives in the NHS in the last three years greater than £1 million and all those currently proposed for the next three years. [19802]

**Mr. Sackville:** I refer the right hon. Member to the reply I gave the hon. Member for Dulwich (Ms Jowell) on 27 February, at column *420*.

One further project with a capital value greater than £1 million has been approved:

South Thames Region

St. Peter's Hospital NHS trust (Chertsey)—Staff housing redevelopment and management—£5.2 million

The other information requested is not available centrally.

## SOCIAL SECURITY

### Disability Discrimination Bill

**Mr. Berry:** To ask the Secretary of State for Social Security if he will make a statement on the outcome of ministerial discussions with the National Association of Citizens Advice Bureaux on the role of citizens advice bureaux in the enforcement of the provisions of the Disability Discrimination Bill. [19116]

**Mr. Hague:** NACAB is unable to provide the specialist advice service that we propose. However, citizens advice bureaux will still have a role to play as the likely first port of call for many disabled people seeking advice. The Government are considering how best to provide more specialised advice and support, over and above the provision of basic information, to help disabled people secure their right of access to goods and services.

### Income Support

**Mr. Timms:** To ask the Secretary of State for Social Security if he will make it his policy to publish on a monthly basis the numbers of people refused income support because of the habitual residence requirement broken down into *(a)* Benefits Agency districts and *(b)* numbers of British nationals, EEA nationals and others affected. [17879]

**Mr. Roger Evans:** The information requested will be placed in the Library, on a monthly basis, for the year 1995–96, starting in May.

**Mr. Bradley:** To ask the Secretary of State for Social Security what is the supplementary benefit or income support for *(a)* a couple with two children aged six and eight years and *(b)* a lone parent with one child aged six years as a proportion of average earnings for men and women in each year since 1970. [19937]

**Mr. Roger Evans:** The information requested is in the table.

| | *Average earnings* | | *Supplementary Benefit/Income Support scale rates* | | | | |
|---|---|---|---|---|---|---|---|
| | *Couple* | | | | | *Single parent* | |
| | *Men £ per week* | *Women £ per week* | *Applicable amount £ per week* | *Rate as a percentage of average earnings for: Men percentage* | *Women percentage* | *Long term rate applicable Amount £ per week* | *Rate as a percentage of average earnings for: Men percentage* | *Women percentage* |
| November 1970 | 31.50 | 17.40 | 12.10 | 38.4 | 69.5 | 7.50 | 28.8 | 43.1 |
| September 1971 | 34.10 | 19.00 | 13.45 | 39.4 | 70.8 | 8.30 | 24.3 | 43.7 |
| September 1972 | 39.90 | 22.10 | 15.15 | 38.0 | 68.6 | 9.30 | 23.3 | 42.1 |
| October 1973 | 45.10 | 25.20 | 16.55 | 36.7 | 65.7 | 10.60 | 23.5 | 42.1 |
| July 1974 | 51.60 | 30.00 | 19.45 | 37.7 | 64.8 | 13.30 | 25.8 | 44.3 |
| April 1975 | 60.80 | 37.40 | 22.25 | 36.6 | 59.5 | 15.30 | 25.2 | 40.9 |
| November 1975 | 68.10 | 43.20 | 25.25 | 37.1 | 58.4 | 17.45 | 25.6 | 40.4 |
| November 1976 | 76.30 | 49.30 | 29.35 | 38.5 | 59.5 | 20.05 | 26.3 | 40.7 |
| November 1977 | 83.30 | 53.40 | 33.45 | 40.2 | 62.6 | 22.85 | 27.4 | 42.8 |
| November 1978 | 95.50 | 59.80 | 35.85 | 37.5 | 59.9 | 25.20 | 26.4 | 42.1 |
| November 1979 | 114.48 | 71.90 | 42.20 | 36.9 | 58.7 | 29.95 | 26.2 | 41.7 |
| November 1980 | 136.30 | 88.10 | 49.20 | 36.1 | 55.8 | 34.45 | 25.3 | 39.1 |
| November 1981 | 150.50 | 96.80 | 53.55 | 35.6 | 55.3 | 37.50 | 24.9 | 38.7 |
| November 1982 | 162.00 | 104.60 | 59.20 | 36.5 | 56.6 | 41.45 | 25.6 | 39.6 |
| November 1983 | 176.40 | 115.40 | 61.80 | 35.0 | 53.6 | 43.25 | 24.5 | 37.5 |
| (4) | 175.80 | 115.50 | | 35.2 | 53.5 | | 24.6 | 37.4 |
| November 1984 | 187.70 | 123.20 | 64.75 | 34.5 | 52.6 | 45.30 | 24.1 | 36.8 |
| November 1985 | 200.90 | 132.50 | 68.05 | 33.9 | 51.4 | 47.60 | 23.7 | 35.9 |
| July 1986 | 212.60 | 140.60 | 68.80 | 32.4 | 48.9 | 48.10 | 22.6 | 34.2 |
| April 1987 | 224.00 | 148.10 | 70.15 | 31.3 | 47.4 | 49.05 | 21.9 | 33.1 |
| April 1988 | 245.80 | 164.20 | 79.10 | 32.2 | 48.2 | 54.00 | 22.0 | 32.9 |
| (2) | | | | | | | | |
| April 1989 | 269.50 | 182.30 | 84.80 | 31.5 | 46.5 | 57.05 | 21.2 | 31.3 |
| April 1990 | 295.60 | 201.50 | 89.65 | 30.3 | 44.5 | 60.50 | 20.5 | 30.0 |
| April 1991 | 318.90 | 222.40 | 96.90 | 30.4 | 43.6 | 65.40 | 20.5 | 29.4 |
| October 1991 | 328.30 | 230.70 | 98.15 | 29.9 | 42.5 | 66.40 | 20.2 | 28.8 |
| April 1992 | 340.10 | 241.10 | 105.00 | 30.9 | 43.6 | 71.05 | 20.9 | 29.5 |

| | Average earnings | | Supplementary Benefit/Income Support scale rates | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Couple | | | Single parent | | |
| | Men £ per week | Women £ per week | Applicable amount £ per week | Rate as a percentage of average earnings for: Men percentage | Women percentage | Long term rate applicable Amount £ per week | Rate as a percentage of average earnings for: Men percentage | Women percentage |
| April 1993 | 353.50 | 252.60 | 108.75 | 30.8 | 43.1 | 73.60 | 20.8 | 29.1 |
| April 1994 | 362.10 | 261.50 | 113.05 | 31.2 | 43.2 | 76.50 | 21.1 | 29.3 |
| April 1995 | | | 115.15 | | | 77.90 | | |

*Notes:*

1. For supplementary benefit it has been assumed for the couple that the ordinary scale rate for a married couple is in payment and for the lone parent that the long-term rate for a single householder is in payment. Appropriate child additions have been included for each family type but no additional requirements have been allowed for.
2. Income support replaced supplementary benefit in 1988. Entitlement for each family type includes appropriate personal and child allowances plus premiums. However, income support personal allowances and supplementary benefit scale rates are not entirely comparable. For example, income support includes an element for water charges whereas under supplementary benefit these could be met in full via the rate rebate scheme. No account has been taken of this.
3. Average earnings are for all occupations for full-time rates of pay and are taken from the new earnings survey.
4. Up to 1983 the earnings data relate to full-time workers aged 21 and over whose earnings are unaffected by absence. From 1983 the data are in respect of all full time workers on adult rates whose earnings are unaffected by absence.

## Housing Benefit

**Mr. Elletson:** To ask the Secretary of State for Social Security if he will list those authorities in which there have been inquiries into fraudulent claims for housing benefit in the last four years; and if he will make a statement. [19089]

**Mr. Roger Evans:** This information is not available. However, since April 1993, 447—96 per cent.—of local authorities achieved benefit savings as a result of their anti-fraud activities. Information for earlier years is not available.

**Mr. Elletson:** To ask the Secretary of State for Social Security what has been the number of tenants in *(a)* the private rented sector, *(b)* council housing and *(c)* housing association properties receiving housing benefit in Blackpool in the last four years; and what has been the total expenditure in each category for the last four years. [19090]

**Mr. Roger Evans:** The available information is set out in the tables:

| | Housing Benefit caseload in Blackpool | | |
|---|---|---|---|
| | Council tenants | Private tenants | Housing association tenants |
| November 1991 | 4,780 | 5,790[1] | — |
| November 1992 | 4,940 | 6,850 | 220 |
| November 1993 | 4,870 | 7,610 | 360 |
| November 1994 | 4,890 | 8,330 | 450 |

*Source:*

Housing benefit management information system.

[1] Includes housing association tenants—separate figures were not collected until 1992.

| | Housing Benefit expenditure in Blackpool £ thousands | |
|---|---|---|
| | Council Tenants | Private Tenants |
| 1990–91 | 5,549 | 9,720 |
| 1991–92 | 6,106 | 13,122 |

| | Housing Benefit expenditure in Blackpool £ thousands | |
|---|---|---|
| | Council Tenants | Private Tenants |
| 1992–93 | 6,443 | 17,891 |
| 1993–94 | 7,251 | 23,604 |

*Sources:*

Final audited claims supplied to the Department of Social Security and the Department of the Environment.

*Note:*

Housing association tenant expenditure is not separately identified.

## Allowances

**Mr. David Shaw:** To ask the Secretary of State for Social Security if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19563]

**Mr. Hague:** The information requested regarding the subsistence for travel within the United Kingdom for the last three complete years—1991–92 to 1993–94—is set out in table 1.

The information available in respect of travel outside the United Kingdom does not separately identify subsistence allowances. The figures which are set out in table 2 combine both subsistence and travel expenditure.

*Table 1: Total amounts paid in subsistence allowances for travel within the United Kingdom 1991–92 to 1993–94*

| | 1991–92 £ | 1992–93 £ | 1993–94 £ |
|---|---|---|---|
| DSS Headquarters | 1,343,851 | 1,280,262 | 533,543 |
| Resettlement Agency | 45,389 | 44,223 | 36,733 |
| Information Technology Services Agency | 1,620,666 | 1,916,164 | 1,850,215 |
| Benefits Agency | 7,847,215 | 8,293,722 | 9,571,991 |
| Contributions Agency | 1,185,412 | 1,195,050 | 1,299,541 |
| Child Support Agency | n/a | 986,291 | 1,359,355 |
| War Pensions Agency | n/a | n/a | 174,935 |

*Table 2: Total amounts paid in respect of travel and subsistence expenses for travel outside the United Kingdom 1991–92 to 1993–94*

| | 1991–92 £ | 1992–93 £ | 1993–94 £ |
|---|---|---|---|
| DSS Headquarters | 205,482 | 202,253 | 158,661 |
| Resettlement Agency | — | — | — |
| Information Technology Services Agency | 121,084 | 174,274 | 53,119 |
| Benefits Agency | 102,447 | 62,517 | 57,346 |
| Contributions Agency | — | 12,960 | 31,838 |
| Child Support Agency | — | 8,988 | — |
| War Pensions Agency | — | — | 47,198 |

**Mr. David Shaw:** To ask the Secretary of State for Social Security if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19676]

**Mr. Hague:** The information requested is not available in the form requested. Such information as is available is shown in the table.

*(a) The total hours of overtime worked for which payment has been made*

| | 1991–92 | 1992–93 | 1993–94 |
|---|---|---|---|
| Benefits Agency | 3,864,600 | 6,948,566 | 7,931,265 |
| Contributions Agency | 727,700 | 1,157,841 | 1,377,158 |
| Information Technology Services Agency | 684,000 | 865,469 | 872,575 |
| Resettlement Agency | 182,400 | 127,680 | 69,331 |
| Child Support Agency | — | 219,849 | 581,248 |
| War Pensions Agency | — | — | 165,908 |
| DSS Headquarters (including Independent Statutory Bodies) | 96,900 | 147,915 | 211,679 |

*Note:*
Information the for 1994–95 financial year is not yet available.

*(b) The total amount paid in overtime*

| | 1991–92 £ | 1992–93 £ | 1993–94 £ |
|---|---|---|---|
| Benefits Agency | 38,580,280 | 68,698,887 | 78,813,332 |
| Contributions Agency | 6,447,459 | 10,932,640 | 13,218,419 |
| Information Technology Services Agency | 7,676,364 | 10,450,258 | 11,757,973 |
| Resettlement Agency | 1,926,467 | 1,499,389 | 1,201,128 |
| Child Support Agency | — | 2,435,672 | 6,109,314 |
| War Pensions Agency | — | — | 1,539,214 |
| DSS Headquarters (inc. Independent Statutory Bodies) | 1,011,602 | 1,554,420 | 2,044,600 |

*Note:*
Information for the 1994–95 financial year is not yet available.

*(c) The total time in days lost through sickness in 1992 and 1993 calendar years*

| | 1992 | 1993 |
|---|---|---|
| Benefits Agency | 610,476 | 887,948 |
| Contributions Agency | 76,727 | 108,361 |
| Information Technology Services Agency | 28,602 | 39,348 |
| Resettlement Agency | 3,844 | 4,657 |

*(c) The total time in days lost through sickness in 1992 and 1993 calendar years*

| | 1992 | 1993 |
|---|---|---|
| Child Support Agency | — | 35,554 |
| DSS Headquarters | 40,746 | 29,212 |

*Notes:*
1.Information is not available to calculate with accuracy the monetary equivalent.
2.Information for 1994 is not yet available

## Advisers

**Ms Eagle:** To ask the Secretary of State for Social Security how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19416]

**Mr. Hague:** The Department has one political adviser who is employed in the salary range of £19,503 to £67,609. Salaries are negotiated in relation to previous earnings and details of amounts paid to particular individuals are confidential.

*Economic advice is given by career civil servants and the information requested is as follows:*

| Grade | Number | Salary range £ |
|---|---|---|
| 7 | 9 | 25,837–40,012 |
| 6 | 1 | 29,482–48,879 |
| 5 | 2 | 38,341–56,953 |

*Note:*
Minimum working hours in all cases are 41 per week including lunch breaks.

## Child Benefit

**Mr. Bradley:** To ask the Secretary of State for Social Security what was the real value of benefits for children for a standard rate tax-paying family in each year since 1970. [19941]

**Mr. Burt:** The information requested is in the table.

From 1970 to 1976, provision for children was in the form of child tax allowances and family allowance. Family allowance was not payable for the first child and the tax allowances were age-related. Between 1977 and 1978, child tax allowances were phased out as child benefit, which replaced family allowance was phased in. From 1979 the figures in the table represent child benefit only.

*Value (£s per week) of Child Benefit/Family Allowance/Child Tax Allowances for a Standard Rate Tax Payer in line with April 1995 Benefit Rates*[1]

| Tax year from 6 April | | [2]Eldest child | [2]2nd child |
|---|---|---|---|
| 1970 | | 10.32 | 13.23 |
| 1971 | | 11.01 | 13.90 |
| 1972 | | 10.36 | 13.08 |
| 1973 | | 9.49 | 11.86 |
| 1974 | | 10.44 | 12.48 |
| 1975 | | 9.10 | 13.30 |
| 1976 | | 9.16 | 12.69 |
| 1977 | | 8.59 | 9.01 |
| 1978 | April—November | 9.84 | 6.76 |
| | November—March | 11.43 | 8.47 |
| 1979 | November—March | 10.68 | 10.68 |

*Value (£s per week) of Child Benefit/Family Allowance/Child Tax Allowances for a Standard Rate Tax Payer in line with April 1995 Benefit Rates*[1]

| *Tax year from 6 April* | | *[2]Eldest child* | *[3]2nd child* |
|---|---|---|---|
| 1980 | April—November | 8.77 | 8.77 |
| | November—March | 9.91 | 9.91 |
| 1981 | April—November | 9.30 | 9.30 |
| | November—March | 9.79 | 9.79 |
| 1982 | April—November | 9.39 | 9.39 |
| | November—March | 10.26 | 10.26 |
| 1983 | April—November | 10.06 | 10.06 |
| | November—March | 10.87 | 10.87 |
| 1984 | April—November | 10.63 | 10.63 |
| | November—March | 10.92 | 10.92 |
| 1985 | April—November | 10.48 | 10.48 |
| | November—March | 10.58 | 10.58 |
| 1986 | April—July | 10.39 | 10.39 |
| | July—March | 10.56 | 10.56 |
| 1987 | | 10.33 | 10.33 |
| 1988 | | 9.94 | 9.94 |
| 1989 | | 9.20 | 9.20 |
| 1990 | | 8.40 | 8.40 |
| 1991 | April—October | 8.99 | 7.90 |
| | October—March | 9.93 | 8.05 |
| 1992 | | 10.08 | 8.15 |
| 1993 | | 10.31 | 8.35 |
| 1994 | | 10.26 | 8.30 |
| 1995 | | 10.40 | 8.45 |

[1]Using the RPI (All items) Index as at September 1994.
[2] Assumes that child is over 16 for tax purposes.
[3]Assumes that child is aged 11–15 for tax purposes.
*Note:*
Figures assume that full advantage is taken of the child tax allowance.

## Child Support Agency

**Ms Lynne:** To ask the Secretary of State for Social Security what proportion of absent parents deemed by the Child Support Agency to be paying child support maintenance for the first time live in the same household as the child for whom child support maintenance has been arranged. [18822]

**Mr. Burt:** The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

*Letter from Ann Chant to Ms Liz Lynne, dated 20 April 1995:*

I am replying to your recent Parliamentary Question to the Secretary of State for Social Security about the number of absent parents who live in the same household as the qualifying child.

There is no liability for child maintenance where parents live in the same household, but we estimate that 6 per cent of absent parents who have had a maintenance assessment arranged by the Agency have the same postal address as the parent with care.

I hope this is of help.

# Written Answers to Questions

*Monday 24 April 1995*

## HEALTH

### Pay Offers

**Mr. Madden:** To ask the Secretary of State for Health if she will list by region all health trusts for which she has departmental responsibility showing *(a)* pay offers made, to date, to staff covered by national pay review machinery and *(b)* in how many cases pay offers are linked with financial penalties for unjustified absence; and if she will make a statement. [19044]

**Mr. Malone:** The Review Body for Nursing Staff, Midwives, Health Visitors and Professions Allied to Medicine recommended that there should be local negotiations on pay in addition to a 1 per cent. increase in national rates of pay and similar offers have been made to most staff groups covered by negotiations in various Whitley councils. Negotiations on local pay are a matter for individual national health service trusts but I understand that in some 120 NHS trusts which have made offers about 75 per cent. are of around 3 per cent. overall.

**Mrs. Beckett:** To ask the Secretary of State for Health what percentage of trusts have made formal pay offers of 3 per cent. or more. [20619]

**Mr. Malone:** Negotiations on local pay are a matter for individual national health service trusts but I understand that in some 120 NHS trusts which have made offers about 75 per cent. are of around 3 per cent. overall.

### Centre for Epilepsy

**Mr. Cohen:** To ask the Secretary of State for Health if she will make a statement on the future of the Centre for Epilepsy in relation to the re-organisation of neurosciences at the Kings Healthcare trust in the south-east [20056]

**Mr. Malone:** The Centre for Epilepsy has a positive future as part of the major new neurosciences centre being developed at King's College hospital, announced on 4 April. King's Healthcare trust will be working with the centre to relocate its facilities to purpose-built accommodation on the main Denmark hill site.

### Executive Letters

**Ms Primarolo:** To ask the Secretary of State for Health what consultation was undertaken before issuing executive letter EL(95)5 on purchasing home-based hospital care. [20255]

**Mr. Malone:** The Department consulted representatives of health authorities and national health service trusts and informed a number of bodies representing clinicians and patients before issuing EL(95)5.

### Rehabilitation Equipment

**Ms Lynne:** To ask the Secretary of State for Health what representations she has received claiming a conflict of interest or unfair competition in respect of the practice of local and health authorities in granting the procurement and servicing of rehabilitative equipment to a manufacturer or supplier of such equipment. [20260]

**Mr. Sackville:** Representations have been received from a supplier of disability aids alleging a conflict of interest within the industry. This claim is being considered.

### Psychologists

**Ms Lynne:** To ask the Secretary of State for Health what assessment she has made of the adequacy of the steps taken to ensure that enough professional clinical psychologists are available to meet the demands of care in the community. [20258]

**Mr. Bowis:** It is for local employers to determine the staff needed to deliver the services that they have contracted to provide. Since 1991, the number of clinical psychologists employed by national health service trusts and the number of training places commissioned on their behalf by regional health authorities has continued to increase to meet the growing demand for clinical psychologists. Officials from the NHS executive and from regional health authorities meet regularly with representatives from the British Psychological Society to review progress.

### GP Fundholding

**Mrs. Beckett:** To ask the Secretary of State for Health if she will make a statement on the four-partner practice at Hornsey Rise health centre, a first-wave fundholder, which is leaving the scheme. [20621]

**Mr. Malone:** It is regrettable that this practice feels unable to continue within fundholding, but the strength of fundholding is its voluntary nature. The fact is, however, that many more general practitioners are opting to enter the scheme, taking the population covered by a general practitioner fundholder to over 42 per cent.

### Ministerial Meetings

**Mrs. Beckett:** To ask the Secretary of State for Health how many meetings there have been in *(a)* 1994–95, *(b)* 1993–94, *(c)* 1992–93 and *(d)* 1991–92 between herself, a health Minister or parliamentary private secretaries and representatives of private health insurance companies; and if she will make a statement on the content of these discussions. [20625]

**Mr. Sackville:** There have been numerous meetings to discuss a range of topics relevant to private medical insurance, including taxation policy, long-term care and advertising. The available information is shown in the table.

| Date | Minister | Company |
|---|---|---|
| 1 September 1993 | Secretary of State | Private Patients Plan |
| 9 November 1993 | Parliamentary Under Secretary of State for Health—Mr. Sackville | Private Patients Plan |
| 22 November 1993 | Parliamentary Under Secretary of State for Health—Mr. Sackville | Norwich Union |
| 23 November 1993 | Parliamentary Under Secretary of State for Health—Mr. Bowis | Association of British Insurers |
| 12 January 1994 | Parliamentary Under Secretary of State for Health—Mr. Sackville | Association of British Insurers |
| 14 March 1994 | Parliamentary Under Secretary of State for Health—Mr. Bowis | Prudential |
| 12 July 1994 | Secretary of State | Association of British Medical Insurers |
| 31 October 1994 | Minister for Health—Mr. Malone | BUPA |
| 15 February 1995 | Secretary of State | Association of British Insurers |
| 6 March 1995 | Secretary of State | Association of British Insurers |
| 31 March 1995 | Minister for Health—Mr. Malone | Norwich Union |

### Appeals

**Mrs. Beckett:** To ask the Secretary of State for Health how many doctors under notice of dismissal are awaiting appeal to her; and for how long they have been waiting. [20620]

**Mr. Malone:** Doctors subject to paragraph 190 of the national health service terms and conditions of service may appeal to my right hon. Friend the Secretary of State for Health if they consider that their appointment has been unfairly terminated for reasons other than personal misconduct. Appeals are determined by my right hon. Friend the Secretary of State in the light of advice from a professional committee. Six appeals are awaiting determination: four were lodged within the last 12 months, one in June 1993 and one in September 1993.

### Private Facilities

**Mrs. Beckett:** To ask the Secretary of State for Health if she will make a statement on the policy of patients in casualty being asked whether they will go into private facilities within that hospital. [20624]

**Mr. Sackville:** It is for the individual patient or their guardian to request private medical treatment. No pressure should be placed on patients in accident and emergency departments to be treated privately.

**Mrs. Beckett:** To ask the Secretary of State for Health if she will give the number of acute private beds in England in 1993–94 in *(a)* NHS facilities and *(b)* in total. [20626]

**Mr. Sackville:** This information is not available centrally.

### GP Appointments

**Mr. Austin-Walker:** To ask the Secretary of State for health what representations she has received regarding the procedures for appointment of general practitioners to vacant practices; and if she will make a statement. [20535]

**Mr. Malone:** We have received representations on various aspects of the general practitioner appointments procedures from both the profession and the national health service. In response to that, we amended regulations on 1 April 1994 to allow family health services authorities to readvertise vacancies up to three times where the aggregated number of applications was fewer than 20. We will continue to consider any further representations that are received.

### Healthcall

**Mrs. Beckett:** To ask the Secretary of State for Health if she will give the cost so far to the NHS of legal actions taken by Healthcall against family health service authorities. [20622]

**Mr. Malone:** None.

### Queen Elizabeth Military Hospital

**Mr. Austin-Walker:** To ask the Secretary of State for health if civilian staff currently employed by the Ministry of Defence at Queen Elizabeth military hospital will be offered employment on their current terms and conditions within the NHS when the hospital becomes a civilian NHS hospital; and if she will make a statement. [20533]

**Mr. Malone:** This is a matter for Greenwich Healthcare trust in consultation with interested parties. I understand that the hon. Member has already written to the trust, which will reply direct to him.

### Patient Calls

**Mrs. Beckett:** To ask the Secretary of State for Health what plans she has to require deputising services medically to triage calls from patients in the same manner as general practitioners. [20623]

**Mr. Malone:** None.

### Extra-contractual Referrals

**Mrs. Beckett:** To ask the Secretary of State for Health in each of the last four years what were the number and total cost of extra-contractual referrals requested from each district health authority, and in total; and what were the number and total cost of such referrals approved by each district health authority. [20627]

**Mr. Malone:** Information on the number of extra-contractual referrals requested and approved by health authorities is not available centrally.

### Income Generation

**Mr. Milburn:** To ask the Secretary of State for Health if she will itemise how much income has been received by NHS bodies since the introduction of the income generation initiative. [20404]

**Mr. Sackville:** Information is contained in the annual national health service national summary accounts, copies of which are available in the Library and which set out income receipts by health authorities and trusts under a number of headings.

### Nurses' Pay

**Mr. David Shaw:** To ask the Secretary of State for Health if she will make a statement on the methods by which nurses' pay has been determined between 1974 and 1995 [17561]

**Mr. Malone:** For the period 1974 to 1983 nurses' pay was negotiated between the sides of the Nurses and Midwives Whitley council. In July 1983 the independent Review Body for Nursing Staff, Midwives, Health Visitors and Professions Allied to Medicine was set up to advise my right hon. Friend the Prime Minister on remuneration. Since the review body was established all 12 reports have been accepted in full by the Government. Settlement levels over the period to 1994 increased by over 130 per cent. in a period when inflation rose by less than 69 per cent.

### Patient Transfer (Kent to Southampton)

**Mr. Austin-Walker:** To ask the Secretary of State for Health what plans she has to publish the report on the transfer of a patient from Maidstone to Southampton referred to in the report of south Thames region concerning the transfer of a patient from Queen Mary's hospital, Sidcup to Leeds. [20534]

**Mr. Sackville:** Mid Kent Healthcare national health service trust published the detailed conclusions and an action plan arising from its investigation of this incident on 5 April.

## LORD CHANCELLOR'S DEPARTMENT

### Public Appointments

**Mr. Boateng:** To ask the Parliamentary Secretary, Lord Chancellor's Department, pursuant to his answer of 5 April, *Official Report*, columns *1174-75*, concerning public appointments, if he will list the names and positions of the four people who have been appointed in consultation with the Prime Minister and the name of the person appointed in consultation with the Government Chief Whip. [20317]

**Mr. John M. Taylor:** The four people appointed in consultation with the Prime Minister were:

Lord Griffiths, MC, as chairman of the Advisory Committee on Legal Education and Conduct in October 1990;

Lord Justice (now Lord) Steyn as chairman of the Advisory Committee on Legal Education and Conduct in October 1993;

Lord Archer of Sandwell as chairman of the Council on Tribunals in November 1992; and

Sir Tim Chessells as member of the Legal Aid Board in January 1995 and as chairman from May 1995.

Mr. David Sumberg MP was appointed to the Advisory Council on Public Records in November 1992 in consultation with the Government Chief Whip.

A Member of Parliament from each of the main parties serves on the Advisory Council on Public Records, but only Mr. Sumberg was appointed in the period covered by the question.

**Mr. Boateng:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the current total number of positions held and the number of new appointments, retirements and resignations in the last five years with respect to *(a)* the Judicial Committee of the House of Lords, *(b)* the Court of Appeal, *(c)* the High Court Bench, *(d)* the Circuit Bench, *(e)* the Industrial Tribunal, *(f)* the social security appeal tribunal, *(g)* the immigration appeals tribunal and *(h)* valuation tribunals. [20318]

**Mr. John M. Taylor:** The information relating to the numbers of full-time office holders in post as at 19 April 1995 and to the numbers of appointments, retirements and resignations of full-time office holders in the five-year period between 19 April 1990 and 19 April 1995 is set out in the table.

| | *In post 19 April 1995* | *Appointments 19 April 1990 to 19 April 1995* | *Retirements 19 April 1990 to 19 April 1995* | *[1]Resignations 19 April 1990 to 19 April 1995* |
|---|---|---|---|---|
| Law Lords | 12 | 9 | 7 | 0 |
| Heads of Division including Lord Chancellor | 5 | 4 | 2 | 0 |
| Court of Appeal | 32 | 20 | 9 | 0 |
| High Court Bench | 95 | 55 | 16 | 0 |
| Circuit Bench | 516 | 222 | 108 | 1 |
| Industrial Tribunal including President[2] | 83 | 48 | 39 | 0 |
| Social Security Appeals Tribunal including President[2] | 41 | 26 | 3 | 2[3] |
| Immigration Appeals Tribunals including President | 3 | 1 | 1 | 0 |
| Leasehold Valuation Tribunals | [4]— | | | |

[1] Resignations: those who retire without being entitled to an immediate pension.
[2] These President also hold Circuit Bench posts.
[3] Presidents who returned to full time Circuit Bench posts.
[4] no full-timeposts

## ENVIRONMENT

### Road-side Advertising

**Mr. Galbraith:** To ask the Secretary of State for the Environment what plans he has to alter the planning law on road-side advertising; and if he will make a statement. [19748]

**Sir Paul Beresford:** My right hon. Friend has no plans to amend the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 controlling road-side advertising. My right hon. Friend the Secretary of State for Transport is consulting publicly on proposed changes to the Traffic Signs Regulations and General Directions 1994 with regard to traffic signs for tourist destinations and facilities.

### Swinden Quarry

**Mr. Bayley:** To ask the Secretary of State for the Environment what representations he has received about the proposed extension of Swinden quarry at Cracoe in the Yorkshire Dales national park; and whether he intends to call in and review the planning decision on this matter. [19752]

**Sir Paul Beresford:** The Secretary of State has received approximately 70 representations from a wide range of organisations and individuals; a petition has also been received.

In exercise of his powers under article 14 of the Town and Country Planning Act General Development Order 1988, the Secretary of State has directed the planning authority not to grant planning permission on this application without specific authorisation.

This direction has been issued to enable the Secretary of State to consider whether he should direct under section 77 of the Town and Country Planning Act 1990 that the application should be called in for his own decision. No decision has yet been reached.

### Car Ban, Athens

**Mr. Flynn:** To ask the Secretary of State for the Environment if he will obtain regular reports on the environmental effects of the ban on private cars in the centre of Athens and consider the implications for traffic policy in British cities. [19988]

**Sir Paul Beresford:** I am advised that the Athens experiment is scheduled to last three months. I will study reports as and when they become available.

### Government Office for London

**Mr. Corbyn:** To ask the Secretary of State for the Environment what is the total staffing level of the Government office for London. [20237]

**Sir Paul Beresford:** Three hundred and thirty-seven.

### Subsidence

**Mr. Don Foster:** To ask the Secretary of State for the Environment what assessment his Department has made of the effects of subsidence on housing in mining areas caused by mining operations in the last 10 years; what action his Department has taken to limit the effects of subsidence on housing in mining areas caused by mining operations; and how many letters he has received concerning subsidence on housing in mining areas. [19835]

**Sir Paul Beresford** *[holding answer 19 April 1995]:* My Department has carried out a number of general assessments of mining subsidence in the last 10 to 15 years under the planning research programme and derelict land grant. The *Review of mining instability in Great Britain*, published in 1992, gave a broad general picture of the extent of mining in Great Britain and its effects on land use and development; regional, technical and case study reports provide a concise summary of the mining and mining-related subsidence events and the methods of investigation, monitoring and remedial measures that are available. In addition, specific assessments have been made in a number of areas such as the black country, the Wrekin district of Shropshire, south Wales and Norwich.

Derelict land grant has also been used to fund investigations and remedial measures, principally the limestone mines of the black country but also in the sand mines in West Yorkshire and Surrey, chalk mines in Norwich, Reading and Bury St. Edmunds, metal mines in Cornwall and Shropshire, salt mines in Cheshire and stone mines in Bath.

Planning guidance issued in 1990 advised local planning authorities and developers of the need to take account of the possibility of subsidence when considering all development in past, present and future mining areas.

There is no central record of the number of letters received concerning subsidence on housing in mining areas.

## OVERSEAS DEVELOPMENT ADMINISTRATION

### Tanzania (Aid)

31. **Mr. Fraser:** To ask the Secretary of State for Foreign and Commonwealth Affairs what aid is being given to Tanzania to cope with the influx of refugees from Rwanda. [18656]

**Mr. Baldry:** In addition to the substantial and continuing bilateral emergency aid that we have been providing for Rwandan refugees in Tanzania, we are also seeking to help local affected Tanzanians. We are designing a project with Help Age International to support Tanzanian elderly and disabled people in the region.

### South Africa

32. **Mr. Hain:** To ask the Secretary of State for Foreign and Commonwealth Affairs what aid provision is being made for the development of sport in South African townships. [18757]

**Mr. Baldry:** We are currently funding, in conjunction with the British Council, an initiative with the United Kingdom Sports Council to develop sports administration and coaching, and we are about to embark, with Voluntary Service Overseas, on a two-year sports development pilot programme. Both projects are aimed specifically at disadvantaged communities in the townships and rural areas.

### Aid Targeting

33. **Mrs. Anne Campbell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what measures he is taking to ensure that aid is targeted towards those people most in need. [18758]

**Mr. Baldry:** The whole of the aid programme already has a strong poverty focus. In 1993–94 over two thirds of our bilateral aid went to the poorest developing countries. We are increasing our assistance through non-governmental organisations and have strengthened our capacity to design and implement projects of direct benefit to the poor.

### Kenya

34. **Mr. Waterson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what level of aid

is currently given to Kenya; and if he will make a statement. [18759]

**Mr. Baldry:** British bilateral aid to Kenya amounted to £31.3 million in 1993–94, the last year for which figure are available.

### Bilateral Debt Commitments

35. **Mr. Eastham:** To ask the Secretary of State for Foreign and Commonwealth Affairs what additional resources the Overseas Development Administration is making available to severely indebted countries to help them meet their bilateral debt commitments. [18761]

**Mr. Baldry:** Aid is not used to finance bilateral debt commitments directly. However, the United Kingdom has converted £1.1 billion of bilateral aid to grants and links its programme aid to adjustment programmes, which often involve rescheduling of other bilateral debt.

### Liberia

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment his Department has made of current humanitarian needs of Liberia; what is being done by the international community to meet those needs; and what is Britain's contribution. [19915]

**Mr. Baldry:** We are closely monitoring the situation in Liberia and remain ready to consider further support. The UN is seeking US$65.3 million this year for emergency relief programmes which can be implemented under existing security constraints.

We have provided £500,000 in response to this appeal to agencies working in the agriculture, food security and health sectors, thereby increasing our emergency aid to Liberia to over £900,000 since April 1994.

### Nepal

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what British aid is being given to Nepal for forestry projects, designed to ameliorate flooding. [18963]

**Mr. Baldry:** British aid for forestry in Nepal addresses two main issues. Through our community forestry project we are helping the Government of Nepal to develop a community-based approach to sustainable forest management for the benefit of people living in the hills. At the same time, our support for forestry research is helping to provide the information needed to develop and improve sustainable forest management interventions. Neither project is designed primarily to ameliorate flooding but both will help by slowing water run off and reducing soil erosion in the hills of Nepal.

### Afghan Refugees (Pakistan)

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs what additional bilateral aid Her Majesty's Government intend to make available to the Government of Pakistan from September when UNHCR stops all funding of Afghanistan refugees in Pakistan, including food and schools; what discussions Her Majesty's Government are undertaking with EU states to assist Pakistan in supporting Afghan refugees, including the supply of wheat; and if he will make a statement. [19989]

**Mr. Baldry:** Our assistance to Afghan refugees is channelled through NGOs and international agencies, rather than through the Pakistan Government. In the past year we have provided approximately £3 million for Afghan refugees in Pakistan, and in March 1995 we provided £1.28 million of food aid through CARE for relief programmes inside Afghanistan. We will consider further contributions during the course of the year.

The EU has for many years been one of the main providers of food aid for refugees in Pakistan and those returning to Afghanistan. A joint UNHCR—World Food Programme food assessment mission arrived in Pakistan on 21 April. It will discuss its findings with representatives of donors, including EU member states, in Islamabad.

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations were made by Her Majesty's Government against decisions by UNHCR to reduce and, from September, to stop all aid to refugees from Afghanistan in Pakistan except to those families deemed vulnerable; and what representations were made by Her Majesty's Government against a decision to stop funding all schools for Afghan refugee children in Pakistan from September. [19987]

**Mr. Baldry:** UNHCR has made no decision to stop all funding of Afghan refugees in Pakistan, including food and schools, from September.

However, last year's joint UNHCR—World Food Programme food assessment mission concluded that the across-the-board care and maintenance programme should not continue after 30 September 1995. Aid will continue to be targeted at those most in need, the food assessment mission having found that many Afghan refugees in Pakistan were self-reliant and enjoyed a higher economic and nutritional status than rural Pakistanis. This year's food assessment mission is due to review the situation about now. We and other donors support the view that more UNHCR emphasis should be placed on rehabilitation efforts inside Afghanistan in order to encourage refugees to return home.

UNHCR has no plans to cease primary education for all Afghan refugee children in Pakistan.

### Desertification Convention

**Mr. Dafis:** To ask the Secretary of State for Foreign and Commonwealth Affairs what obstacles there are for the ratification of the desertification convention by the United Kingdom. [19807]

**Mr. Baldry** *[holding answer 21 April 1995]:* We intend to ratify in concert with other EU and OECD countries in the light of further progress in the intergovernmental negotiating committee on various provisions of the convention, including administrative arrangements.

### Tropical Rainforests

**Mr. Dafis:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made

of the principal reasons for the general failure of initiatives taken so far, including the tropical forestry action plan and the International Tropical Timber Organisation, not to prevent the destruction of tropical rainforests. [19803]

**Mr. Baldry** *[holding answer 21 April 1995]:* Much forest loss is caused by local land use pressures which are not subject to resolution through international initiatives. TFAP and ITTO have assisted and encouraged Governments to develop and implement sustainable forest management policies in their own countries, but they cannot replace the overriding importance of national action and local political commitment.

**Mr. Dafis:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the willingness or otherwise of the British public to pay, through taxation, for additional measures to conserve tropical rainforests. [19806]

**Mr. Baldry** *[holding answer 21 April 1995]:* Sustainable management of tropical rainforests is principally the responsibility of the Governments of the countries in which they occur. It is not evident that measures taken by them would be directly assisted by taxation levied in the United Kingdom. In due course, producer countries might aim to fund forest conservation partly from a premium on tropical timber certified as being from a sustainable source, but there are differing views on the willingness of consumers to pay such premiums.

**Mr. Dafis:** To ask the Secretary of State for Foreign and Commonwealth Affairs what is the United Kingdom Government's policy regarding the involvement of the UN Food and Agriculture Organisation in the issue of tropical rainforest conservation. [19805]

**Mr. Baldry** *[holding answer 21 April 1995]:* FAO is responsible within the UN system for forest issues and has considerable expertise in forestry. We believe that FAO should increase the proportion of its existing resources which it devotes to assisting the sustainable development and conversation of forests.

## SOCIAL SECURITY

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Social Security, how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19367]

**Mr. Hague:** In the first three months of 1995; 32 statutory instruments were laid, not including commencement orders, Orders in Council and instruments not subject to parliamentary procedure, of which five introduced new regulatory requirements which had costs for business. Compliance cost assessments were published and copies have been placed in the Library. These statutory instruments also repealed eight rules and regulations.

### Competitive Tendering

**Mrs Ann Taylor:** To ask the Secretary of State for Social Security how many competitive tendering exercises carried out by his Department in each of the last two years were caught by the provisions of the public services directive but were not subsequently advertised in the *Official Journal* of the European Union in compliance with the relevant regulations. [19227]

**Mr. Arbuthnot:** All contracts for services awarded by this Department since the public services directive came into effect on 1 July 1993 have been awarded in compliance with the relevant regulations.

### Incapacity Benefit

**Mr. Cox:** To ask the Secretary of State for Social Security how many representations he has received expressing opposition to the new incapacity benefit; and what plans he has to review the working of this benefit. [20371]

**Mr. Hague:** I have received a number of letters about incapacity benefit since the changes were announced in December 1993. We will closely monitor the effects of the changes but we have no plans to review the benefit.

**Mr. Stephen:** To ask the Secretary of State for Social Security when the revised charter for national insurance payers will be published. [20757]

**Mr. Arbuthnot:** I have today published the revised contributor's charter. It highlights the progress the Contributions Agency has made since its launch four years ago. It demonstrates the agency's continuing commitment to providing a quality service. I am particularly pleased to see that the charter's complaints section has been revised. Customers now have access to an independent adjudicator and are clearly directed to other sources of independent advice. The agency is now better placed to deal with customers dissatisfaction effectively and positively.

### Self-Employed Farmers

**Ms Lynne:** To ask the Secretary of State for Social Security what plans he has to provide injury benefit to self-employed farmers who paid class 2 national insurance contributions and who are now suffering from organophosphorous poisoning as a result of the compulsory use of organophosphorous dips. [20259]

**Mr. Hague:** Injury benefit was abolished in 1983. Disablement benefit may be payable under the industrial injuries scheme to employed earners who suffer organophosphorous poisoning as a result of their work. We have no plans to extend the industrial injuries scheme to the self-employed in agriculture. However, incapacity benefit is available to self-employed farmers who satisfy the relevant incapacity and contribution conditions.

## TRADE AND INDUSTRY

### Annesley Bentinck Colliery

**Mr. Garnier:** To ask the President of the Board of Trade if he will make a statement on the future of Annesley Bentinck colliery. [21001]

**Mr. Page:** Discussions with Coal Investments plc on its proposed acquisition of Annesley Bentinick are at an

advanced stage and we hope to complete the sale very shortly.

The bid has been subject to a detailed process of clarification and negotiation since Coal Investments was selected as preferred bidder in October 1994. Agreement has now been reached, subject to contract, that Coal Investments will acquire Annesley Bentinck colliery, which has been on care and maintenance since February 1994, for a nominal consideration of £1. Coal Investments will take over British Coal's substantial liabilities in relation to the colliery—for example, in relation to site restoration when production ceases. In order to conclude the transfer at the earliest opportunity so as to minimise the on-going costs currently being incurred by British Coal, the Government will pay Coal Investments a contribution of up to £270,000 towards continuing care and maintenance costs for a limited period.

The Department will shortly lay a minute before the House describing certain limited warranties which it proposes to give in relation to the sale.

### Exploration Licences

**Mr. Cohen:** To ask the President of the Board of Trade if the fee paid by Canuk Exploration Ltd. for the exploration licence covering the Windsor area will correlate to the proceeds of any oil discovery; and if he will make a statement. [20042]

**Mr. Page:** Application fees and rental payments for all petroleum licences are not related to future proceeds from any oil discovery but are charged on a standard basis. All third round licensees, including Canuk Exploration Ltd., paid a standard application fee of £1,000 and a non-recurrent rental of £75 per square kilometre when it was awarded exploration licences. The rental paid by Canuk amounted to £7,500. Licensees wishing to develop any discoveries would need first to apply for an appraisal licence, which currently attracts a non-recurrent rental of £75 per square kilometre, and then a development licence, for which the charge is £1,500 per square kilometre per year. Licence fees and rentals are agreed with the Treasury prior to each licensing round and are currently being reviewed. I hope to announce the new rental structure shortly.

**Mr. Cohen:** To ask the President of the Board of Trade what criteria are used to access the adequacy of the financial and technical resources of applicants applying for oil exploration licences. [20043]

**Mr. Page:** Before awarding an onshore exploration licence, my officials make the necessary checks to ensure that applicants have sufficient technical resources to perform their proposed work programmes and have access to the funding required to enable these to be carried out.

### Crown Post Offices

**Dr. John Cunningham:** To ask the President of the Board of Trade if he will list the Crown post offices in Britain which are earmarked for conversion to agency status and the constituencies within which they lie. [19483]

**Mr. Heseltine:** I understand from the Post Office that it has begun or completed consultation on the conversion of the following Crown post offices in Britain to agency status but has either not yet taken a decision to proceed or has not yet proceeded with the conversion.

| *Crown Office* | *Constituency* |
|---|---|
| Banstead | Epsom and Ewell |
| Caterham | East Surrey |
| Cranleigh | Guildford |
| Downham | Lewisham East |
| East Grinstead | Mid Sussex |
| Elephand and Castle | Southwark and Bermondsey |
| Greenwich | Greenwich |
| Melville Road Hove | Hove |
| Rye | Hastings and Rye |
| South Kensington | Chelsea |
| South Norwood | Croydon North East |
| Southsea | Portsmouth South |
| Waterlooville | Havant |
| Wimbledon | Wimbledon |
| Walton | Liverpool Walton |
| Nelson | Pendle |
| Whitehaven | Copeland |
| Ulverston | Barrow in Furness |
| New Ferry | Wirral South |
| Speke | Liverpool Garston |
| Skelmersdale | Lancashire West |
| Hightown | Manchester Central |
| Atherton | Leigh |
| Bury | Bury North |
| Stalybridge | Stalybridge and Hyde |
| Bodmin | North Cornwall |
| Bude | North Cornwall |
| Launceston | North Cornwall |
| Tewkesbury | Cirencester and Tewkesbury |
| Brighouse | Calder Valley |
| Derby | Derby South |
| Long Eaton | Erewash |
| Willenhall | Walsall North |
| South Wolfe Street Stoke on Trent | Stoke on Trent South |
| Greenock | Greenock and Port Glasgow |
| Nicholson Street | Greenock and Port Glasgow |
| Westerhailes | Edinburgh Pentland |
| Maida Hill | Westminster North |
| Stanmore | Harrow East |
| Highbury | Islington North |
| Islington | Islington South |
| Muswell Hill | Hornsey and Wood Green |
| Southgate | Enfield Southgate |
| Cricklewood | Brent East |
| Halstead | Saffron Walden |
| Dunmow | Saffron Walden |
| Saffron Walden | Saffron Walden |
| Chadwell Heath | Dagenham |
| Newton Aycliffe | Bishop Auckland |

### Raytheon

**Dr. John Cunningham:** To ask the President of the Board of Trade if he has written to the chief executive of Raytheon asking him to meet representatives of the Raytheon campaign. [19956]

**Mr. Heseltine:** Ministers at the DTI and the Welsh Office have written to the chief executive of Raytheon asking him to meet representatives of the Raytheon campaign.

### Public Information Telephone Line

**Mr. Donohoe:** To ask the President of the Board of Trade if he will make a statement on the public information telephone inquiry lines operated by his Department, in each case indicating the costs of

establishing, operating and publicising these lines and the number of calls made to them up until this point; when they were established; and what assessment his Department has made of their effectiveness. [17456]

**Mr. Ian Taylor** *[holding answer 3 April 1995]:* The information requested is as follows.

*Environment Helpline 0800 585 794*

The Environmental Helpline is a freephone service which provides up to two hours of free advice to firms on environmental issues affecting their business. Until 1994, it was run by the DTI's Warren Spring Laboratory. Since June 1994, it has been run by the National Environmental Technology Centre (NETCEN) as part of DTI/DOE Environmental Technology Best Practice Programme, for which it is the first point of contact. The figures below for the period 1990–91 to 1993–94 relate to the cost of operating the helpline, excluding any DTI staff involved, and to the number of calls received during this period:

| Year | Costs (£) | Calls |
|---|---|---|
| 1990–91 | 2,076 | 5,052 |
| 1991–92 | 3,311 | 6,735 |
| 1992–93 | 4,184 | 6,441 |
| 1993–94 | 2,262 | 2,962 |

Since the transfer of the helpline service to NETCEN as part of the Environmental Technology Best Practice Programme, the full cost of providing the helpline service, including the provision of a site visit advisory service and the associated staff costs relating to this are available. For 1994/95, a total of 6,322 calls were handled by the helpline service, at a total cost to the Department of £259,793.

*Business in Europe Hotline (0117 944 4888)*

The Business in Europe Hotline superseded the Single Market Helpline in April 1993 and was further streamlined, with consequent cost savings, in May 1994.

This Hotline now concentrates on taking orders for free publications, providing names of government contacts for specific areas of legislation and signposting to private sector sources of advice. Cost since the changeover and the number of calls to date are as follows:

| Year | Costs (£) | Calls |
|---|---|---|
| 1993–94 | 94,850 | 30,169 |
| 1994–95 | [1]26,129 | 19,986 |

*Innovation Enquiry Line 0800 44 2001*

The line provides a single point of contact for those seeking information about the Department's innovation services; it signposts enquirers to other sources of help and advice, and takes orders for the despatch of relevant literature.

Costs (excluding staff costs) since inception and the number of calls to date are as follows. The 1994–95 call figures reflects steps taken to discourage irrelevant enquiries.

| Year | Costs (£) | Calls |
|---|---|---|
| 1991–92 | 3,700 | 7,980 |
| 1992–93 | 3,700 | 7,430 |
| 1993–94 | 5,400 | 9,584 |
| 1994–95 | 4,100[1] | 4,872 |

*Services for Business Line (0800 500 200)*

The Services for Business line (formerly known as the Enterprise Initiative Helpline) provides a signposting and publication-ordering facility across a wide range of the Department's business services. From April 1995 it will be known as the Business Link Hotline. Costs and number of calls to date are as follows:

| Year | Costs (£) | Calls |
|---|---|---|
| 1987–88 | 67,000 | 44,971 |
| 1988–89 | 106,700 | 43,413 |
| 1989–90 | 163,600 | 38,496 |
| 1990–91 | 166,400 | 37,606 |
| 1991–92 | 120,500 | 26,833 |
| 1992–93 | 124,200 | 31,009 |
| 1993–94 | 118,000 | 26,608 |
| 1994–95 | [1]112,000 | 21,513 |

[1] Estimated

A Biotechnology Means Business Helpline (0800 432 100) was launched on 22 March 1995 as part of a three-year awareness initiative but it is too early to make an assessment of its effectiveness.

These lines provide a valuable and necessary function in enabling the Department to measure and respond to interest generated by its various awareness-raising marketing campaigns and in most instances provide gateways into various DTI best-practice programmes and services.

The costs, call levels and nature of inquiries are under constant assessment and subject to periodic formal review and, where necessary, appropriate steps are taken to improve value for money. Such steps include contracting out, streamlining services, changing service suppliers and screening out inappropriate calls.

## Patent Office

**Mr. Flynn:** To ask the President of the Board of Trade what quality standards he will require when the marketing and information technology section of the Patent Office is opened to competitive tenders. [20028]

**Mr. Ian Taylor:** The Patent Office will require prospective tenderers to demonstrate commitment to quality standards as part of their proposals and quality standards will be incorporated in the specifications. Deciding the nature and scope of appropriate standards will form part of the process of drawing up those specifications.

**Mr. Flynn:** To ask the President of the Board of Trade when he intends to invite tenders for Patent Office work including the marketing section and duties undertaken by the London Front section. [20027]

**Mr. Ian Taylor:** The Patent Office will seek to contract out activities wherever this is compatible with its statutory role and good value for money. It is currently assessing the scope for contracting out and some candidates have been identified. Before tenders can be invited, operational requirements need to be assessed and specifications drawn up. In the case of marketing and the London Front office, it is likely that consultants will be appointed in May to help with this stage of the work, on which the subsequent timetable depends.

## Scott Inquiry

**Mr. Gunnell:** To ask the President of the Board of Trade when he is now expecting the house to receive the findings of the Scott inquiry. [18746]

**Mr. Heseltine:** Sir Richard Scott has advised me that he hopes to publish his report in late June or shortly thereafter.

### Electro-shock Equipment

**Mr. Harvey:** To ask the President of the Board of Trade if he will set up an inquiry into the extent to which British companies have been involved in the export or arrangement for sale of electro-shock equipment since 1984. [19510]

**Mr. Ian Taylor** *[holding answer 18 April 1995]:* The export of portable anti-riot devices for administering an electric shock and specialised components therefore has been controlled since 1984 under the terms of various Export of Goods (Control) Orders which have applied since and before that date. In considering any applications for licences for the export of such equipment the Department of Trade and Industry and advisers in other Government Departments would take special care and consider very carefully the political and military implications of allowing such goods to be exported. Particular attention is paid to proposed exports to countries with poor human rights records, where the equipment might be used for internal repression. Evasion of UK export controls is a criminal offence and investigation of such evasion is a matter for Customs and Excise; any evidence that evasion may have taken place should be supplied to that Department. Controls on the exports of such goods from outside the United Kingdom are the responsibility of the appropriate authorities in the countries from which the goods are supplied. In these circumstances I do not think that inquiry is necessary or appropriate.

### Executive Agencies

**Mr. Macdonald:** To ask the President of the Board of Trade if he will give the number and location of Accounts Services Agency, Companies House, Insolvency Service, Laboratory of the Government Chemist, National Engineering Laboratory, National Physical Laboratory, National Weights and Measures Laboratory, Patent Office and Radiocommunications Agency offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [20299]

**Mr. Heseltine:** One clerical post in Radiocommunications Agency was transferred to Scotland during the period in question. No other work carried out by any of the Department's executive agencies has been transferred to or from Scotland from or to the rest of the UK during the period.

### Regional Selective Assistance

**Mr. William Powell:** To ask the President of the Board of Trade if he will list those companies in the Corby area which have qualified for regional selective assistance since 1991–92, together with the total value of such selective assistance in each year. [20277]

**Mr. Page:** Discussions about regional selective assistance grants are confidential between the company concerned and my Department. I am, therefore, unable to provide a full list of companies which received RSA during the period in question. However, where RSA exceeds £75,000, details are published in the *Employment Gazette* once the first payment has been made.

I can provide figures which show the total amounts of RSA approved for projects in the Corby travel-to-work area from financial year 1991–92 onwards, and these figures are as follows:

| *Financial year* | *Number of offers* | *Amount offered £000s* |
|---|---|---|
| 1991–92 | 4 | 553 |
| 1992–93 | 6 | 588 |
| 1993–94 | 11 | 1,295 |
| 1994–95 | 4 | 843 |

As my hon. Friend is aware, Corby lost its development area status when the new assisted area map was published on 1 August 1993. The above totals for 1993–94 and for 1994–95 include figures for projects which were submitted to my Department prior to 1 August 1993 but which were not officially approved until after that date.

### Business Links

**Mr. Wilson:** To ask the President of the Board of Trade if he will make a statement on the viability of Business Link outlets which have already been created. [18106]

**Mr. Page:** All Business Links which are open have convinced a national assessment panel that they have sound financial plans, including their long-term viability.

Business Links are private sector companies. It is for their boards to ensure that they remain solvent and that they keep their expenditure within their income. This includes, for 1995–96 alone, £38.5 million from the Government for pump priming, in addition to £50 million which will be provided for services. The amount available for services will be known three years in advance in a rolling programme for funding. Over and above Government funding, there will be additional funding from other partners, membership fees, charges for services and sponsorship income.

## HOUSE OF COMMONS

### Debates

**Mr. Flynn:** To ask the Lord President of the Council what debates have been held in the past year as a result of requests made by hon. Members at business questions.

**Mr. Newton:** Alongside a wide range of other factors, representations at business questions frequently have considerable influence on the content and timing of the business scheduled. Examples of debates where this has been particularly clear so far this year are the Commonwealth, civil service, tourism and Hong Kong.

### Parliamentary Questions

**Mr. Kaufman:** To ask the Lord President of the Council what proportion of written parliamentary questions were answered *(a)* directly by Ministers and

*(b)* in letters from officials of executive agencies in the first three months of (i) 1993, (ii) 1994 and (iii) 1995.

**Mr. Newton:** I refer the right hon. Member to the answer I gave to the hon. Member for Dewsbury (Mrs. Taylor) on 5 April, *Official Report*, column *1131*.

### Pension Fund

**Mr. Ray Powell:** To ask the Lord President of the Council, pursuant to his answer on 5 April *Official Report*, column *1132*, to the right hon. Member for Manchester, Wythenshawe (Mr. Morris), on what date the report by the Government Actuary on the valuation of the parliamentary contributory pension fund, placed in the Vote Office on 4 April, came into operational effect, as it affects hon. and right hon. Members' contributions to the fund.

**Mr. Newton** *[holding answer 18 April 1995]:* The report of the Government Actuary on the valuation of the parliamentary contributory pension fund as at 1 April 1993 covers the general financial position of the fund and, as required by legislation, recommends the Exchequer contribution needed to meet the balance of the cost of the scheme.

The Government Actuary Department's report will not affect the contribution payable by hon. and right hon. Members. The Exchequer contributions rate recommendation is in respect of the financial year beginning after the Actuary's report is made, in this case, 1 April 1995.

## LORD PRESIDENT OF THE COUNCIL

### Drugs

**Mr. McMaster:** To ask the Lord President of the Council if he will make a statement on the work in which he has been involved aimed at tackling the problems related to drug misuse in the United Kingdom.

**Mr. Newton:** I chair the ministerial sub-committee on the misuse of drugs which has co-ordinated a series of reviews of the Government's strategies to tackle drug misuse in the United Kingdom

A new drugs strategy for England for the period 1995–98 will be set out in a White Paper to be published shortly. The White Paper is a revised version of the consultative document "Tackling Drugs Together", which was published in October 1994. In Scotland, work is underway to implement the recommendations of the report "Drugs in Scotland: Meeting the Challenge" produced by the ministerial drugs task force, which was also published in October 1994. In Wales, a strategy on drug and alcohol misuse is being prepared. It is intended to set up a Welsh drug and alcohol unit to oversee the implementation of the strategy. The Northern Ireland committee on drug misuse has reviewed existing drug policies in Northern Ireland and last month issued a new policy statement for consultation.

### Overtime and Sickness

**Mr. David Shaw:** To ask the Lord President of the Council, if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years.

**Mr. Newton:** The information requested under *(a)* could not be provided except at disproportionate cost. As to *(b)*, overtime costs incurred by the Privy Council Office were as follows: 1992–93 £36,000 (estimate), 1993–94 £34,121, and 1994–95 £41,137. The total number of days lost through sickness in the PCO was 100 in 1992 calendar year and 237 in 1993. Figures are not yet available for 1994. It is not possible to attribute accurate monetary equivalents to days lost through sickness.

I am not responsible for any agencies.

### Allowances

**Mr. David Shaw:** To ask the Lord President of the Council if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years.

**Mr. Newton:** No relocation expenses were claimed by staff of the Privy Council Office in the years in question. I am not responsible for any agencies.

**Mr. David Shaw:** To ask the Lord President of the Council if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years.

**Mr. Newton:** Separate figures for subsistence costs incurred by the Privy Council Office in 1992–93, when such costs were aggregated with travel costs, are not available. Subsistence costs in 1993–94 and 1994–95 were as follows:

| | *UK* £ | *Overseas* £ |
|---|---|---|
| 1993–94 | 680 | — |
| 1994–95 | 747 | 202 |

I am not responsible for any agencies.

## ATTORNEY-GENERAL

### Asil Nadir

25. **Mrs. Roche:** To ask the Attorney-General if he will make a statement about progress in the case of Asil Nadir. [18747]

26. **Mr. Winnick:** To ask the Attorney-General when he now expects Asil Nadir to return to this country to face the charges against him [18749]

**The Attorney-General:** A warrant has been issued for the arrest of Asil Nadir. The Crown is ready to proceed as soon as he returns or is returned to the jurisdiction.

### Witnesses

**Mr. Dowd:** To ask the Attorney-General what plans he has to review the procedure by which the Crown Prosecution Service informs its witnesses of the scheduling of the court case in which they have to appear. [18744]

**The Attorney-General:** Witness warning has been recently under review. Two independent reports have recommended that it should continue to be carried out by the police who already have the necessary liaison with both victims and witnesses and are currently best placed to do the job effectively.

### Government Departments

**Mr. Dalyell:** To ask the Attorney-General what arrangements exist for liaison between his Office and the Crown Office in Scotland; and if he will make a statement.

**The Attorney-General:** There are established procedures for liaison and consultation on matters of mutual interest to Government Departments. Close co-ordination between the English and Scottish law officers ensures effective contact between my office and the Crown Office.

### Crown Prosecution Service

**Mr. Simon Hughes:** To ask the Attorney-General what percentage of charges prosecuted by the Crown Prosecution Service has resulted in conviction in each of the years of the Crown Prosecution Service's existence.

**The Attorney-General:** Crown Prosecution Service records are based on the number of defendants whose case results in a conviction, rather than the number of charges resulting in conviction.

Since 1987, expressed as a proportion of all defendants whose case proceeded to a hearing, the percentage convicted in magistrates court proceedings has been 97 per cent. each year. In the Crown court, the percentage was 91 per cent. between 1987 and 1991, and 90 per cent. thereafter.

## PRIME MINISTER

### Lockerbie

**Mr. Dalyell:** To ask the Prime Minister, pursuant to his answer of 28 March, *Official Report,* columns *545–46,* and to his letter to the hon. Member for Linlithgow of 10 April, what response he has had from the United States authorities as to the authenticity or otherwise of a signal, a copy of which was sent to him and to the US embassy in London, by the hon. Member for Linlithgow, purporting to be a threat to the life of Major Charles McKee, who died over Lockerbie by the agencies of the United States Government. [20316]

**The Prime Minister:** The United States authorities' examination of the document concerned is continuing. They have not yet been able to establish its authenticity.

### Nursery Places

**Mr. Corbyn:** To ask the Prime Minister what are the total number of workplace nursery places provided by each Government Department; and what plans there are to increase this provision [20292]

**The Prime Minister:** Information on individual Departments and agencies' number of workplace nursery places is not collected centrally in the form requested. However, as detailed in the childcare bulletin, to be published by the Cabinet Office later this month, 39 Departments, agencies and non-departmental public bodies are currently involved in 71 workplace nurseries, in which there are over 1,800 places. Copies of the bulletin will be placed in the Library of the House.

It is for Departments and agencies to decide whether to increase their childcare provision in the light of their own circumstances, provided they can justify this in value-for-money terms and contain costs within their existing budgets. I am aware of plans for two further workplace nurseries—in Falkirk, 30 places, and in York, 33 places.

### VE Day (Poland)

**Mr. Mackinlay:** To ask the Prime Minister what representations have been made to Her Majesty's Government alleging disparity of treatment between Poland and other allied countries in respect of Poland's exclusion from the principal allies Heads of States and Heads of Governments visits to allied countries in and around the days of commemorating victory in Europe; and if he will make a statement. [20227]

**The Prime Minister:** We have had no such representations. Her Majesty's Government invited the Polish Head of State, President Walsea, to attend the United Kingdom's VE day commemorations. The Polish Foreign Minister, Wladyslaw Barotszewski, will attend as his representative. It is for other countries to decide who to invite to their commemorations.

### Kashmir

**Mr. Cox:** To ask the Prime Minister if he will state the policy of his Government on the existing United Nations resolutions on Kashmir; and if he will make a statement. [20370]

**The Prime Minister:** Britain supported, and both India and Pakistan agreed, the United Nations resolutions of 1948 and 1949, which provided the basis of a possible solution of the Kashmir disputes. Neither side fully implemented those resolutions which have, to some extent, been overtaken by events. The 1972 Simla agreement represents the most recent formal agreement between India and Pakistan on the handling of the dispute. It envisages settlement through bilateral negotiations or other peaceful means mutually agreed between them. We believe this to be the best way forward.

### Mahogany

**Mr. Matthew Taylor:** To ask the Prime Minister how many metres of mahogany or products containing it his

Department has bought in the last five years; and if he will list the purpose and the costs. [19839]

**The Prime Minister** *[holding answer 19 April 1995]:* None.

### Security Vetting

**Mr. Cohen:** To ask the Prime Minister, pursuant to his answer of 15 December 1994 on security vetting, *Official Report*, column *764*, where civil servants who undergo vetting are informed as to why they have been refused security clearance; whether they are given an opportunity to contest the accuracy of information held against them; whether they are informed of any appeals process; and if he will make a statement. [19104]

**The Prime Minister:** Under the security vetting system introduced on 1 January 1995, civil servants in post must always be informed of the outcome of their vetting. An individual who is refused security clearance will be informed of the reasons for this. In a small number of exceptional cases, considerations of national security and maintaining the confidential nature of the information provided by referees may limit disclosure. If a clearance has been denied on the grounds of criminal convictions, or as a result of financial inquiries, the individual will be shown the information on which the decision was based and will have the opportunity to correct any inaccuracies. Under the grievance procedures provided for in the civil service management code, it is open to civil servants to appeal against any management decisions which affect them adversely, including vetting decisions.

**Mr. Cohen:** To ask the Prime Minister, pursuant to his answer of 15 December 1994 on security vetting, *Official Report*, column *764*, if he will outline the safeguards he has put in place to protect those who are vetted; and if he will make a statement. [19105]

**The Prime Minister:** All candidates for security vetting are asked to complete a security questionnaire which explains the purpose of the procedure and invites them to provide the personal details required for the necessary checks to be carried out. Only the checks listed in my statement to the House of 15 December 1994 are carried out. All information given for the purpose of the vetting process is treated in confidence and protected accordingly.

**Mr. Cohen:** To ask the Prime Minister, pursuant to his answer of 15 December 1994 on security vetting, *Official Report*, column *764*, to what extent the basic check involves the use of criminal records and criminal intelligence to ensure that potential recruits are reliable and trustworthy; whether contractors, needing to carry out basic checks, will be able to access information from police sources to access whether potential recruits are reliable and trustworthy; and if he will make a statement. [19103]

**The Prime Minister:** The basic check is designed to assure Departments that potential recruits are reliable and trustworthy primarily through the verification of identity, the taking up of character references and self-declaration of unspent criminal convictions. In some exceptional cases, however, it may be decided, with Cabinet Office—Office of Public Service and Science approval, that additional checks are necessary. This may involve a check against the national collection of criminal records. Contractors are not able to access these records and the department or agency placing the contract conducts this part of the check.

### Advisers

**Ms Eagle:** To ask the Prime Minister how many advisers his department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19418]

**The Prime Minister:** My Department employs seven political advisers. Their salaries and conditions of work are negotiated individually in relation to their previous earnings and are confidential. My department employs no professional economists; economic advice is obtained from career civil servants, who may be employed on a variety of working patterns.

### Acceptance of Gifts

**Mr. Alton:** To ask the Prime Minister if the Government have been approached during the last 15 years for advice on the suitability of accepting any financial gift, payment or commission by a Minister, a relative of a Minister, an hon. Member or a relative of an hon. Member. [19447]

**The Prime Minister** *[holding answer 18 April 1995]:* Advice to Ministers on the acceptance of gifts by themselves or by members of their families is contained in "Questions of Procedure for Ministers". Advice on specific cases sought by and given to individuals is private.

Hon. Members are guided in these matters by the rules of the House.

### Ministers (Car Hire)

**Mr. Matthew Taylor:** To ask the Prime Minister, pursuant to his answer of 5 April, *Official Report*, column *1131*, if he will publish the rules governing the use by members of the Government of private hire cars at public expense. [20309]

**The Prime Minister** *[holding answer 21 April 1995]:* I have nothing to add to the answer given on 5 April. There are no rules governing the use of private hire cars.

### Allowances

**Mr. David Shaw:** To ask the Prime Minister (1) if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years; [19561]

(2) if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years; [19653]

(3) if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time

in days and its monetary equivalent lost through sickness in each of the last three years. [19678]

**The Prime Minister:** For this purpose, my office is part of the Cabinet Office. I refer the hon. Member to the reply given by my hon. Friend the Parliamentary Secretary, Office of Public Service and Science on 20 April, *Official Report*, columns *258–61*.

### Correspondence

**Mr. McMaster:** To ask the Prime Minster what is the target time that each Government Department aims to take in replying to letters from right hon. and hon. Members and if he will give the reasons for variations; and if he will make a statement. [18987]

**The Prime Minister:** I refer the hon. Member to the reply given by my hon. Friend the Parliamentary Secretary, Office of Public Service and Science, to the hon. Member for Chorley (Mr. Dover) on 18 April, *Official Report*, columns *21–24*.

The nature of correspondence varies greatly between Departments. In some Departments, for example, a high proportion of correspondence requires reference to individual casework before a reply can be sent. Targets are set to reflect the particular circumstances of Departments and consequently target times may differ.

### Departmental Report

**Mr. Matthew Taylor:** To ask the Prime Minister (1) what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report; [20203]

(2) how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what the figures were for each year for which figures are available since 1990. [20202]

**The Prime Minister:** For this purpose, my office is part of the Cabinet Office. I refer the hon. Member to the reply given by my hon. Friend the Parliamentary Secretary, Office of Public Service and Science on 21 April, *Official Report*, column *290*.

## SCOTLAND

### Drugs-related Crime, Strathclyde

**Mr. Mcmaster:** To ask the Secretary of State for Scotland if he will make a statement on recent levels of drugs-related crime and violence within the 'K' Division of Strathclyde police; and what measures he has put, is putting or will put in place to support the police and the local community in their endeavours to tackle these problems. [19034]

**Lord James Douglas-Hamilton:** My right hon. Friend fully understands the concerns of Paisley residents about increased drugs-related crime, which often involves violence, in their areas. He trusts that the police will receive the support of the local community in the actions which they are taking to curb such incidents and to bring the perpetrators to justice. He fully supports the chief constable of Strathclyde police in the mounting of "Operation Dragon", which will, it is to be hoped, result in the arrest and conviction of those responsible for the recent spate of shootings. My right hon. Friend will continue to seek to ensure that the police have adequate resources and equipment to tackle the full range of policing requirements for which they have responsibility.

### Scottish Homes

**Mr. Galbraith:** To ask the Secretary of State for Scotland (1) what safeguards exist to prevent Scottish Homes giving without permission the names and addresses of their tenants to organisations other than registered housing associations; [20281]

(2) if he will list the occasions since its inception on which Scottish Homes has been requested to give the names of its tenants to organisations other than registered housing associations and the occasions on which it supplied this information; [20283]

(3) if Scottish Homes sought permission from its tenants in Strathkelvin before giving their names to Gemini housing association. [20282]

**Lord James Douglas-Hamilton:** The information requested is a matter for Scottish Homes. I have asked its chairman, Sir James Mellon, to write to the hon. Member.

### Rules and Regulations

**Mr. Steen:** To ask the Secretary of State for Scotland how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19366]

**Mr. Lang** *[holding answer 18 April 1995]:* Rules and regulations made by the Scottish Office cover a very broad field of activities, and many have little or no consequence for business. The total number of statutory instruments, including orders, schemes, rules and regulations which were repealed in the first three months of 1995 was 45. In the same period the number introduced by my Department, but excluding instruments made jointly with other Departments, was 77.

### Compliance Cost Assessments

**Mr. Steen:** To ask the Secretary of State for Scotland what requirements there are for officials in his Department to introduce a compliance cost assessment for all rules and regulations coming before him and his Ministers; and how many compliance cost assessments have been issued in his Department in the first three months of this year. [19352]

**Mr. Lang** *[holding answer 18 April 1995]:* Scottish Office officials are required to comply with the procedures which were agreed by Ministers and informally introduced on 1 April 1993 and which were subsequently formally agreed with the House authorities in October 1993. The Scottish Office has issued one compliance cost assessment in the period January to March of this year.

## Ferguslie Park

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will list the directors and nominating organisations of the board of Ferguslie Community Business Securities, their holding companies and predecessors. [20223]

**Lord James Douglas-Hamilton:** Mr right hon. Friend is not involved in the running of these companies and so cannot supply the detailed information requested which should be available from Companies House. However, through the involvement of the Scottish Office in the Ferguslie Park partnership, he understands that Strathclyde regional council, Renfrew district council and the Ferguslie Park Training, Employment and Enterprise Development—TEED—Company Ltd. are entitled to nominate directors to the board of Ferguslie Park Community Holdings Ltd. The directors appointed by the Ferguslie Park TEED Company Ltd. have been members of the Ferguslie Park business support group appointed to offer business expertise in the running of the company's affairs in line with the recommendations of management consultants' report prepared in 1989.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will arrange for an inquiry into the accounts of Ferguslie Park Community Business Securities, its holding company or companies and their predecessors; if he will ensure that the scope of the inquiry includes employment practices and accounting procedures; and if he will make a statement. [20225]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* My right hon. Friend has no involvement in the management of the companies and has no locus to establish such an inquiry.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will list the number, and sources, of representations received by him, or by the Ferguslie Park partnership, into the activities of Ferguslie Community Business Securities, their holding companies and predecessors. [20224]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* No such representations have been received by my right hon. Friend or the Ferguslie Park partnership.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will place a copy of the annual report of *(a)* FCB Securities, *(b)* FCB holding companies and *(c)* Ferguslie Park partnership in the Library. [20222]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* My right hon. Friend has no involvement in the management of either FCB Securities or Ferguslie Park Community Holdings Ltd. and does not, therefore, hold copies of their annual reports. These should be available from Companies House. The Ferguslie Park partnership is a voluntary grouping of parties dedicated to the regeneration of Ferguslie park. As such, it does not produce annual reports. Members of the partnership agreed in 1989 to establish a limited company, the Ferguslie Park Training, Economic and Enterprise Development Company Ltd., to promote the economic regeneration of the area. I shall arrange for a copy of the most recent annual report of that company, relating to the year ending 31 March 1994, to be placed in the Library of the House.

**Mrs. Adams:** To ask the Secretary of State for Scotland (1) if he will make a statement on the involvement of *(a)* the Scottish Office, *(b)* Ferguslie Park partnership, *(c)* Strathclyde regional council and *(d)* Renfrew district council with Ferguslie Park Community Business Securities, their holding companies and their predecessors; [20226]

(2) if he will list the amount of money deriving from Scottish Office sources including Ferguslie Park partnership which has been made available to FCB Securities, its holding companies or its predecessors before its establishment or since its establishment. [20216]

(3) if he will specify any changes in status or structure which have been made to F.C.B. Securities, its holding companies or their predecessors since the formulation of the Ferguslie Park partnership; and if he will make a statement. [20217]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* The Scottish Office is not and has not been involved in the running of any of these businesses.

Over the period 1980–81 to 1983–84 Flagstone Enterprises (Ferguslie) (Manufacture and Service) Ltd. received urban programme grant of £80,174 for establishment, management and administration costs. Over the period 1986–87 to 1992–93 Ferguslie Park Community Holdings Ltd. received urban programme grant of £132,610 for acquisition and improvement of premises and purchase of equipment and £270,294 for management and administration costs. The purpose of these urban programme grants was to create and sustain jobs for local people in an area of high unemployment. Seventy-five per cent. of these costs were met by the Scottish Office, 25 per cent. by Strathclyde regional council.

In 1990 the Ferguslie Park Training, Economic and Enterprise Development—TEED—Company Ltd., which was established by members of the Ferguslie Park partnership in 1989 to promote the economic regeneration of the area, provided a grant of £62,500 to Ferguslie Park Community Holdings Ltd., as part of a rescue and restructuring process. This followed preparation of a management consultants' report which had identified trading difficulties and a number of management issues to be addressed. As part of this restructuring, the company's board of directors was augmented by representatives of the Ferguslie Park business support group, who were in a position to offer their business expertise to the board. Since the restructuring of the business, the Ferguslie Park TEED Company Ltd. has bought services from the business—including security services—on a commercial basis. As part of its training services, which are available to all employers of Ferguslie park residents, the Ferguslie Park—TEED—Company Ltd. has offered assistance to the business in the training and development of its staff.

The contribution of £62,500 to the rescue and restructuring of Ferguslie Park Community Holdings Ltd. was matched by an equivalent contribution from Strathclyde regional council which, as noted, also provided 25 per cent. of the urban programme grant to the company and its predecessor. Apart from this, the

Scottish Office is not in a position to comment on the involvement of Strathclyde regional council and Renfrew district council in these companies.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will name the external auditors of *(a)* Ferguslie Park partnership, *(b)* FCB Securities, *(c)* FCB Holding Companies and *(d)* their predecessors. [20214]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* The Ferguslie Park partnership is a voluntary grouping of parties dedicated to the regeneration of the area. As such, it does not produce annual accounts and so there is no external auditor. Members of the partnership agreed in 1989 to establish a limited company, the Ferguslie Park Training, Economic and Enterprise Development TEED Company Ltd., to promote the economic regeneration of the area. The external auditors of the Ferguslie Park TEED Company Ltd., are J. Bruce Andrew and Co., chartered accountants, Paisley. My right hon. Friend is not and has not been involved in the running of Ferguslie Park Community Holdings Ltd., or its subsidiary companies and the external audit of these companies is therefore not a matter for which he has responsibility.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will make a statement on the findings of inquiries into the operation of FCB Securities its holding companies or their predecessors with regard to their compliances with the laws and regulations governing insolvency or bankruptcy. [20218]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* My right hon. Friend is not aware of any such inquiries.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will make a statement on the findings of reports made to him by the Accounts Commissioners for Scotland into *(a)* FCB Securities, *(b)* FCB holding companies, or their predecessors and *(c)* Ferguslie Park partnership. [20220]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* No such reports have been made to my right hon. Friend.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will give *(a)* the date, *(b)* the purpose and *(c)* the participants of each ministerial visit to the Ferguslie Park partnership since its establishment or the most recent period for which information is available; if he will highlight any of the visits which involved Ferguslie Community Business Securities, its holding companies or predecessors; and if he will make a statement. [20221]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* Details of the visits by Ministers to the Ferguslie Park partnership are set out in the table:

| *Date* | *Visitor* | *Purpose of visit* |
|---|---|---|
| March 1989 | Right hon. Malcolm Rifkind QC MP, Secretary of State for Scotland | Launch of Ferguslie Park Partnership |
| January 1990 | Mr. Ian Lang MP, Minister of State, Scottish Office | General visit to Partnership Offices. |
| March 1990 | Right hon. Malcolm Rifkind QC MP, Secretary of State for Scotland | Official opening of Partnership's new offices. |
| August 1990 | Lord James Douglas-Hamilton MP, Minister for Home Affairs and Environment in Scotland | Discuss development plan for Glencoats area. |
| November 1990 | Mr. Richard Needham MP, Parliamentary Under Secretary of State, Northern Ireland Office | Overview of work of Partnership. |
| February 1991 | Mr. Robert Key MP, Parliamentary Under Secretary of State, Department of Environment | Overview of work of Partnership. |
| March 1991 | Mr. Allan Stewart MP, Minister for Industry and Local Government in Scotland | Official opening of community workspace units. |
| October 1991 | Right hon. Ian Lang MP, Secretary of State for Scotland | Launch of Glencoats Area redevelopment. |
| July 1993 | Lord James Douglas-Hamilton, Minister for Education and Housing in Scotland | Official openings of Glencoats Lodge and Hillview Nursery. |
| September 1993 | Right hon. David Hunt MBE, MP, Secretary of State for Employment | Overview of Partnership activities, meeting Job Centre staff and visit to Hillview Nursery. |
| October 1993 | Right hon. Ian Lang MP, Secretary of State for Scotland and Lord James Douglas-Hamilton MP, Minister for Education and Housing in Scotland | Launch of "Progress in Partnership" consultation paper and turf cutting for new Civic Centre. |

The visit by my hon. Friend the Member for Eastwood (Mr. Stewart) in March 1991 involved the opening of workspace units operated by a subsidiary company of Ferguslie Park Community Holdings Ltd. The visit by myself in July 1993 included the official opening of the Glencoats lodge, part of which is occupied by Ferguslie Park Community Holdings Ltd.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will list the job titles of employees or secondees of the Ferguslie Park partnership who have been or are responsible for the supervision of FCB Securities, its holding companies, or its predecessors since their establishment; and if he will make a statement. [20215]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* There are no employees of or secondees to

either the Ferguslie Park partnership, or the Ferguslie Park Training, Employment and Enterprise Development Company Ltd. who have been or are responsible for the supervision of these companies.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will specify the role of the Ferguslie Park partnership in *(a)* establishing and *(b)* supervising Ferguslie Community Business Securities; when the most recent audit or check was carried out; if he will publish the finding of the check or audit; if he will list *(a)* the average number of employees each week during that period, *(b)* the number of employees required for FCB Securities to fulfil its trading obligations each week during the same period; and if he will make a statement. [20219]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* Both Ferguslie Park Community Holdings Ltd. and its subsidiary company providing security services were established some years before the formation of the Ferguslie Park partnership. Neither the partnership nor the Ferguslie Park Training, Economic and Enterprise Development (TEED) Company Ltd., a company established by partnership members in 1989 to promote the economic regeneration of the area, has any role in the supervision of FCB Securities or its parent company. As part of the rescue and restructuring of Ferguslie Park Community Holdings Ltd. in 1990, the Ferguslie Park TEED Company Ltd. agreed to commission a monitoring report six months after the injection of additional funds into the company. This report established that the company was operating on a commercial basis and to the satisfaction of the funders, namely the Ferguslie Park TEED Company Ltd. and Strathclyde regional council. Neither the Ferguslie Park partnership nor the Ferguslie Park TEED Company Ltd. has any role in auditing the company nor do they have access to the detailed information on employment levels and requirements requested.

**Mrs. Adams:** To ask the Secretary of State for Scotland if he will make a statement on the scope of investigations and inquiries which *(a)* have been and *(b)* are being conducted by the Charity Commissioners into FCB Securities or its holding companies; and when the reports will be published. [20213]

**Lord James Douglas-Hamilton** *[holding answer 21 April 1995]:* The supervision of charities in Scotland is the responsibility of the Lord Advocate and the supervision legislation is implemented by the Scottish charities office. No investigations have been or are being conducted into Ferguslie Park Community Holdings Limited by the Scottish charities office.

## EMPLOYMENT

### Jobseeker's Allowance

**Mr. McCartney:** To ask the Secretary of State for Employment if, in cases where jobseeker's allowance claimants do not have right of appeal, this will be made explicit when the agreement is being drawn up and before the claimant is required to sign.

**Miss Widdecombe** *[holding answer 6 February 1995]:* There will be no circumstances in which the claimant will not have the right to ask for his case to be reconsidered, by way of either review or appeal. The conditions under which a claimant is entitled to benefit, and the consequences of failure to meet those conditions, will, however, be made clear to the claimant when the agreement is being drawn up at the beginning of his claim.

**Ms Short:** To ask the Secretary of State for Employment how many days' training will be given to *(a)* adjudication officers and *(b)* Employment Service advisers about the requirements and procedures associated with the jobseeker's allowance prior to its introduction in April 1996; what timetable will be followed to ensure that all the appropriate staff will receive the training prior to the date of implementation; and if he will make a statement. [19754]

**Miss Widdecombe:** A wide variety of modular training courses, based on a detailed analysis of training needs, are being developed for staff who are to deliver the jobseeker's allowance, depending on the duties that they are to perform. Current plans are that existing, trained adjudication officers in the Employment Service will receive five days training on JSA rules and their effect on adjudication procedures. Existing, trained ES advisers will receive 16 days training which will cover additional interviewing skills, use of new IT systems and policy and procedural changes arising from the introduction of JSA. All the training needed to ensure that JSA is delivered effectively will take place before April 1996, but training courses will continue to be run after that date to help staff further develop their knowledge and skills, as part of an overall move towards multi-skilling. Training for managers has already started and training for all staff will run from now until well into 1996.

### Parliamentary Questions

**Mrs. Ann Taylor:** To ask the Secretary of State for Employment (1) how many parliamentary questions to his Department that were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which he has responsibility received an answer which was not printed in the *Official Report* in each year since 1979–80 or for each year that the body or agency has been in existence; [18546]

(2) how many parliamentary questions to his Department were transferred for answer to the chief executive or other senior official of a non-departmental public body or agency for which he has responsibility in each year since 1979–80 or for each year that the body or agency has been in existence; [18545]

(3) how many times in each year since 1979–80 his Department has given a reply to a parliamentary question which has resulted in the information requested being placed in the Library and not printed in the *Official Report.* [18543]

**Miss Widdecombe:** The information requested is a matter of public record but it could be extracted in the form requested only at disproportionate cost.

**Mrs. Ann Taylor:** To ask the Secretary of State for Employment how many parliamentary questions requesting an ordinary written answer were received by his Department in each year since 1979–80; and how many such questions received a substantive answer within 10, 15, 20 days or longer. [18541]

**Miss Widdecombe:** The information requested is available only from 1 January 1991 and is detailed in the following table:

| Year | Total number of questions for ordinary written reply | Questions answered within (working days) 10 | 15 | 20 | 20+ |
|---|---|---|---|---|---|
| 1991 | 834 | 824 | 3 | 4 | 3 |
| 1992 | 861 | 857 | 2 | — | 2 |
| 1993 | 966 | 954 | 6 | 3 | 3 |
| 1994 | 1,090 | 1,044 | 21 | 3 | 22 |
| 1995[1] | 470 | 468 | — | 1 | 1 |

[1] Information provided up to and including 6 April 1995.

### Restart

**Mr. William Powell:** To ask the Secretary of State for Employment how many restart interviews were carried out at the jobcentre in Corby; and what evaluation he has made of their impact to date on *(a)* jobs, *(b)* other benefits, *(c)* signing off and *(d)* enrolment on Department of Employment programmes. [20271]

**Miss Widdecombe:** Responsibility for the subject of the question has been delegated to the Employment Service agency under its chief executive. I have asked him to arrange for a reply to be given.

*Letter from M. E. G. Fogden to Mr. William Powell dated 24 April 1995:*

The Secretary of State has asked me to reply to your question about Restart interviews carried out at the Employment Service (ES) Jobcentre in Corby.

All ES local offices provide a structured and coherent advisory and information service which is aimed at helping clients back into work as soon as possible. This service is based on regular interviews with an adviser, at which clients are able to discuss their situations, consider the options available and agree a course of action which will offer the best prospects of finding employment.

Those who remain unemployed for six months are required to attend a Restart interview during which employment and training programmes specifically designed to help longer term unemployed are discussed. Programmes discussed include Jobclub, Training For Work, Jobplan Workshop, and Restart courses. These interviews are carried out on an ongoing basis at six monthly intervals.

The following table provides a breakdown of Restart interviews carried out at the Corby Jobcentre over the last 2 financial years.

| | 12 months to April 1995 | 12 months to April 1994 |
|---|---|---|
| *Number of Restart Interviews* | 3,476 | 3,104 |
| Clients gaining employment | 100 | 41 |
| Clients entering ED programmes | 888 | 893 |
| Clients claiming other benefits | 148 | 57 |
| Clients signing off | 267 | 33 |

I hope this is helpful.

### Departmental Report

**Mr. Matthew Taylor:** To ask the Secretary of State for Employment (1) what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report; [20197]

(2) how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990. [20196]

**Miss Widdecombe:** The annual presentation of Departments' expenditure information contained in reports meets a Government undertaking to Parliament. The preparation of the report is part of the normal duties of officials within the Department and as such no record is kept of the amount and costs of staff time involved in either the preparation of individual contributions or editing the report. However, three staff in the Department were involved in editing and preparing the report for publication between November 1994 and March 1995 as part of their normal duties.

### Executive Agencies

**Mr. Macdonald:** To ask the Secretary of State for Employment if he will give the number and location of Employment Services offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as a result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [20045]

**Miss Widdecombe:** Responsibility for the subject of the question has been delegated to the Employment Service agency under its chief executive. I have asked him to arrange for a reply to be given.

*Letter from M. E. G. Fogden to Mr. Calum Macdonald, dated 24 April 1995:*

The Secretary of State has asked me to reply to your question about the transfer, loss or gain of jobs and opening or closure of Employment Service offices in Scotland due to the movement of agency work throughout the United Kingdom.

There has been no transfer of Employment Services (ES) agency work into to or out of Scotland.

The network of local offices nationally and in Scotland was reviewed in 1990 as part of the ES's integration programme, which seeks to merge Jobcentres and Benefit Offices into a single location where possible.

The location of the ES Jobcentres is decided on the basis of how the best possible service can be provided to clients taking economic, demographic and geographic factors such as travel to work patterns into account.

I hope this is helpful.

### Consultants

**Mr. Bayley:** To ask the Secretary of State for Employment, pursuant to his answer of 9 March, *Official Report*, column *335*, how much in total was spent by his Department on consultancy in 1993–94; and if he will list the 10 most valuable consultancy contracts issued that year, indicating the nature of the work undertaken, the body awarded the contract and the fee paid in each case. [19996]

**Miss Widdecombe:** Information in the form requested could be provided only at disproportionate cost.

### South Thames Training and Enterprise Council

**Mr. Peter Bottomley:** To ask the Secretary of State for Employment when new arrangements will be in place in the South Thames TEC area. [21052]

**Mr. Paice:** I am very pleased to announce that contracts have now been signed with central London TEC to provide training and enterprise council services from

24 April 1995 for the London boroughs of Lambeth and Southwark and with South London TEC to provide TEC services from 24 April 1995 for the London boroughs of Greenwich and Lewisham. This will ensure the delivery of Government programmes in the area and provide a sound base for the future. I know that CENTEC and SOLOTEC are keen to play a full part in the wider economic regeneration of the area as soon as possible.

## EDUCATION

### Departmental Report

**Mr. Matthew Taylor:** To ask the Secretary of State for Education what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [20199]

**Mr. Forth:** The production of the departmental report is co-ordinated by the finance and information branches of the Department. Much of the work, however, comprises relatively brief contributions from branches across the Department, This work is submerged in the annual financial planning of individual divisions and is not identified as a separate item in the Department's resource planning exercise.

**Mr. Matthew Taylor:** To ask the Secretary of State for Education how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what the figures were for each year for which figures are available since 1990. [20198]

**Mr. Forth:** Figures are not available for staff time spent on preparing the departmental report. Work on the report takes place across the Department, and is submerged in the annual financial planning of individual divisions.

### Free School Meals

**Ms Estelle Morris:** To ask the Secretary of State for Education (1) what proportion of children in voluntary aided schools are entitled to free school meals in each local authority; [20287]

(2) what proportion of children in grant-maintained schools are entitled to free school meals in each local authority; [20287]

(3) what proportion of children in selective schools are entitled to free school meals in each local education authority; [20287]

(4) what is the proportion of secondary age children who are entitled to free school meals in each local education authority. [20287]

**Mr. Robin Squire:** The percentages of pupils known to be eligible for free school meals in each of the categories requested are shown in the table.

*Percentage[1] of pupils known to be eligible for free school meals in voluntary aided schools, grant-maintained schools, selective schools and all secondary schools for each local education authority and in England*

*January 1994*

| | *Voluntary aided schools[2]* | | | *Grant maintained schools[3]* | | | *Selective schools[2,3,4]* | *All secondary schools* |
|---|---|---|---|---|---|---|---|---|
| | *Primary* | *Secondary* | *All* | *Primary* | *Secondary* | *All* | | |
| Corporation of London | 50.5 | — | 50.5 | — | — | — | — | — |
| Camden | 39.4 | 28.3 | 34.8 | — | 14.2 | 14.2 | — | 26.9 |
| Greenwich | 31.2 | 27.9 | 29.9 | — | — | — | — | 36.4 |
| Hackney | 45.7 | 47.9 | 46.7 | — | — | — | — | 59.2 |
| Hammersmith | 36.0 | 32.4 | 34.4 | — | 10.8 | 10.8 | — | 36.3 |
| Islington | 39.3 | 39.4 | 39.4 | — | — | — | — | 51.7 |
| Kensington and Chelsea | 30.9 | 33.7 | 31.4 | 37.5 | 14.3 | 22.2 | — | 40.6 |
| Lambeth | 41.5 | — | 41.5 | 34.9 | 41.4 | 39.5 | — | 51.4 |
| Lewisham | 32.1 | 35.7 | 33.2 | 50.8 | — | 50.8 | — | 40.4 |
| Southwark | 37.3 | 59.8 | 41.7 | 38.0 | 39.5 | 39.0 | — | 55.9 |
| Tower Hamlets | 44.8 | 53.0 | 47.7 | — | 24.6 | 24.6 | — | 64.0 |
| Wandsworth | 30.1 | — | 30.1 | 31.3 | 32.2 | 32.1 | — | 34.5 |
| Westminster | 41.0 | 35.3 | 39.0 | — | — | — | — | 44.1 |
| Barking | 17.9 | 19.8 | 18.6 | — | — | — | — | 18.5 |
| Barnet | 10.3 | 5.8 | 9.3 | 13.1 | 11.7 | 11.8 | 2.1 | 14.7 |
| Bexley | 8.4 | — | 8.4 | 8.1 | 9.3 | 9.2 | 4.0 | 10.9 |
| Brent | 27.8 | — | 27.8 | 31.7 | 26.9 | 27.2 | — | 27.4 |
| Bromley | 17.1 | — | 17.1 | 5.2 | 9.4 | 9.1 | 0.8 | 13.0 |
| Croydon | 16.4 | 9.7 | 13.0 | 15.7 | 13.8 | 14.2 | — | 18.7 |
| Ealing | 21.6 | 19.1 | 20.7 | 29.4 | 29.1 | 29.1 | — | 29.8 |
| Enfield | 10.4 | 11.3 | 10.6 | 17.2 | 15.7 | 15.7 | 1.5 | 18.5 |
| Haringey | 25.6 | 32.6 | 27.6 | — | — | — | — | 40.2 |
| Harrow | 4.5 | 11.7 | 5.7 | — | 10.6 | 10.6 | — | 13.8 |
| Havering | 8.9 | 3.8 | 6.9 | — | 6.2 | 6.2 | — | 10.4 |
| Hillingdon | 4.7 | 2.4 | 4.1 | 12.0 | 12.9 | 12.7 | — | 13.0 |
| Hounslow | 16.9 | 14.8 | 16.4 | — | 12.5 | 12.5 | — | 20.7 |
| Kingston upon Thames | 7.8 | — | 7.8 | 23.0 | 8.9 | 10.0 | 2.3 | 9.4 |
| Merton | 13.1 | 10.9 | 12.2 | — | — | — | — | 18.6 |
| Newham | 29.5 | 24.6 | 27.3 | — | 44.8 | 44.8 | — | 39.4 |
| Redbridge | 19.3 | 7.5 | 15.6 | — | 17.2 | 17.2 | 3.3 | 16.8 |
| Richmond upon Thames | 21.4 | 39.2 | 24.1 | — | — | — | — | 16.3 |
| Sutton | 8.4 | — | 8.4 | 8.4 | 3.7 | 4.3 | 1.8 | 8.7 |
| Waltham Forest | 17.7 | 24.5 | 19.9 | — | 12.3 | 12.3 | — | 34.1 |
| Birmingham | 31.8 | 26.6 | 30.5 | 5.1 | 20.1 | 19.6 | 5.4 | 31.6 |
| Coventry | 28.2 | 24.1 | 26.8 | — | — | — | — | 23.8 |
| Dudley | 19.2 | 38.0 | 23.8 | 9.1 | 16.4 | 15.8 | — | 16.7 |
| Sandwell | 23.6 | 13.4 | 21.6 | — | 36.8 | 36.8 | — | 25.3 |

*Percentage[1] of pupils known to be eligible for free school meals in voluntary aided schools, grant-maintained schools, selective schools and all secondary schools for each local education authority and in England*

*January 1994*

| | Voluntary aided schools[2] | | | Grant maintained schools[3] | | | Selective schools[3,4] | All secondary schools |
|---|---|---|---|---|---|---|---|---|
| | Primary | Secondary | All | Primary | Secondary | All | | |
| Solihull | 14.0 | 17.3 | 15.1 | 42.8 | — | 42.8 | — | 12.0 |
| Walsall | 17.0 | 25.5 | 20.1 | 3.2 | 11.9 | 11.1 | 3.0 | 25.1 |
| Wolverhampton | 24.7 | 16.3 | 21.1 | — | 24.9 | 24.9 | 3.1 | 25.3 |
| Knowsley | 44.7 | 57.8 | 47.8 | — | 55.1 | 55.1 | — | 51.8 |
| Liverpool | 38.4 | 35.8 | 37.4 | — | 26.7 | 26.7 | — | 39.2 |
| St Helens | 22.2 | 13.1 | 19.7 | — | — | — | — | 17.4 |
| Sefton | 24.7 | 24.9 | 24.7 | — | — | — | — | 20.7 |
| Wirral | 28.3 | 35.1 | 30.2 | — | 4.1 | 4.1 | 4.1 | 25.8 |
| Bolton | 18.2 | 11.3 | 16.4 | 24.7 | 8.8 | 11.0 | — | 16.4 |
| Bury | 17.4 | 8.9 | 14.6 | 21.6 | — | 21.6 | — | 13.5 |
| Manchester | 43.1 | 38.4 | 41.6 | — | — | — | — | 43.4 |
| Oldham | 24.8 | 9.5 | 19.4 | — | — | — | — | 53.5 |
| Rochdale | 22.0 | 22.2 | 22.1 | 15.5 | 16.9 | 16.3 | — | 28.9 |
| Salford | 30.8 | 29.2 | 30.5 | — | 15.6 | 15.6 | — | 26.3 |
| Stockport | 13.6 | 12.8 | 13.4 | — | — | — | — | 14.4 |
| Tameside | 18.9 | 13.7 | 17.6 | — | 11.3 | 11.3 | — | 19.8 |
| Trafford | 14.7 | 35.0 | 16.2 | — | 22.9 | 22.9 | 6.3 | 20.0 |
| Wigan | 20.5 | 12.5 | 18.3 | — | — | — | — | 17.5 |
| Barnsley | 16.8 | — | 16.8 | — | — | — | — | 22.8 |
| Doncaster | 19.0 | 16.1 | 18.2 | — | — | — | — | 22.5 |
| Rotherham | 21.7 | 19.5 | 21.3 | — | — | — | — | 18.5 |
| Sheffield | 24.7 | — | 24.7 | 12.0 | 16.7 | 15.6 | — | 24.2 |
| Bradford | 21.1 | 18.7 | 20.3 | 33.7 | 21.3 | 21.9 | — | 31.2 |
| Calderdale | 15.8 | 15.4 | 15.8 | 2.4 | 9.4 | 9.2 | 7.0 | 18.1 |
| Kirklees | 17.8 | 12.7 | 16.9 | — | 6.2 | 6.2 | 4.0 | 17.6 |
| Leeds | 16.4 | 19.5 | 17.3 | 4.5 | 7.6 | 7.4 | — | 18.7 |
| Wakefield | 14.7 | 8.9 | 13.2 | — | — | — | — | 17.3 |
| Gateshead | 27.9 | 27.0 | 27.6 | — | — | — | — | 24.9 |
| Newcastle upon Tyne | 34.4 | 19.8 | 28.7 | — | — | — | — | 27.4 |
| North Tyneside | 22.9 | 14.0 | 20.9 | — | — | — | — | 18.2 |
| South Tyneside | 29.6 | 19.2 | 25.4 | — | — | — | — | 25.8 |
| Sunderland | 21.0 | 13.4 | 17.5 | — | — | — | — | 25.8 |
| Isles of Scilly | — | — | — | — | — | — | — | 35.8 |
| Avon | 19.0 | 12.3 | 17.4 | — | 9.4 | 9.4 | — | 15.5 |
| Bedfordshire | 15.6 | 15.7 | 15.7 | 18.6 | 12.4 | 12.9 | — | 16.6 |
| Berkshire | 10.0 | 5.6 | 8.7 | 13.5 | 8.1 | 9.4 | 4.5 | 8.5 |
| Buckinghamshire | 2.6 | 7.1 | 3.5 | 15.0 | 8.4 | 9.7 | 1.5 | 8.6 |
| Cambridgeshire | 18.1 | 13.4 | 17.7 | 7.6 | 12.8 | 12.2 | — | 13.1 |
| Cheshire | 15.5 | 15.9 | 15.6 | 4.6 | 12.0 | 10.9 | — | 12.0 |
| Cleveland | 25.6 | 22.5 | 24.4 | — | — | — | — | 28.0 |
| Cornwall | 14.4 | — | 14.4 | — | — | — | — | 15.9 |
| Cumbria | 14.1 | 11.5 | 13.6 | 10.7 | 8.3 | 8.7 | — | 12.1 |
| Derbyshire | 14.2 | 14.4 | 14.3 | 9.6 | 10.3 | 10.2 | — | 13.5 |
| Devon | 17.2 | 11.0 | 16.0 | 35.0 | 9.7 | 11.2 | 5.3 | 12.9 |
| Dorset | 6.0 | 5.9 | 5.9 | 5.1 | 9.4 | 9.2 | 7.4 | 10.2 |
| Durham | 19.3 | 13.0 | 16.9 | — | — | — | — | 17.4 |
| East Sussex | 19.0 | 19.1 | 19.0 | — | — | — | — | 18.1 |
| Essex | 13.0 | 12.3 | 12.8 | 14.2 | 10.8 | 11.5 | 2.7 | 12.3 |
| Gloucestershire | 10.2 | 12.0 | 10.5 | 17.1 | 9.5 | 10.0 | 4.4 | 11.0 |
| Hampshire | 10.7 | 13.5 | 11.2 | 15.1 | 9.1 | 10.3 | — | 10.6 |
| Hereford and Worcester | 8.1 | 4.9 | 7.4 | — | 7.1 | 7.1 | — | 9.6 |
| Hertfordshire | 9.6 | 6.0 | 8.7 | 15.1 | 7.9 | 8.3 | — | 9.6 |
| Humberside | 32.3 | 15.6 | 26.5 | 10.3 | — | 10.3 | — | 17.3 |
| Isle of Wight | 24.9 | 17.3 | 22.1 | — | — | — | — | 21.0 |
| Kent | 15.1 | 14.9 | 15.0 | 15.5 | 12.1 | 12.4 | 3.9 | 13.2 |
| Lancashire | 19.5 | 14.8 | 18.5 | 6.2 | 7.3 | 7.2 | 2.7 | 19.7 |
| Leicestershire | 10.6 | 8.7 | 10.1 | — | 12.2 | 12.2 | — | 12.5 |
| Lincolnshire | 4.7 | 4.6 | 4.7 | 8.2 | 9.9 | 9.4 | 4.3 | 9.8 |
| Norfolk | 15.0 | 7.2 | 13.1 | 14.3 | 12.6 | 13.0 | — | 10.7 |
| North Yorkshire | 8.9 | 5.3 | 7.3 | — | — | — | 2.7 | 7.4 |
| Northamptonshire | 10.3 | 12.9 | 11.5 | 8.3 | 15.0 | 13.4 | — | 12.5 |
| Northumberland | 11.6 | 9.2 | 10.9 | — | 8.5 | 8.5 | — | 12.7 |
| Nottinghamshire | 16.4 | 13.9 | 15.3 | — | 24.0 | 24.0 | — | 20.0 |
| Oxfordshire | 10.8 | 13.9 | 11.4 | 2.5 | — | 2.5 | — | 9.8 |
| Shropshire | 14.0 | 12.8 | 13.8 | 9.0 | 14.4 | 14.0 | 0.7 | 13.6 |
| Somerset | 8.8 | 13.7 | 9.2 | 3.6 | 1.5 | 2.9 | 13.2 | 10.7 |
| Staffordshire | 16.2 | 9.0 | 14.0 | 0.0 | 14.1 | 14.0 | — | 13.3 |

*Percentage[1] of pupils known to be eligible for free school meals in voluntary aided schools, grant-maintained schools, selective schools and all secondary schools for each local education authority and in England*

*January 1994*

| | Voluntary aided schools[2] | | | Grant maintained schools[3] | | | Selective schools[2,3,4] | All secondary schools |
|---|---|---|---|---|---|---|---|---|
| | Primary | Secondary | All | Primary | Secondary | All | | |
| Suffolk | 10.7 | 9.8 | 10.4 | — | — | — | — | 11.7 |
| Surrey | 9.2 | 5.2 | 8.3 | 9.5 | 6.0 | 6.5 | — | 7.2 |
| Warwickshire | 14.0 | 5.5 | 11.7 | — | 9.6 | 9.6 | 1.7 | 8.7 |
| West Sussex | 12.0 | 8.8 | 10.9 | — | — | — | — | 9.2 |
| Wiltshire | 11.8 | 14.7 | 11.9 | 19.9 | 7.5 | 9.1 | 2.3 | 9.8 |
| England | 19.9 | 20.3 | 20.0 | 14.8 | 12.5 | 12.8 | 3.7 | 17.7 |

[1] Pupils known to be eligible for free meals in each category expressed as a proportion of day pupils in each category.
[2] Some voluntary schools are selective.
[3] Some Grant-maintained schools are selective.
[4] Schools which admit pupils wholly or mainly with reference to ability or aptitude—there are no schools of this type in the LEA.

## Administration Costs

**Mrs. Peacock:** To ask the Secretary of State for Education what was the average cost per local education authority school in Kirklees for administration in *(a)* 1993–94 and *(b)* 1994–95; and what is the forecast for 1995–96.

**Mr. Robin Squire:** The average LEA expenditure on administration per local authority maintained school in Kirklees is as follows:

| | £ |
|---|---|
| 1993–94 (outturn figure) | 13,480 |
| 1994–95 (budget estimate) | 13,050 |
| 1995–96 (budget estimate) | 14,245 |

These figures are derived from statements published by Kirklees LEA under section 42 of the Education Reform Act 1988 in respect of schools included in the authority's scheme for the local management of schools. For reasons of comparability the 1993–94 figure therefore excludes expenditure on administration for special schools which were formula funded under LMS from 1 April 1994. In 1993–94, the LEA expenditure on administration for special schools amounted to £30,030 per school according to LEA returns published under section 50 of the Education Reform Act.

No outturn figures for 1994–95 are yet available. No data for LEA nursery schools or pupil referral units are available.

## Class Sizes

**Mr. Don Foster:** To ask the Secretary of State for Education what percentage and how many primary school pupils were in classes of over 30 in January in each local education authority and in total; what was the change in numbers compared with January 1994 in each local education authority and in total; and what the change in numbers between January 1994 and January 1995 represents as a percentage change in each local education authority.

**Mr. Robin Squire:** Information on pupils in classes of 31 and over in maintained schools in January 1994 is shown in the table. Information for January 1995 will not be available until the autumn.

*Numbers and percentages of pupils in single teacher classes of size 31 and over in maintained primary schools in each local education authority in England—January 1994*

| | Number of pupils | Percentage[1] |
|---|---|---|
| City | 0 | 0.0 |
| Camden | 542 | 6.1 |
| Greenwich | 2,301 | 13.3 |
| Hackney | 499 | 3.7 |
| Hammersmith | 795 | 11.1 |
| Islington | 892 | 6.9 |
| Kensington and Chelsea | 454 | 9.0 |
| Lambeth | 816 | 5.2 |
| Lewisham | 1,318 | 7.2 |
| Southwark | 2,331 | 12.3 |
| Tower Hamlets | 638 | 4.9 |
| Wandsworth | 1,666 | 11.8 |
| Westminster | 428 | 5.9 |
| Barking | 1,415 | 9.9 |
| Barnet | 2,434 | 11.6 |
| Bexley | 5,910 | 32.0 |
| Brent | 2,157 | 11.4 |
| Bromley | 10,385 | 47.5 |
| Croydon | 4,896 | 20.5 |
| Ealing | 4,146 | 20.3 |
| Enfield | 7,237 | 35.4 |
| Haringey | 732 | 4.3 |
| Harrow | 3,544 | 22.6 |
| Havering | 4,176 | 22.1 |
| Hillingdon | 4,896 | 27.5 |
| Hounslow | 5,319 | 33.5 |
| Kingston Upon Thames | 5,484 | 57.9 |
| Merton | 3,114 | 25.3 |
| Newham | 1,317 | 6.0 |
| Redbridge | 8,456 | 52.8 |
| Richmond Upon Thames | 1,134 | 11.4 |
| Sutton | 4,696 | 40.1 |
| Waltham Forest | 3,200 | 18.4 |
| Birmingham | 27,164 | 28.4 |
| Coventry | 5,541 | 21.9 |
| Dudley | 7,497 | 31.1 |
| Sandwell | 10,175 | 37.5 |
| Solihull | 6,711 | 36.9 |
| Walsall | 5,577 | 25.1 |
| Wolverhampton | 5,155 | 24.1 |
| Knowsley | 5,915 | 34.8 |
| Liverpool | 12,620 | 26.6 |
| St. Helens | 5,437 | 37.5 |
| Sefton | 8,258 | 33.7 |
| Wirral | 5,928 | 20.4 |
| Bolton | 9,046 | 41.0 |
| Bury | 6,239 | 40.0 |
| Manchester | 9,619 | 23.4 |
| Oldham | 8,617 | 41.1 |
| Rochdale | 8,020 | 43.8 |

*Numbers and percentages of pupils in single teacher classes of size 31 and over in maintained primary schools in each local education authority in England—January 1994*

| | Number of pupils | Percentage[1] |
|---|---|---|
| Salford | 6,817 | 30.6 |
| Stockport | 8,179 | 33.8 |
| Tameside | 12,079 | 56.4 |
| Trafford | 9,151 | 49.6 |
| Wigan | 9,997 | 38.2 |
| Barnsley | 5,656 | 28.3 |
| Doncaster | 7,548 | 28.4 |
| Rotherham | 2,569 | 11.5 |
| Sheffield | 8,281 | 21.9 |
| Bradford | 8,781 | 27.3 |
| Calderdale | 5,268 | 30.1 |
| Kirklees | 9,372 | 29.9 |
| Leeds | 19,405 | 32.7 |
| Wakefield | 9,996 | 37.0 |
| Gateshead | 1,862 | 11.2 |
| Newcastle Upon Tyne | 5,843 | 28.5 |
| North Tyneside | 3,905 | 26.0 |
| South Tyneside | 3,456 | 23.9 |
| Sunderland | 4,244 | 16.2 |
| Isles of Scilly | 31 | 18.5 |
| Avon | 26,753 | 35.5 |
| Bedfordshire | 9,064 | 24.4 |
| Berkshire | 16,290 | 28.9 |
| Buckinghamshire | 19,072 | 33.3 |
| Cambridgeshire | 15,079 | 27.2 |
| Cheshire | 30,193 | 36.2 |
| Cleveland | 13,386 | 23.2 |
| Cornwall | 13,441 | 35.1 |
| Cumbria | 9,385 | 24.2 |
| Derbyshire | 29,982 | 39.9 |
| Devon | 21,175 | 27.3 |
| Dorset | 18,142 | 44.0 |
| Durham | 15,012 | 28.9 |
| East Sussex | 19,297 | 40.7 |
| Essex | 30,729 | 25.8 |
| Gloucestershire | 11,123 | 26.5 |
| Hampshire | 44,304 | 34.2 |
| Hereford and Worcester | 9,910 | 21.1 |
| Hertfordshire | 21,344 | 27.7 |
| Humberside | 25,914 | 33.4 |
| Isle of Wight | 1,862 | 26.6 |
| Kent | 41,570 | 33.6 |
| Lancashire | 45,112 | 38.5 |
| Leicestershire | 14,433 | 20.2 |
| Lincolnshire | 12,642 | 26.6 |
| Norfolk | 11,175 | 19.5 |
| North Yorkshire | 13,702 | 24.8 |
| Northamptonshire | 9,590 | 20.6 |
| Northumberland | 7,901 | 41.4 |
| Nottinghamshire | 19,947 | 24.2 |
| Oxfordshire | 5,850 | 15.3 |
| Shropshire | 9,085 | 27.2 |
| Somerset | 10,476 | 30.1 |
| Staffordshire | 30,738 | 35.3 |
| Suffolk | 5,608 | 13.8 |
| Surrey | 13,741 | 20.2 |
| Warwickshire | 12,740 | 30.6 |
| West Sussex | 10,934 | 21.6 |
| Wiltshire | 12,185 | 26.5 |
| England | 1,076,173 | 28.2 |

[1] Pupils in single teacher classes of 31 and over expressed as a percentage of all pupils in single teacher classes.

## Education Expenditure (Northamptonshire)

**Mr. William Powell:** To ask the Secretary of State for Education how much was spent in total on education in Northamptonshire at constant prices in each of the last 20 years. [20275]

**Mr. Robin Squire:** The table shows total expenditure by Northamptonshire local education authority from 1974–75 to 1993–94, the latest year for which provisional outturn figures are available. These figures have not been adjusted for any changes of function.

*Northamptonshire County Council*

| | Gross expenditure (1994–95 prices) £ million |
|---|---|
| 1974–75 | 217.0 |
| 1975–76 | 226.1 |
| 1976–77 | 235.1 |
| 1977–78 | 225.0 |
| 1978–79 | 225.8 |
| 1979–80 | 225.7 |
| 1980–81 | 229.4 |
| 1981–82 | 234.5 |
| 1982–83 | 232.7 |
| 1983–84 | 239.9 |
| 1984–85 | 241.9 |
| 1985–86 | 243.7 |
| 1986–87 | 256.6 |
| 1987–88 | 263.8 |
| 1988–89 | 272.0 |
| 1989–90 | 267.8 |
| 1990–91 | 265.9 |
| 1991–92 | 262.4 |
| 1992–93 | 263.8 |
| 1993–94[1] | 225.3 |

[1] Provisional.

**Mr. William Powell:** To ask the Secretary of State for Education how much was spent in Northamptonshire in *(a)* primary schools and *(b)* secondary schools in each of the last 20 years at constant prices. [20274]

**Mr. Robin Squire:** The table shows expenditure in schools maintained by Northamptonshire local education authority on *(a)* pre-primary and primary pupils combined, and *(b)* secondary pupils, from 1974–75 to 1993–94, the latest year for which provisional outturn figures are available.

*Northamptonshire County Council*

| | Spending per pupil (1994–95 prices) | |
|---|---|---|
| | Nursery/Primary (£) | Secondary (£) |
| 1974–75 | 1,097 | 1,960 |
| 1975–76 | 1,109 | 1,960 |
| 1976–77 | 1,117 | 1,972 |
| 1977–78 | 1,051 | 1,788 |
| 1978–79 | 1,051 | 1,773 |
| 1979–80 | 1,168 | 1,786 |
| 1980–81 | 1,044 | 1,573 |
| 1981–82 | 1,086 | 1,636 |
| 1982–83 | 1,130 | 1,652 |
| 1983–84 | 1,165 | 1,720 |
| 1984–85 | 1,368 | 1,883 |
| 1985–86 | 1,169 | 1,790 |
| 1986–87 | 1,249 | 1,950 |
| 1987–88 | 1,281 | 2,027 |
| 1988–89 | 1,594 | 2,188 |
| 1989–90 | 1,376 | 2,117 |
| 1990–91 | 1,424 | 2,087 |
| 1991–92 | 1,481 | 2,153 |
| 1992–93 | 1,455 | 2,200 |
| 1993–94[1] | 1,553 | 2,231 |

[1] Provisional

### University Students

**Mr. Sheerman:** To ask the Secretary of State for Education how much money was spent on each university student by her Department in real terms in *(a)* 1979, *(b)* 1985 and *(c)* 1992. [19995]

**Mr. Boswell:** The information is not available in the form requested. The average funding council grant and income from tuition fees per higher education student for the financial years 1980–81, 1985–86 and 1992–93 in real terms at 1992 prices was about £6,800, £6,300 and £4,700 respectively.

The average maintenance grants received by mandatory award holders in the academic years 1980–81, 1985–86 and 1992–93 in real terms at 1992 prices were £2,400, £1,700 and £1,600 respectively. Since 1990–91, students, including those who do not qualify for mandatory awards, have had access to student loans. The average loan in England and Wales in the academic year 1992–93 was £700.

### University Admission Procedures

**Mr. Sheerman:** To ask the Secretary of State for Education what steps she is taking to ensure that university admission procedures are not subject to racial discrimination. [20008]

**Mr. Boswell:** University admission procedures are a matter for the universities themselves. It is unlawful, under the provisions of the Race Relations Act 1976, for universities to discriminate on grounds of race in their admission procedures.

### Pupil: Teacher Ratios

**Ms Estelle Morris:** To ask the Secretary of State for Education if she will publish a table showing the pupil–teacher ratio in *(a)* all public sector schools and *(b)* all non-maintained schools in each year since 1970. [19371]

**Mr. Robin Squire:** The available information is shown in the table.

*Pupil:Teacher ratios (PTR) in Schools in England 1970–1994*
*Position in January each year*

| | [12] *Maintained Nursery, Primary and Secondary Schools* | [13] *Independent Schools* |
|---|---|---|
| 1970 | n/a | 13.7 |
| 1971 | n/a | 13.7 |
| 1972 | n/a | 13.6 |
| 1973 | n/a | 13.6 |
| 1974 | 20.7 | 13.6 |
| 1975 | 20.0 | 13.5 |
| 1976 | 19.8 | 13.4 |
| 1977 | 19.7 | 13.2 |
| 1978 | 19.4 | 12.9 |
| 1979 | 18.9 | 13.0 |
| 1980 | 18.7 | 12.7 |
| 1981 | 18.6 | 12.5 |
| 1982 | 18.5 | 12.2 |
| 1983 | 18.1 | 11.9 |
| 1984 | 17.9 | 11.6 |
| 1985 | 17.8 | 11.4 |
| 1986 | 17.6 | 11.3 |
| 1987 | 17.3 | 11.3 |
| 1988 | 17.0 | 11.3 |
| 1989 | 17.0 | 11.1 |
| 1990 | 16.9 | 10.9 |
| 1991 | 17.2 | 10.8 |
| 1992 | 17.4 | 10.6 |
| 1993 | 17.7 | 10.4 |
| 1994 | 18.1 | 10.3 |

[1] Counting each part-time pupil as 0.5 full-time equivalents.
[2] This is the Overall PTR which includes the full-time equivalent of all qualified teachers (including those not in schools and teachers providing short term cover), student teachers, instructors and licensed teachers employed in the maintained nursery, primary and secondary sector, including grant-maintained schools. Includes Sixth Form Colleges prior to 1994.
[3] Includes the full-time equivalent of all teachers employed by independent schools, whether qualified or not. Includes CTCs and direct grant nursery schools.
n/a Not readily available.

## TREASURY

### Medals and Decorations

**Mr. Flynn:** To ask the Chancellor of the Exchequer what firms tendered in each of the past five years for medals and decorations ordered by the Central Chancery of the Orders of Knighthood. [20257]

**Mr. Nelson:** The information requested is as follows:

| *Tendering firms* | *1991–92* | *1992–93* | *1993–94* | *1994–95* | *1995–96* |
|---|---|---|---|---|---|
| JW Barrett and Son | * | * | * | — | — |
| Collingwood | — | * | * | * | * |
| Thomas Fattorini | * | * | * | — | * |
| Firmin and Sons | — | — | — | — | * |
| Garrard | * | * | * | * | * |
| Royal Mint | * | * | * | * | * |
| Spink and Son | * | * | * | * | * |
| Toye, Kenning and Spencer | * | * | * | * | * |

**Mr. Flynn:** To ask the Chancellor of the Exchequer what are the current costs of each medal awarded during the current year by the Central Chancery of Orders of Knighthood. [20256]

**Mr. Nelson:** The latest unit costs, including VAT, of the medals awarded in 1994–95 are:

| *Honour* | *£* |
|---|---|
| GCB (Military) | 3,031 |
| GCB (Civil) | 1,733 |
| KCB (Military) | 1,755 |
| KCB (Civil) | 1,527 |
| CB (Military) | 474 |
| CB (Civil) | 213 |
| Order of Merit | 3,650 |
| Companion of Honour | 199 |

| Honour | £ |
|---|---|
| Knights Bachelor | 149 |
| DSO | 587 |
| DBE | 699 |
| KBE | 658 |
| CBE | 93 |
| OBE (Ladies) | 28 |
| OBE (Gentlemen) | 25 |
| MBE (Ladies) | 26 |
| MBE (Gentlemen) | 25 |
| GCMG | 3,231 |
| KCMG | 2,106 |
| CMG | 725 |
| GCVO | 1,363 |
| KCVO | 1,052 |
| CVO | 482 |
| LVO | 374 |
| MVO | 339 |
| RVM (Ladies) | 38 |
| RVM (Gentlemen) | 35 |
| BEM | 38 |
| ISM | 28 |
| QGM | 31 |
| George Cross | 247 |
| George Medal | 136 |
| Queen's Police Medal | 32 |
| Queen Fire Service Medal | 35 |

Some are returnable after the recipient has died and, after renovation, are re-used.

### Taxation

**Mr. Flynn:** To ask the Chancellor of the Exchequer if he will list all the changes made to *(a)* increase taxation and *(b)* decrease taxation since May 1992. [20064]

**Sir George Young:** Details of all recent tax changes are shown in successive editions of the "Financial Statement and Budget Report", copies of which are in the Library of the House.

### European Monetary Committee

**Mr. Cash:** To ask the Chancellor of the Exchequer if he will make a statement about the work of the European Union's monetary committee; for what reasons its activities are closed to the press; what is its policy regarding press inquiries about its activities; and if it is examining the design of notes and coins for the new monetary system. [17510]

**Mr. Nelson:** The present monetary committee was established under article 109c of the EC treaty. Its tasks include advising the Council and the Commission on EMU. Member states and the Commission each appoint two members of the committee.

Its policy regarding the press is a matter for the monetary committee. As part of its tasks in preparation for EMU, the committee helps prepare for ECOFIN's discussions on ecu notes and coins.

### Earnings, Sutton and Cheam

**Lady Olga Maitland:** To ask the Chancellor of the Exchequer what was the change in the proportion of total pay taken home in Sutton and Cheam by a single man in the bottom 10 per cent. of earnings *(a)* between 1979 and the latest year for which figures are available and *(b)* between 1974 and 1979. [19151]

**Sir George Young:** No reliable figures are available for the lowest 10 per cent. of earnings in Sutton and Cheam.

However, the position of single men at the lowest decile of earnings in Great Britain has improved. The proportion of their gross earnings taken home, after income tax and national insurance contributions, has risen by just over four percentage points since 1978–79, compared with a fall of around three percentage points between 1973–74 and 1978–79. Real take-home pay for this group fell slightly between 1973–74 and 1978–79, but it has risen by around a quarter since then.

### Inland Revenue Office, Leicester

**Mr. Dewar:** To ask the Chancellor of the Exchequer if he will give the estimated costs in each of the first three years of operation of the office in Leicester being established as a result of the decision to tax incapacity benefit; and if he will define the range of work being undertaken there and give the number of staff employed there. [19284]

**Sir George Young:** An Inland Revenue tax office, Leicester 4, has been opened to deal with the tax records of claimants in receipt of incapacity benefit who do not have another source of income currently subject to pay-as-you-earn and who therefore have a tax code applied to their benefit by the Benefits Agency.

About 10,000 recipients are expected to have tax deducted by the Benefits Agency. The Leicester office will also maintain records in 1995–96 for around 100,000 claimants who are not expected to have a tax liability for that year, but whose tax position may change in future years.

The office will review the tax codes operated, finalised those claimant's tax liabilities each year, and deal with inquiries. It will also act as a liaison office with the Benefits Agency.

There are presently 34 staff, but the final figure for 1995–96 will be dependent on the number of claimants whose records are handled by that office.

The projected running costs for the first three years of operation are as follows, but are subject to the number of records which are handled by the office and the number of staff employed:

1995–96: £593,100
1996–97: £788,900
1997–98: £963,900

### Crown Estate Commission

**Mr. Cohen:** To ask the Chancellor of the Exchequer what are the proceeds received by the Crown Estate Commission in the last year for which figures are available; from what sources they derived; how they are distributed; and to which bodies. [20055]

**Mr. Aitken:** The Crown Estate Commissioners operate under the provisions of the Crown Estate Act 1961. They do not distribute their proceeds. Under the terms of the Civil List Act 1952, their surplus revenue, after deducting

operating costs, is surrendered direct to the consolidated fund each year. In 1993–94, the amount was £78.9 million. Details of the Crown Estate's financial performance is contained in the commissioners' annual report to Parliament, a copy of which is available in the Library of the House.

## WALES

### Inward Investment

17. **Mr. Sweeney:** To ask the Secretary of State for Wales how many jobs have been created in Wales since 1979 as a result of inward investment from *(a)* Japan, *(b)* The European Union and *(c)* the United States of America. [18738]

**Mr. Redwood:** Figures in the form requested are not readily available. However, over 68,000 people are now employed by overseas-owned manufacturing companies in Wales. Almost 30,000 of these are employed by companies from the United States; over 14,000 by companies from the European Union and almost 12,500 by companies from Japan.

### Casualty and Surgical Services

18. **Mr. Hain:** To ask the Secretary of State for Wales what is his strategy for casualty and surgical services in Wales. [18739]

**Mr. Richards:** The provision of casualty and surgical services in Wales is a matter for health authorities and individual trusts. However, a Welsh office working group is reviewing accident and emergency provision across Wales. Advice from this group should assist health authorities and provider trusts in planning future services.

### Cardiff Bay Barrage

19. **Mr. Simon Coombs:** To ask the Secretary of State for Wales if he will make a statement on the progress of the Cardiff bay barrage. [18740]

**Mr. Gwilym Jones:** Good progress has been made to meet the target my right hon. Friend has set the corporation of completing 54 per cent. of the construction of the barrage by 31 March 1996.

The current final cost forecast of the barrage project is £191 million. After allowing for £15.4 million for preliminary design work and the presentation of the Bills to Parliament and £5.7 million for bird compensation measures, this forecast is consistent with the costs indicated to Parliament in October 1992 converted to outturn prices.

### Manufacturing Skills

20. **Sir Wyn Roberts:** To ask the Secretary of State for Wales what steps he is taking to ensure that there is an adequate supply of suitably qualified young people to meet the needs of manufacturing industry in Wales. [18741]

**Mr. Redwood:** Improving the supply of suitably qualified young people to meet the needs of manufacturing industry in Wales is one of my priorities. My plan to strengthen the supply of skilled workers at both craft and technician levels is set out in "People and Prosperity—an Agenda for Action in Wales", which was published on 20 March.

### Deprivation Payments

**Mr. Rhodri Morgan:** To ask the Secretary of State for Wales (1) what consultations he has had with *(a)* chairmen of the Welsh family health services authorities, *(b)* representations of the medical profession and *(c)* community health councils concerning the relative merits of postcodes and electoral wards as the basis for awarding deprivation payments to general practitioners; [19875]

(2) what representations he has received concerning the relative remits of postcodes and electoral wards as the basis for awarding deprivation payments to general practitioners. [19876]

**Mr. Redwood:** I have held no specific consultation with the three bodies mentioned, nor have I received any representations from them. I have recently received seven representations from individual GPs in South Glamorgan.

The present deprivation payments scheme was negotiated and agreed with the representative body of the profession in Wales. My officials have discussed the merits of the scheme with representatives of family health services authorities on several occasions. My officials have also been involved in discussions between health departments and the negotiating team of the General Medical Services Committee about the deprivation index. Both parties put forward evidence to the independent Doctors and Dentists Review Body on pay and the Government have accepted its recommendation that payments should be based on the 1991 census Jarman scores.

**Mr. Morgan:** To ask the Secretary of State for Wales what proposals he has to base deprivation payments to general practitioners on electoral wards. [19877]

**Mr. Redwood:** Since the inception of the deprivation payments scheme in 1990, payments to GPs in Wales have been based on the under-privileged area scores relating to electoral wards in accordance with an index of deprivation that was negotiated and agreed with the representative body of the profession in Wales. With effect from April 1995, payments to GPs will be updated using the 1991 census data.

### Swine Vesicular Disease

**Mr. Morley:** To ask the Secretary of State for Wales how many cases of swine vesicular disease were reported in each year since 1985. [19728]

**Mr. Gwilym Jones:** No cases of swine vesicular disease have occurred in Wales since 1985.

### Glaucoma

**Mr. Chidgey:** To ask the Secretary of State for Wales what is the estimated number of people aged over 17 years with glaucoma in Wales. [19731]

**Mr. Richards:** The information requested is not held centrally.

### Planning Policy Guidance

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales what progress he has made in respect of the introduction in Wales of planning policy guidance operating at present in England but not in Wales. [19895]

**Mr. Gwilym Jones:** Work continues on the preparation of draft planning policy guidance for Wales and consultation with Welsh interests will follow.

### General Development Order

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales when he intends to issue a consolidated version of the General Development Order of the Town and Country Planning Act 1988. [19896]

**Mr. Gwilym Jones:** Two separate orders, the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (General Development Procedure) Order 1995, were laid before Parliament on 6 March 1995 and come into force on 3 June 1995.

### Dental Services

**Mr. Llew Smith:** To ask the Secretary of State for Wales if he will publish for each district council area *(a)* the list of all dentists in Wales and *(b)* those dentists accepting NHS patients. [20044]

**Mr. Richards:** The information is not available centrally in the form requested. Family health services authorities maintain local directories of general dental practitioners and are best placed to provide up-to-date information on the availability of NHS dental services in their areas.

### Ambulance Trusts

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales what mechanism exists to enable the newly established ambulance trust to absorb Powys in order that coterminosity is established with the new geographical boundaries of the health authorities. [19932]

**Mr. Richards:** Either or both of the NHS trusts concerned may propose to me a reconfiguration of their boundaries. Neither has yet done so. Any such proposals would be subject to public consultation under existing legislative arrangements.

**Mr. Morgan:** To ask the Secretary of State for Wales if he will institute a review into the operational boundaries of the South East Wales ambulance trust and the Mid Glamorgan ambulance trust. [20527]

**Mr. Redwood:** I have no plans to do so and have received no such request from either of the NHS trusts concerned.

**Mr. Morgan:** To ask the Secretary of State for Wales what consultations he has had with the chairman of the South-East Wales ambulance trust and the chairmen of the South Glamorgan, Gwent, and Powys health authorities concerning cash transfers from the health purchasers to the ambulance trust with respect to reassessment of the financial set-up costs of the trust; and if he will make a statement. [20529]

**Mr. Redwood:** None. I understand that the trust has reached agreement with Gwent, South Glamorgan and Powys health authorities.

**Mr. Morgan:** To ask the Secretary of State for Wales what representations he has had concerning the financial viability of the South-East Wales NHS ambulance trust. [20528]

**Mr. Redwood:** None. The financial performance of all NHS trusts in Wales is the responsibility of the trusts and is monitored by my Department.

### Local Government Reorganisation

**Mr. Barry Jones:** To ask the Secretary of State for Wales what plans he has to visit the Alyn and Deeside district council office to discuss the future of chief officers and their staffs consequent upon the 1996 reform of local government; and if he will make a statement. [20342]

**Mr. Gwilym Jones:** My right hon. Friend and I have no such plans.

The future of staff depends mainly on decisions to be taken by the new authorities. The Staff Commission for Wales has a duty to advise the Secretary of State on the steps necessary to safeguard the interests of staff.

### Religious Education

**Mr. Flynn:** To ask the Secretary of State for Wales how many schools in Wales have changed their religious tuition following his request for an increased Christian content in the curriculum. [20024]

**Mr. Redwood:** In accordance with my statement, I have asked the Curriculum and Assessment Authority for Wales to prepare guidelines for the revision of locally agreed religious education syllabuses. The guidelines will assist local authorities and their standing advisory councils on religious education over the next statutory syllabus reviews. They will also reflect the important place that Christianity holds in the religious traditions of this country.

### Union Flag

**Mr. Flynn:** To ask the Secretary of State for Wales how many schools in Wales flew the Union flag following the advice of his predecessor. [20025]

**Mr. Richards:** The information is not held centrally.

### Rural White Paper

**Mr. Dafis:** To ask the Secretary of State for Wales for what reason section 19 of "This Common Inheritance—UK Annual Report 1995", on rural White Papers, refers to Scotland and England, but not to Wales. [19804]

**Mr. Redwood** *[holding answer 21 April 1995]:* The Welsh Office's rural policies were brought together in December 1991 in the publication "The Rural Initiative" which set out the Department's principal policy objectives for rural communities in Wales. Those objectives remain valid and continue to inform the activities of the Department and its agencies.

I am keeping in close touch with the development of the White Paper in England and Scotland and Welsh Office officials are fully informed on the discussions which are under way. I will be considering whether any further consequential action is required in Wales in the light of progress in England.

## DUCHY OF LANCASTER

### Draft Legislation

**Mr. Gordon Prentice:** To ask the Chancellor of the Duchy of Lancaster what assessment he has made of the proposal to allow the private sector to draft legislation. [18751]

**Mr. David Hunt:** I refer the hon. Member to my answer of 23 February 1995, *Official Record*, column *298*, and to the answer given by my right hon. Friend the Financial Secretary to the Treasury on 14 March 1995, *Official Report*, columns *463-65*.

### Administrative Staff

**Mr. Ainger:** To ask the Chancellor of the Duchy of Lancaster how many new posts were vacant at administrative assistant and administrative officer level in each quarter between September 1993 and April 1995 available for internal appointment. [20589]

**Mr. Horam:** Individual Departments and agencies are responsible for filling their own posts at administrative assistant and administrative officer level. Within my Department, no posts at administrative assistant or administrative officer level for which staff have been sought have remained vacant for any significant period of time.

### Conflicts of Interest

**Mr. Milburn:** To ask the Chancellor of the Duchy of Lancaster how and where declarations of possible conflicts of interest involving special advisers and civil servants formally are recorded. [20403]

**Mr. David Hunt:** Civil Servants, including special advisers, must declare conflicts of interest to their Department or agency and comply with any subsequent instructions regarding the retention, disposal or management of such interests.

### Special Advisers

**Mr. Milburn:** To ask the Chancellor of the Duchy of Lancaster if he will place in the Library a copy of the standard terms and conditions for appointment for special advisers. [20477]

**Mr. David Hunt:** I am placing a copy of a model appointment letter for special advisers in the Library.

## FOREIGN AND COMMONWEALTH AFFAIRS

### Torture Equipment

**Mr. Jim Cunningham:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what joint international action he is proposing to curb the production of torture equipment; [20294]

(2) what discussions he has had with his European and United States colleagues to curb the British manufacture of torture equipment; [20295]

(3) what discussions officials and Ministers have had to curb the manufacture of torture equipment with colleagues at the United Nations and the European Union. [20297]

**Mr. David Davis:** There have been no discussions on curbing the manufacture of torture equipment.

Officials at the European Union working group on conventional arms transfers have recently held preliminary exchanges on information on export control practices covering these kinds of weapons. These discussions are on-going.

A wide variety of innocuous equipment could conceivably be misused for torture, including goods which it is not practical to control. Prohibited weapons are controlled under section 5 of the Firearms Act 1968, as amended. They cannot be manufactured, possessed or sold without the authority of the Secretary of State for the Home Department.

### Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report; [20193]

(2) how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990. [20192]

**Mr. Goodlad:** None. All Government Departments are required to present departmental reports to Parliament. The report therefore forms part of the normal FCO—diplomatic wing and ODA—work load. Accordingly, no separate assessment of the costs and staff implications of compilation is prepared.

### Kashmir

**Mr. Cox:** To ask the Secretary of State for Foreign and Commonwealth Affairs when he last discussed Kashmir with the Pakistan Government; and if he will make a statement on the issues which were discussed. [19948]

**Mr. Baldry:** My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs discussed Kashmir most recently with the Pakistani Government during his visit to Pakistan in January this year. The main topics of discussion were the prospects for elections in Kashmir and violence in Kashmir. I also discussed Kashmir during my visit to Pakistan last month.

**Mr. Cox:** To ask the Secretary of State for Foreign and Commonwealth Affairs when he last discussed Kashmir with the Indian Government; and what issues were discussed. [19949]

**Mr. Baldry:** My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs discussed Kashmir most recently with the Indian Government during his visit to India in January this year. The main topics of discussion were the prospects for elections in Kashmir and human rights issues.

### Liberia

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many UNOMIL military observers there were in Liberia in October 1994; how many there are now; and for what reasons the number changed. [19914]

**Mr. Douglas Hogg:** There were 98 UNOMIL military observers in Liberia on 31 October 1994 and 77 as at 31 March 1995.

In October 1994, the UN Secretary-General recommended that the number of UNOMIL military observers should be reduced because the worsening security situation and ECOMOG's inability to provide the necessary protection for the observers meant that UNOMIL was unable to carry out many of its mandated activities.

### Expatriate Civil Servants (Hong Kong)

**Mr. Spellar:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he is able to provide figures on the cost of arrangements for expatriate civil servants currently based in Hong Kong on the resumption of sovereignty by China. [20210]

**Mr. Goodlad:** Members of Her Majesty's Overseas civil service who worked in Britain's dependent territories received compensation and pension protection when British sovereignty over these territories came to an end. We intend to provide Hong Kong HMOCS with compensation, and a scheme to give members and former members of HMOCS some protection against a decline in the value of their pensions. The proposed compensation scheme would cost about £40 million at 1992 prices.

### Slovakia

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the subjects discussed and outcomes reached during his visit to Slovakia. [20250]

**Mr. Douglas Hogg:** My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs had valuable discussions with President Kovac, Prime Minister Meciar and Foreign Minister Schenk. These covered bilateral relations, Slovakia's political and economic Development and its relations with the EU and NATO. He expressed strong support for the consolidation of the new Slovak democracy and for Slovakia's movement towards full membership of the EU and NATO. He agreed with Prime Minister Meciar to take further steps to strengthen bilateral co-operation.

### Human Rights (Iraq)

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations about human rights in northern Iraq he made to the deputy Prime Minister of Turkey during his visit to London. [19907]

**Mr. David Davis:** My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs met the Deputy Prime Minister of Turkey for talks and lunch when he visited London on 6 April. He took the opportunity to repeat our call for the early withdrawal of Turkish troops from northern Iraq. He reminded Mr. Cetin of the need to honour the Turkish commitment not to harm non-combatants in the region or disrupt relief activities.

**Mr. Wray:** To ask the Secretary of State for Foreign and Commonwealth Affairs if the Government will suspend all military deliveries and subsidies to Turkey in light of its recent actions against the Kurdish population in northern Iraq. [20323]

**Mr. David Davis:** Turkey is a NATO ally with legitimate defence requirements. Proposed United Kingdom arms sales to Turkey are subject to stringent licensing procedures. We do not grant licences for the sale of equipment which we believe is likely to be used for internal repression.

### Human Rights Violations

**Mr. Jim Cunningham:** To ask the Secretary of State for Foreign and Commonwealth Affairs what information he has received from embassies and other sources as to the use of British-made equipment for human rights violations. [20293]

**Mr. Douglas Hogg:** We do not issue licences for the export of equipment likely to be used for internal repression. When considering applications for licences we pay particular attention to human rights in the countries concerned. We take account of all relevant information received from our embassies and other sources.

### Military Personnel Costs

**Mr. Michael Jopling:** To ask the Secretary of State for Foreign and Commonwealth Affairs what proportion of the costs of posting military personnel to embassies and high commissions falls on his Department; and what is the total cost. [19959]

**Mr. Goodlad:** The FCO normally meets the following costs of service attachés and their UK-based support staff who serve at our diplomatic missions overseas:

residential accommodation, furniture and maintenance;
office accommodation, furniture and maintenance;
office utilities;
office telephone, fax and secure communications.

This expenditure is not recorded separately but included with that for all other diplomatic service staff. It would therefore be possible to identify it only by incurring disproportionate cost.

Other costs of service attachés, including pay, fall to the Ministry of Defence.

### Executive Agencies

**Mr. Macdonald:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will give the number and location of Natural Resources Institute and Wilton Park offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [20301]

**Mr. Baldry:** No Natural Resources Institute or Wilton Park offices have been opened or closed, and no jobs have been lost, transferred or gained over this period as a result of the transfer of agency work from or to Scotland.

### Conventional Forces in Europe Treaty

**Mr. David Atkinson:** To ask the Secretary of State for Foreign and Commonwealth Affairs whether Russia is meeting its obligations under the conventional forces in Europe treaty in the Caucasus; and if he will make a statement. [20475]

**Mr. Douglas Hogg:** The conventional armed forces in Europe treaty was signed in 1990 and establishes numerical limits for different types of military equipment in different regions of Europe. These limits are to be achieved by this November. We are working with our NATO allies and with Russia to ensure that this target is met.

### Transport Costs

**Mr. Harry Greenway:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many staff from his Department based overseas rely upon *(a)* bicycles, *(b)* horses or other equines, *(c)* private cars or *(d)* other means for local transport; at what estimated cost in each case; and if he will make a statement. [18760]

**Mr. Goodlad:** The FCO and ODA have some 2,600 UK-based and 7,100 locally engaged staff serving overseas. Information about the mode and cost of local transport is not readily available and could be obtained only at disproportionate cost.

### Immigration

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many applications have been made to the United Kingdom post in Islamabad in the last three years, to date, by applicants from Mirpur for *(a)* visits to and *(b)* settlement in the United Kingdom; and how much time on average entry clearance officers in Islamabad have allocated to interview applicants applying for *(c)* visits to and *(d)* settlement in the United Kingdom. [19986]

**Mr. Baldry:** As Islamabad does not record visa applications by locality the information requested in parts *(a)* and *(b)* of the question could be obtained only at disproportionate cost.

The proportion of ECOs' time allocated to settlement and non-settlement interviewing is subject to fluctuations but, on average, the respective proportions are 30 per cent. and 40 per cent. The remaining 30 per cent. is spent on related work—writing explanatory statements, making local enquiries and so on.

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of improved standards of customer service applicants from Mirpur in Pakistan for visas to the United Kingdom post in Islamabad for *(a)* visits to and *(b)* settlement in the United Kingdom from establishing temporary facilities for checking application forms and documentation by entry clearance officers being available for parts of each year in Mirpur; what enquiries have been made of the Government of Azad Kashmir about the availability of suitable offices; and if he will make a statement.

**Mr. Baldry:** I have asked the high commission at Islamabad for details and shall arrange for the hon. Member to receive a substantive reply from the migration and visa correspondence unit as soon as possible.

### Antarctic Treaty Secretariat

**Mr. Corbyn:** To ask the Secretary of State for Foreign and Commonwealth Affairs what bilateral talks have been held with Argentina concerning the location of the Antarctic treaty secretariat. [20235]

**Mr. David Davis:** The location of the Antarctic treaty secretariat has been raised periodically during the course of UK-Argentine bilateral meetings on other matters.

**Mr. Corbyn:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what recent representations he has received from other countries concerning the location of the Antarctic treaty secretariat; what form these took; and what meetings have been held; [20234]

(2) what discussions have been held with other signatory states to the Antarctic treaty concerning the location of the secretariat authorised by the treaty. [20236]

**Mr. David Davis:** The Argentines regularly promote their candidacy of Buenos Aires for the location for the Antarctic treaty secretariat. Several of the Antarctic treaty parties have raised the issue during bilateral talks on Antarctic issues. Specific aide memoires were delivered to the FCO by representatives of Belgium, Germany, Italy, Netherlands, Norway, Sweden and the United States in December and January on this subject.

## AGRICULTURE, FISHERIES AND FOOD

### Meat Inspections

**Mr. Nigel Griffiths:** To ask the Minister of Agriculture, Fisheries and Food (1) how many inspectors his Department employs to visit meat wholesalers; how many visits each inspector makes; and how many visits each supplier expects a year; [19486]

(2) if meat wholesalers are notified in advance of visits by his Department's meat inspectors; [19487]

(3) if he will list the number and types of incidents in meat wholesalers detected by his Department's inspectors for the last year for which figures are available. [19489]

**Mrs. Browning:** The Agriculture Departments are responsible for licensing fresh meat premises—abattoirs, cutting plants and some cold stores, all of which could be considered wholesalers—under the Fresh Meat (Hygiene and Inspection) Regulations 1995. Visits for licensing purposes are carried out by officers of the State Veterinary Service. At end 1994, there were 1,580 licensed premises in Great Britain and SVS time spent on visits to meat plants is estimated at 58 man years in 1994–95. Some SVS visits to licensed premises are unannounced.

The purpose of SVS licensing visits is to monitor standards and to advise on remedial action where deficiencies are identified. Information on SVS assessments of hygiene standards was given in my reply to the hon. Member for Worcester (Mr. Luff) on 1 March 1995, *Official Report*, columns *626–28*, and my hon. Friend the Under-Secretary of State for Scotland's reply to the hon. Member for Ayr (Mr. Gallie) on 14 March 1995, *Official Report*, columns *480–82*.

On 1 April 1995, responsibility for meat inspection and hygiene enforcement in Great Britain transferred from local authorities to the Meat Hygiene Service, an executive agency of the Department. The MHS currently employs 817 meat hygiene inspectors and 42 official veterinary surgeons, and also obtains vet services and relief cover for meat inspection through contract. MHS personnel are present in abattoirs on a daily basis and make regular visits to cutting premises and cold stores.

Premises are notified in advance of the overall level of supervision to be expected but will not always know the precise timing of the visits.

Until this month, day-to-day hygiene enforcement in fresh meat premises was the responsibility of local authority environmental health departments, and the Department does not hold records of incidents detected by their inspectors.

**Mr. Nigel Griffiths:** To ask the Minister of Agriculture, Fisheries and Food what investigations his Department's inspectors carry out on the accuracy of date labelling by wholesale meat suppliers to supermarkets. [19488]

**Mrs. Browning:** Date-marking requirements apply to pre-packed foodstuffs which are ready for sale to the ultimate consumer or a catering establishment. Enforcement of these requirements is the responsibility of local authorities. Inspectors from local authorities will check on compliance with date-marking requirements as part of their routine duties.

### Bovine Offal

**Mr. Campbell-Savours:** To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 21 March, *Official Report*, column *156*, which industrial organisations and individuals made representations to the Government regarding the collection and disposal of specified bovine offal prior to their consideration of the need to require specified bovine offal to be stained with a specified dye and for changes to be made concerning collection and disposal of offal. [19568]

**Mrs. Browning** *[holding answer 16 April 1995]:* In the course of discussions on aspects of the controls on specified bovine offals, representations were made to the Department on a confidential basis by individuals and bodies from various sides of the industry with a direct concern in this issue.

In line with the Department's policy on openness, responses to the public consultations on these new controls were sought on the basis that they would be made publicly available unless respondents clearly indicated a wish to be excluded from the arrangements. The results of the consultation letters are in the House Library and copies of the responses are available in the MAFF library at Whitehall place.

### Sheep Exports

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food how many sheep were exported to Spain between 1 October 1993 and 30 September 1994; how many of these had an export certificate *(a)* for slaughter and *(b)* for further fattening; where the sheep exported to Spain with an export certificate for further fattening were slaughtered; and under what conditions. [19701]

**Mrs. Browning:** During the period, export health certification was issued for 28,423 sheep for further fattening, and for 630 sheep for slaughter. Bi-lateral arrangements with the Spanish veterinary authorities aim to ensure, by a system of spot-checks, that transport arrangements are satisfactory and that the sheep for further fattening reach their declared final destinations. We have no information on the places of slaughter for sheep exported for further fattening.

### Milk Marque

**Mr. McAvoy:** To ask the Minister of Agriculture, Fisheries and Food if he will provide figures arising from the survey commissioned from the Office of Fair Trading on the impact of the establishment of Milk Marque on 1 November 1994, on the provision of milk to the marketplace and its impact on the consumer in terms of *(a)* prices, *(b)* quantity and *(c)* delivery, including the likely impact on doorstep delivery; and if he will make a statement. [19453]

**Mr. Jack:** The Office of Fair Trading has not commissioned a survey on the impact of the establishment of Milk Marque.

### Advisers

**Ms Eagle:** To ask the Minister of Agriculture, Fisheries and Food how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19429]

**Mr. Jack:** The Department currently employs one political adviser whose salary and conditions of work have been negotiated individually in relation to previous work and earnings and are confidential. Economic advice is obtained from career civil servants, who may be employed on a variety of working patterns. The numbers by grade in full-time equivalents are:

| | *Number* |
|---|---|
| Grade 3 | 1 |
| Grade 4 | 1 |
| Grade 5 | 3 |
| Grade 6 | 1 |
| Grade 7 | 8 |
| Assistant Economist | 13 |

### Common Fisheries Policies

**Mr. Gill:** To ask the Minister of Agriculture, Fisheries and Food if it is within the remit of the common fisheries policy review group to question the principle of equal access to a common resource. [19546]

**Mr. Jack:** I shall want the review group to look at any constructive and realistic proposals for improving the common fisheries policy.

### Bovine Somatotropin

**Mr. Ieuan Wyn Jones:** To ask the Minister of Agriculture, Fisheries and Food what plans he has to lift the moratorium on bovine somatotropin at the end of 1995; and if he will make a statement. [19499]

**Mrs. Browning:** At its meeting in December 1994, the Council of Agriculture Ministers decided, by a qualified majority, to extend the moratorium on bovine somatotropin until 31 December 1999. Although the UK voted against that decision, as it was without scientific justification, it applies in all member states. It is for the Council of Agriculture Ministers to consider any change to that decision. I am not aware that it has any plans to reconsider the subject.

### Swine Vesicular Disease

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food how many cases of swine vesicular disease were reported in each year since 1985. [19727]

**Mrs. Browning:** The last case of swine vesicular disease in England was in 1982.

### Organophosphorous Sheep Dips

**Mr. Martyn Jones:** To ask the Minister of Agriculture, Fisheries and Food what consideration he is going to pay in compensation for individuals harmfully affected by the use of organophosphorus sheep dips; and if he will make a statement on compensation claims in respect of his policy on harmful effects of organophosphorus dips. [19787]

**Mrs. Browning** *[holding answer 21 April 1995]:* The question of compensation for those who claim to be affected by exposure to organophosphorous sheep dips is a matter between the individuals and pharmaceutical companies concerned.

**Mr. Martyn Jones:** To ask the Minister of Agriculture, Fisheries and Food what further controls his Ministry plans on the use of organophosphorous sheep dips; and what steps his Ministry is taking to enforce the present regulations. [19788]

**Mrs. Browning** *[holding answer 21 April 1995]:* I have no plans for further controls on the use of organophosphorous sheep dips at this stage. It is important to give the new certificate of competence arrangements, which only came into full effect on 1 April 1995, sufficient time before coming to any judgment over their effectiveness. The arrangements will continue to be kept under review, and I will be taking stock of the position at the end of the year. If they are not found to be working properly, then changes will be considered in the light of any further advice the Veterinary Products Committee might offer. Enforcement of the controls on sales of organophosphorous sheep dips is carried out by the Royal Pharmaceutical Society of Great Britain, and on their use by the Health and Safety Executive under the Control of Substances Hazardous to Health Regulations 1998.

### Common Agricultural Policy

**Dr. Strang:** To ask the Minister of Agriculture, Fisheries and Food if he will set out his reasons for excluding from the common agricultural policy review group a representative of consumer interests. [19615]

**Mr. Waldegrave:** In deciding upon whom to invite to become members of the CAP policy group, I chose people who would make their contributions according to their own individual ideas rather than as representatives of particular organisations or sectors. I am always concerned to have a consumer view on the CAP, and have already made this the main agenda item for my next meeting with consumer organisations on 13 June.

### Artificial Insemination

**Mr. Morley:** To ask the Minister of Agriculture Fisheries and Food what steps he is taking to encourage the use of separated sperm to reduce the number of surplus male calves; and if he will make a statement. [19817]

**Mrs. Browning:** Recent research has shown that the use of separated sperm is feasible but that at present it is not economic for the technique to be used for commercial insemination purposes.

## HOME DEPARTMENT

### Danny Aloysius Riley

**Mr. Redmond:** To ask the Secretary of State for the Home Department (1) what reasons were given by the governor of Durham prison for not sending Danny Aloysius Riley to Wakefield magistrates court; and if he will make a statement; [17131]

(2) if he will investigate the circumstances in which his Department was unable to establish in which prison Danny Aloysius Riley was being held when he was due to appear at Wakefield magistrates court; [17135]

(3) on what grounds a prison governor can decline to send a prisoner awaiting trial to court; and if he will make a statement. [17134]

**Mr. Michael Forsyth:** Responsibility for these matters has been delegated to the director general of the Prison Service who has been asked to arrange for a reply to be given.

*Letter from Mr. Derek Lewis to Mr. Martin Redmond, dated 24 April 1995:*

The Home Secretary has asked me to reply to your recent Question about the grounds on which a prison governor can decline to send a prisoner awaiting trial to court, the reasons given by the governor of Durham prison for not sending Danny Aloysius Riley to Wakefield Magistrates' Court and the circumstances in which the Department was unable to establish in which prison Danny Aloysius Riley was being held when he was due to appear at Wakefield Magistrates' Court. The prisoner you refer to is Danny Aloysius Reilly.

Where there is a warrant or court order addressed to the governor of a prison requiring him to produce a prisoner, such a warrant must be obeyed unless alternative arrangements have been made with the court. This is usually in cases where the prisoner is ill or, where there are serious difficulties in meeting the production date, perhaps because of distance or staff availability.

In the case to which you refer, a production order was received at Durham prison on 13 March 1995 to produce Mr. Reilly at Wakefield Magistrates' Court on 23 March. The governor considered that it would cause staffing difficulties with security implications at Durham prison to produce Mr. Reilly on that date. The matter was therefore discussed with the court on 17 March and the court agreed to reschedule the hearing for 20 April. Arrangements have been made to transfer Mr. Reilly to Leeds for production on that date.

The prisoner referred to was charged and convicted under the name of Reilly and his name is recorded as such on his prison records. On 23 March, Durham prison contacted with a query from the Yorkshire Post about a Mr. Aloysius Riley. A check was carried out using the spelling Riley. No Aloysius Riley could be found. As it was known that the prisoner being traced was serving a life sentence, it was suggested that enquiries be directed to Frankland prison, which as a dispersal prison, holds a large number of prisoners serving life sentences. Enquiries at Frankland proved fruitless and Durham prison was contacted again about half and hour later. This time the records were checked using the spelling Reilly and Mr. Danny Aloysius Reilly was identified.

There was no question of the Prison Service being unable to trace Mr. Reilly but rather a need to establish the full and correct name.

### Executive Agencies

**Mr. Macdonald:** To ask the Secretary of State for the Home Department if he will list the number and location

of Fire Service College, Forensic Science Service, United Kingdom Passport Agency and HM Prison Service offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the last five years; and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [19971]

**Mr. Howard :** None.

### Subsistence Allowance

**Mr. David Shaw:** To ask the Secretary of State for the Home Department if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19556]

**Mr. Howard:** Following is the available information about expenditure by my Department on subsistence allowances for travel:

*£000*

| *Inland travel* | *1992–93* | *1993–94* | *1994–95 provisional* |
|---|---|---|---|
| Home Office (excluding Agencies) | [1]— | 3,094 | 1,936 |
| HM Prison Service | 7,097 | 6,386 | 6,622 |
| Forensic Science Service | 102 | 166 | 131 |
| United Kingdom Passport Agency | 66 | 136 | 88 |

[1]Not available

*£000*

| *Overseas travel* | *1992–93* | *1993–94* | *1994–95 provisional* |
|---|---|---|---|
| Home Office (excluding Agencies) | [1]— | [1]— | 784,946 |
| HM Prison Service | 75 | 38 | 38 |
| Forensic Science Service | 4.6 | 10.2 | 2.7 |
| United Kingdom Passport Agency | 1.5 | 0.4 | 2.2 |

[1]Not available

*Note:*

Information in respect of the Fire Service College is not available in the form requested.

### Overtime and Sickness

**Mr. David Shaw:** To ask the Secretary of State for the Home Department if he will list for each agency and central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19683]

**Mr. Howard:** The available information on overtime, taken from the Home Office pay computer, is as follows:

| | *Central Home Office* | *Prison Service* | *United Kingdom Passport Agency* | *Fire Service College* | *Forensic Science Service* |
|---|---|---|---|---|---|
| *Number of hours of overtime for which payment has been made* | | | | | |
| 1993–94 | 1,623,028 | 3,586,949 | 210,052 | 7,230 | 36,368 |
| 1994–95 | 1,548,521 | 3,820,594 | 180,843 | 9,726 | 19,736 |
| *Total amount in paid overtime* | | | | | |
| 1993–94 | 10,840,249 | 16,768,020 | 1,206,632 | 33,943 | 446,034 |
| 1994–95 | 10,013,139 | 18,488,256 | 1,042,150 | 46,759 | 233,828 |

Information is not available for the financial year 1992–93. The overtime figures include all premia payments in respect of rostered weekend or rest day working, payments for additional hours worked and travel time. There may also be some overtime claims for 1994–95 still being processed.

The total number of working days lost through sickness in 1992 and 1993 in the Home Office, including its agencies, is as follows:

1992: 415,575

1993: 499,695

Data for 1994 are not yet available. Neither separate comparable information for the Home Office agencies, nor the monetary equivalent of the total number of days lost through sickness absence, is available.

### Sentencing Policy

**Mr. Jenkin:** To ask the Secretary of State for the Home Department what assessment he has made of the effects of taking into account individual defendants' past behaviour on sentencing policy. [18748]

**Mr. Maclean:** A special exercise was undertaken to monitor the effects of the Criminal Justice Acts 1991 and 1993. It found that there was a rise in the proportionate use of custody for adult males at both magistrates and Crown courts—most noticeably for property offences—following the implementation of the provisions of the 1993 Act which, among other things, restored to courts their power to take account of the previous convictions of offenders and their responses to previous sentences. This rise was most significant for offenders sentenced for property offences who had between six and 20 previous convictions. The rise effectively restored the proportionate use of custody for these offenders to the level evident prior to the implementation of the 1991 Act. The exercise also suggested that for adult males sentenced at the Crown court there appeared to have been an increase in the length of sentences given to those sentenced for all types of offences where they had between six and 20 previous convictions.[1]

A comparison of the sentencing of a sample of offenders with and without previous convictions in 1991 taken from the offenders index is included in "Criminal Statistics England and Wales 1993". Information about offenders convicted in 1993 will be available later this year.

[1]Home Office Statistical Bulletin Issue 20/94 "Monitoring of the Criminal Justice Acts 1991 and 1993—Results from a Special Data Collection Exercise".

### Cameras, Shoreham

**Mr. Morley:** To ask the Secretary of State for the Home Department how many *(a)* video and *(b)* still cameras are currently used by the Sussex police; how many are specifically dedicated to the monitoring of protestors at Shoreham port; and what is the cost of this latter category as a proportion of the police force's overall cost on cameras. [19816]

**Mr. Maclean:** These are operational matters for the chief constable.

### Law and Order Pack

**Ms Primarolo:** To ask the Secretary of State for the Home Department what was the total production and distribution cost of the "Action Against Crime (Strategy on Law and Order)" pack; how many copies were produced; and to whom they were distributed. [20253]

**Mr. Howard:** The total production cost, including value added tax, was £12,168. Distribution cost to date is £346.

The primary purpose of the pack is to provide information for members of the public who inquire about law and order policies. Distribution costs will therefore be restricted to postage.

The print run included 2,000 packs, each containing printed sheets covering eight law and order subjects; 8,000 wallets; a stock of blank insert sheets. The latter will be used as stock for updating information as necessary.

A complete pack was sent to all Members representing constituencies in England and Wales.

### Marchioness

**Mr. Spearing:** To ask the Secretary of State for the Home Department what arrangements were made for distribution of the transcript of the proceedings of the resumed inquest into the deaths of some of the passengers drowned in the Marchioness disaster, during its sittings between 13 March to 7 April; and if he will make arrangements for a transcript of the proceedings to be made available to those legally represented at the inquest, and a copy to be placed in the Library, and be available for public inspection at a convenient location in central London. [19776]

**Mr. Nicholas Baker** *[holding answer 18 April 1995]:* This is entirely a matter for the coroner who conducted the resumed inquest. Coroner's actions are governed by the Coroners Act 1988 and the Coroners Rules 1984 which require the coroner only to take notes of the evidence at the inquest and which contain no requirement to provide a transcript of the proceedings to any person.

## TRANSPORT

### Air Traffic Control

**Sir Russell Johnson:** To ask the Secretary of State for Transport what has been the cost of air traffic control services in the highlands and islands area in each of the last three years for which figures are available.

**Mr. Norris:** The cost to Highlands and Islands Airports Ltd. of the provision of air traffic control staff both employed and contracted from Civil Aviation Authority, together with the cost of engineering and technical support to the company for the last three years was:

*£(000)*

| | 1992–93 | 1993–94 | 1994–95 |
|---|---|---|---|
| 1. CAA Sumburgh | 480 | 529 | 499 |
| 2. Employed ATC | 590 | 732 | 768 |
| 3. Engineering | 437 | 455 | 397 |
| 4. Technical Support | 222 | 147 | 96 |
| Total | 1,729 | 1,863 | 1,760 |

### Driving Test Centre, Rhyl

**Mr. Hanson:** To ask the Secretary of State for Transport (1) how many driving tests Mr. John Morris of the Driving Test Standards Agency stated were held annually at the Rhyl driving test centre at a meeting in Rhyl on 18 November 1994; [18924]

(2) how many representations have been received with regard to the closure of the Rhyl driving test centre *(a)* since 30 November 1994 and *(b)* in total. [18923]

**Mr. Norris:** These are operational matters for the Driving Standards Agency. I have asked the chief executive to write to the hon. Member.

*Letter from Bernard L. Herdan to Mr. David Hanson, dated 18 April 1995:*

The Secretary of State for Transport has asked me to reply to your questions about the Rhyl Driving Test Centre.

My letter to you of 7 February advised that some 25 individuals and organisations responded to our public consultation exercise which concluded on 30 November 1994. Since that date a further 13 responses have been received, including 2 petitions with 110 signatures.

John Morris, who attended the meeting with the local driving instructors on 18 November 1994 indicated as a rough guide that the maximum potential for tests at Rhyl, and its outstation at Llandudno, was 5760, i.e. 3 examiners conducting 40 tests per week for 48 weeks.

### Gospel Oak to Barking Line

**Mr. Gerrard:** To ask the Secretary of State for Transport what compensation will be available to passengers on the Gospel Oak to Barking line whose trains have been cancelled through delays caused by Railtrack or the train operator; and if he will give passengers parity with freight customers in respect of the imposition of penalties when trains are delayed. [18700]

**Mr. Norris:** Under British Rail's passengers charter, season ticket holders are entitled to a discount on renewal if average performance over the previous year has been below the advertised standard by more than a small margin. For non-season ticket holders, British Rail offers an ex-gratia system in response to all claims, and each is treated on its merits. In addition, North London Railways

is currently offering ex-gratia compensation to season ticket holders affected by the severe disruption to Gospel Oak to Barking services on 27 and 28 March.

Any compensation from BR to freight customers is a contractual matter between BR and the individual customer.

**Mr. Gerrard:** To ask the Secretary of State for Transport how many trains have been delayed for more than five minutes on the Gospel Oak to Barking line since 1 March. [18702]

**Mr. Norris:** During the period 5 March to 1 April, 108 trains have been delayed for more than five minutes on the Gospel Oak to Barking line.

**Mr. Gerrard:** To ask the Secretary of State for Transport what remedial works to bridges and other structures on the Gospel Oak to Barking line Railtrack has completed to permit the passage of trains with wagons of tare weight of 100 tonnes with 25 tonne axle loadings over the weight restricted section of railway between south Tottenham and Woodgrange park; and if he will make a statement on the safety implications of currently operating such trains over that section of railway. [18699]

**Mr. Norris:** I understand that after reassessment, Railtrack's engineers have concluded that it is safe to run freight trains on this line subject to some restrictions, such as limiting access to some bridges to one freight train at a time.

**Mr. Gerrard:** To ask the Secretary of State for Transport how many trains have been cancelled on the Gospel Oak to Barking line since 1 March. [18701]

**Mr. Norris:** During the period 5 March to 1 April, 101 trains have been cancelled on Gospel Oak to Barking line.

**Mr. Gerrard:** To ask the Secretary of State for Transport if train services on the Gospel Oak to Barking line since 1 March meet his standards laid down under the passengers charter in respect of delays and cancellations. [18703]

**Mr. Norris:** Passengers charter performance standards are set by the British Railways Board and apply to route groups, not to individual lines. The Gospel Oak to Barking line is part of the North London lines route group. The latest BR performance figures for the period up to 3 March, show that north London lines are failing to meet both their punctuality and reliability standards.

## Second Severn Crossing

**Mr. Legg:** To ask the Secretary of State for Transport if he will consider the merits of the complete privatisation of free–standing or potentially free–standing projects, with special reference to the second Severn Valley bridge. [18843]

**Mr. Watts:** We are always willing to consider the scope for new projects to be taken forward entirely within the private sector. The second Severn crossing however is subject to both legislative and contractual arrangements which we do not intend to amend.

## Channel Tunnel Rail Link

**Sir John Stanley:** To ask the Secretary of State for Transport what criteria are currently being used to purchase properties along the line of the channel tunnel rail link that are blighted but are outside the area defined in safeguarding directions; and if he will place all relevant information in the Library. [18692]

**Mr. Watts:** For residential owner-occupied property which is outside the safeguarded areas for the channel tunnel rail link, Union Railways is operating a discretionary purchase scheme. This applies, in particular, where the property is expected to be affected by operational noise above the proposed threshold for noise insulation regulations in cases of serious hardship. New guidelines for the operation of the scheme will be published following completion of the current review of discretionary purchase arrangements in the light of the Owen judgment and a copy of those guidelines will be placed in the Library.

## Road Programme

**Mr. Olner:** To ask the Secretary of State for Transport if he will list the national road programme scheme milestones that were achieved in 1994–95 and the date they were achieved. [18663]

**Mr. Watts:** The information requested is contained in the following tables.

*Highways agency achieved milestones in 1994–95*

*Public consultation*

| | *Date* |
|---|---|
| *Business plan* | |
| A10 M25-Hoddesdon Imp | 14 July 1994 |
| A1(M) Baldock-Alconbury | 22 September 1994 |
| A1(M) Bramham-Wetherby | 29 September 1994 |
| A1(M) Peterborough-Stamford | 28 November 1994 |
| A1(M) Wetherby Bypass | 29 September 1994 |
| A2 Lydden-Dover Imp | 30 November 1994 |
| A4 Henlys/Waggoners Corner Imp | 1 December 1994 |
| A595 Duddon Bridge Imp | 23 June 1994 |
| M1 J25-28 Widening | 20 July 1994 |
| M11 J14 Imp | 23 June 1994 |
| M11 J8-9 Widening | 23 June 1994 |
| M42 J1-7 Widening | 24 June 1994 |
| *Additional to business plan* | |
| A127 M25-Rayleigh Weir Imp | 9 November 1994 |
| A14 Thrapston-Brampton GSJ | 2 November 1994 |
| A1(M) Stamford Bypass | 28 November 1994 |

*Preferred route*

| *Business Plan* | *Date* |
|---|---|
| A1(M) Redhouse-Ferrybridge | 14 June 1994 |
| A249 Iwade-Queenborough Imp | 27 October 1994 |
| A30 St. Erth-Newtown Imp | 5 December 1994 |
| A31-Poole Link Road | 13 October 1994 |
| A36 Beckington-East of Bath Imp | 11 November 1994 |
| A38 Liskeard-Bodmin Imp | 23 November 1994 |
| A38 Saltash-Trerulefoot Imp | 23 November 1994 |
| A5 Weeford-Fazeley Imp | 20 June 1994 |
| A595 Carlisle Southern Bypass | 13 September 1994 |
| A6 Bedford Western Bypass A6-A428 Link | 20 July 1994 |
| A65 Coniston Cold Bypass | 25 November 1994 |
| A66 Temple Sowerby Bypass and Imp at Winderwath | 21 September 1994 |
| A6(M)-M56 Manchester Airport Link West | 11 May 1994 |
| M1 J10-15 Widening | 30 November 1994 |
| M1 J6A-10 Widening | 6 July 1994 |
| M25 Terminal 5 Spur (Heathrow) | 21 July 1994 |
| M4 J3-4B Widening | 21 July 1994 |
| M62 J18-21 Widening | 27 September 1994 |
| Poole Harbour Crossing | 13 October 1994 |
| *Additional to business plan* | |
| M1 J23A-25 Widening (including A6-M1 Link) | 17 March 1995 |

*Order publication*

| | Date |
|---|---|
| *Business plan* | |
| A13 Movers Lane Junction Imp | 1 June 1994 |
| A1(M) Dishforth—Leeming | 18 October 1994 |
| A1(M) Ferrybridge—Hook Moor | 15 February 1995 |
| A1(M) Leeming—Scotch Corner | 13 April 1994 |
| A23 Handcross—Warninglid Imp | 10 November 1994 |
| A259 Bexhill and Hastings Western Bypass | 23 September 1994 |
| A259 Hastings Eastern Bypass | 23 September 1994 |
| A259 Pevensey—Bexhill Imp | 23 September 1994 |
| A303 Ilminster Marsh Imp | 13 April 1994 |
| A428 Norse Road Link | 11 July 1994 |
| A453 Clifton Lane Imp | 29 June 1994 |
| A46 Alcester—Stratford Imp | 28 October 1994 |
| A5 Nesscliffe Bypass | 1 July 1994 |
| A650 Hard Ings Road Imp | 6 October 1994 |
| A2/M2 Cobham—J4 Widening | 17 November 1994 |
| M23 J8—9 Widening | 17 May 1994 |
| M25 J12—15 Link Roads | 7 April 1994 |
| M25 J5—7 Widening | 30 June 1994 |
| M4 J8/9—10 Widening | 23 September 1994 |
| M6 J11A—16 Widening | 30 September 1994 |
| M6 J16—20 Widening | 30 September 1994 |
| M62 East/M606 Link Roads | 17 June 94 |
| M63 J6—9 Widening | 15 November 1994 |
| *Additional To business plan* | |
| M1 J10—15 Widening | 30 November 1994 |
| M1 J6A—10 Widening | 28 September 1994 |
| M25 Terminal 5 Spur (Heathrow) | 13 October 1994 |
| M4 J3—4B Widening | 13 October 1994 |

*Public inquiry*

| | Date |
|---|---|
| *Business plan* | |
| A1 Willowburn-Denwick Imp | 20 September 1994 |
| A12 Wickham Market-Saxmundham Imp | 7 March 1995 |
| A13 Ironbridge-Canning Town Imp | 14 June 1994 |
| A1(M) Leeming-Scotch Corner | 10 January 1995 |
| A259 Dymchurch-M20 J11 Imp | 25 October 1994 |
| A259 New Romney Bypass | 25 October 1994 |
| A259 St Mary's Bay and Dymchurch Bypass | 25 October 1994 |
| A303 Sparkford-Ilchester Imp | 8 September 1994 |
| A35 Chideock/Morcombelake Bypass | 12 April 1994 |
| A41 Aston Clinton Bypass | 29 November 1994 |
| A45/A445 Leamington Turn Junction Imp | 17 May 1994 |
| A5225 Wigan-Westhoughton Bypass | 12 October 1994 |
| Birmingham Northern Relief Road | 21 June 1994 |
| M11 J5 North Facing Slip Road Imp | 1 May 1994 |
| M20 J3-5 Widening | 25 October 1994 |
| M23 J8-9 Widening | 4 October 1994 |
| *Additional to business plan* | |
| A13 Movers Lane Junction Imp | 7 March 1995 |
| A428 Norse Road Link | 17 January 1995 |
| A46 Alcester-Stratford Imp | 28 March 1995 |
| A5 Nesscliffe Bypass | 17 January 1995 |
| A66 Stainburn and Great Clifton Bypass | 19 April 1994 |
| M62 East/M606 Link Roads | 21 March 1995 |

*Completions*

| | Date |
|---|---|
| *Business plan* | |
| A650 Park Road Advance Works | 22 April 1994 |
| A14 Catthorpe-Rothwell | 3 July 1994 |
| A19 Easingwold Bypass | 25 November 1994 |
| A23 Handcross-Pease Pottage Imp | 5 July 1994 |
| A40 Long Lane Junction Imp | 26 August 1994 |
| A40 Long Lane-West End Road | 17 October 1994 |
| A406 Hanger Lane-Harrow Road | 24 November 1994 |

*Completions*

| | Date |
|---|---|
| A52 Ashbourne Relief Road | 14 October 1994 |
| A568 Widnes Eastern Bypass North | 8 November 1994 |
| A66 Stainmore-Banksgate | 22 December 1994 |
| M1 J1 Imp | 27 September 1994 |
| M3 Bar End-Compton | 15 December 1994 |
| M56 J4-6 Widening | 21 December 1994 |
| M62 J14-17 Widening | 8 August 1994 |
| *Additional to business plan* | |
| A17 Leadenham Bypass | 10 March 1995 |

*Start of works*

| | Date |
|---|---|
| A428 Bedford Southern Bypass | 8 August 1994 |
| A406 Silver Street-Fore Street Imp | 15 March 1995 |
| M1/M621 Link Road | 29 March 1995 |
| A564 Derby Southern Bypass and Derby Spur | 16 January 1995 |
| M66 Denton-Middleton Con 2 | 12 September 1994 |
| M1 J21-21A Widening Phase 1 | 27 February 1995 |
| M5 J18-19 Widening | 29 March 1995 |
| A12 Hackney Wick-M11 Link Con 2 | 24 March 1995 |
| A50 Blythe Bridge-Queensway Phase 2 | 15 March 1995 |
| M65 Blackburn Southern Bypass Con 2 | 6 March 1995 |
| A568 Widnes Eastern Bypass South | 31 March 1995 |
| M25 J8-10 Widening | 20 February 1995 |
| M6 J20-21A Bridge Renewal | 31 March 1995 |

**Mr. Robert Ainsworth:** To ask the Secretary of State for Transport if he will publish the national road programme summary of milestones for 1995–96. [19072]

**Mr. Watts:** The summary of milestones for 1995–96 will be contained in the Highways Agency's 1995–96 business plan to be published shortly.

**Mr. Robert Ainsworth:** To ask the Secretary of State for Transport if the success of the Highways Agency is to be measured *(a)* against the original list of milestones or *(b)* against the revised list. [19073]

**Mr. Watts:** The success of the Highways Agency in achieving its milestone target in 1994–95 will be measured against the revised list published on 2 March.

### Newbury Bypass

**Sir David Mitchell:** To ask the Secretary of State for Transport how many representations he has received since Christmas *(a)* in favour of and *(b)* against the building of the proposed Newbury bypass; and if he will make a statement on his proposals. [18088]

**Mr. Watts:** Between 19 December 1994 and 7 April 1995 we have received some 440 letters and 2,770 pre-printed postcards in favour of proceeding with the Newbury bypass. Most of these came from the local Newbury area. We have also received two petitions in favour of the bypass, containing a total of 10,700 signatures. During the same period we have received some 320 letters and 50 pre-printed postcards opposing the bypass. The majority of these came from outside the local area.

### Road Accident Fatalities

**Mr. Chidgey:** To ask the Secretary of State for Transport how many days after a road accident fatalities are still counted as road deaths for his Department's

statistics; what is the basis for this length of time; and what consideration his Department has given to extending it. [19535]

**Mr. Norris:** A fatality resulting from a road accident is defined as a road death if the death occurs within 30 days of the accident. This definition arose from the Convention of Road Traffic (Vienna 1968) and is adhered to by most European countries. My Department has no plans to extend this definition to a longer time period.

### Dangerous Goods Advisers

**Mr. Hendry:** To ask the Secretary of State for Transport, pursuant to his answer of 21 March, *Official Report*, column *145*, to the hon. Member for Harborough (Mr. Garnier), how member states voted on the draft directive on dangerous goods advisers at the Transport Council on 14 March. [19511]

**Dr. Mawhinney:** As reported in the previous answer, the United Kingdom voted against this proposal in the Council. I now understand that Sweden also voted against the draft directive and Luxembourg abstained. Other member states supported the proposal.

### Advisers

**Ms Eagle:** To ask the Secretary of State for Transport how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19414]

**Mr. Norris:** My Department employs one political adviser. His salary and conditions of work were negotiated in relation to his previous earnings and are confidential.

Economic advice is obtained from career civil servants who may be employed on a variety of working patterns. The following professional economists are employed in my Department:

| | *Number* | *Salary range £* |
|---|---|---|
| Grade 4 | 1 | 47,043 to 56,953 |
| Grade 5 | 4 | 38,341 to 56,953 |
| Grade 6 | 6 | 29,482 to 48,879 |
| Grade 7 | 15 | 25,837 to 40,012 |
| Senior Economic Assistants | 5 | 13,144 to 24,139 |
| Economic Assistants | 4 | 13,144 to 24,139 |

### Departmental Report

**Mr. Matthew Taylor:** To ask the Secretary of State for Transport (1) how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990; [20173]

(2) what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [20174]

**Mr. Norris:** Publication of the annual transport report is a parliamentary requirement. A large number of staff contribute to the report, but no separate records are kept of the total staff time involved: a meaningful estimate could be made only at disproportionate cost.

### Blood Alcohol Limit

**Mr. Sheerman:** To ask the Secretary of State for Transport what representations his Department has received regarding the present blood alcohol limit in the last two years. [20009]

**Mr. Norris:** The Department regularly receives representations on this subject from individuals and organisations, the majority calling for a reduction in the present limit.

**Mr. Sheerman:** To ask the Secretary of State for Transport what plans he has to reduce the blood alcohol limit. [20010]

**Mr. Norris:** None at present, but this is a matter we keep regularly under review.

### North Circular Road

**Mr. William Powell:** To ask the Secretary of State for Transport what improvement to the A13 between the north circular road and Butcher row are currently being undertaken; at what cost; when will they begin; and when they will be completed. [20266]

**Mr. Norris:** This is an operational matter for the Highways Agency. I have asked the chief executive to write to my hon. Friend.

*Letter from Lawrie Haynes to Mr. William Powell, dated 24 April 1995:*

The Minister for Transport in London has asked me to write to you about your question in the House about improvement to the A13 between the North Circular Road and Butcher Row.

The following major improvement schemes are currently being undertaken in the National Trunk Roads Programme for that length of the A13:

| *Scheme* | *Estimated cost £ million* | *Programme start* | *Completion* |
|---|---|---|---|
| A117 Junction Improvement | 26.3 | Autumn 1997 | Autumn 1999 |
| A112 Prince Regent Lane Junction Improvement | 37.0 | Summer 1997 | Summer 1999 |
| Ironbridge—Canning Town Junction Improvement | 55.5 | Summer 1996 | Summer 1999 |
| Blackwall Tunnel/Cotton Street Junction Improvement | 11.9 | May 1994 | Spring 1996 |

For the schemes on which work has yet to commence the programmes are subject to the satisfactory completion of outstanding statutory procedures and the availability of funds.

In addition to the major schemes for this length of the A13 the Agency has in its 1995–96 programme of Regional Schemes a proposal to resurface the westbound carriage of the A13 between Noel Road and the North Circular Road and a small number of low-cost minor improvements.

### Motorcycle Accidents

**Ms Walley:** To ask the Secretary of State for Transport how many *(a)* drivers and *(b)* motorcyclists were (i) killed or (ii) injured in road traffic accidents in each of the last 10 years. [20339]

**Mr. Norris:** The information requested is shown in the following table.

*Number of drivers and motorcyclists killed and injured in road accidents: GB 1984–93*

*Casualties*

| | Drivers | | | | Motorcyclists[3] | |
|---|---|---|---|---|---|---|
| | All drivers[1] | | Of which car drivers[2] | | | |
| *Accident year* | *Killed* | *Injured* | *Killed* | *Injured* | *Killed* | *Injured* |
| 1984 | 1,379 | 87,814 | 1,237 | 79,693 | 766 | 42,030 |
| 1985 | 1,390 | 91,891 | 1,253 | 82,949 | 626 | 37,424 |
| 1986 | 1,500 | 99,108 | 1,340 | 89,832 | 588 | 34,860 |
| 1987 | 1,468 | 100,103 | 1,327 | 90,683 | 577 | 30,559 |
| 1988 | 1,457 | 108,694 | 1,280 | 98,307 | 547 | 29,395 |
| 1989 | 1,678 | 118,814 | 1,498 | 107,681 | 573 | 30,039 |
| 1990 | 1,587 | 122,380 | 1,432 | 111,416 | 547 | 28,217 |
| 1991 | 1,388 | 117,330 | 1,261 | 107,377 | 472 | 22,378 |
| 1992 | 1,377 | 121,519 | 1,228 | 112,115 | 413 | 19,988 |
| 1993 | 1,224 | 123,281 | 1,099 | 114,270 | 369 | 19,104 |

[1] All drivers—includes drivers of all motor vehicles except two-wheelers and motorcycle combinations.
[2] Car drivers—includes drivers of three—and four wheeled cars, taxis, invalid tricycles, minibuses and motor caravans.
[3] Motorcyclists—includes riders in control of two-wheeled motor vehicles or combinations, except motor scooters and mopeds.

### Driving Tests

**Ms Walley:** To ask the Secretary of State for Transport (1) how many driving examiners were injured whilst conducting driving tests in each of the last five years; [20334]

(2) how many days were lost due to driving examiner sickness in each of the last five years; [20335]

(3) what was the pass rates for driving tests in each of the last 10 years: [20336]

(4) what was the driving test fee in each of the last 10 years; [20337]

5) how many candidates took driving tests for each of the last five years. [20338]

**Mr. Norris:** These are operational matters for the Driving Standards Agency. I have asked the chief executive to write to the hon. Member.

*Letter from Bernard L. Herdan to Ms Joan Walley, dated 24 April 1995:*

The Secretary of State for Transport has asked me to reply to the Questions you raised on:-

a. the number of driving examiners injured whilst conducting driving tests in each of the last five years;
b. the number of days lost due to driving examiner sickness in each of the last five years;
c. the pass rates for driving tests in each of the last 10 years;
d. the driving test fee in each of the last 10 years; and
e. the number of candidates who took driving tests for each of the last five years.

The information for the first two questions is as follows:

| *Calendar year* | *Number of examiners injured* | *Numbers of days lost due to examiner sickness* |
|---|---|---|
| 1990 | 271 | 16,869 |
| 1991 | 262 | 16,338 |
| 1992 | 281 | 17,749 |
| 1993 | 277 | 25,891 |
| 1994 | 308 | 29,965 |

The information for car tests for the next three questions is as follows:

| *Financial years* | *Pass rate percentage* | *Car test fees £* | *Number of applications received* |
|---|---|---|---|
| 1985–86 | 48.5 | 14.40 | — |
| 1986–87 | 49.2 | 14.40 | — |
| 1987–88 | 50.0 | 15.00 | — |
| 1988–89 | 52.0 | 16.50 | — |
| 1989–90 | 52.2 | 18.00 | — |
| 1990–91 | 52.4 | 19.50 | 1,905,412 |
| 1991–92 | 50.8 | 21.50 | 1,774,938 |
| 1992–93 | 49.8 | 23.50 | 1,602,778 |
| 1993–94 | 47.9 | 26.00 | 1,578,232 |
| 1994–95 | — | 27.50 | 1,536,630 |

The pass rate information for the whole of 1994–95 is not yet available but for the first 9 months it was 47.2 per cent. We do not collate data on the number of candidates applying for a test, only on the volume of applications. Clearly many candidates apply more than once in the course of a year.

### Road Building

**Mr. Hinchliffe:** To ask the Secretary of State for Transport, pursuant to his answer of 14 February, *Official Report*, column *560*, what estimates are available from the regional aggregate working parties of the tonnage or road stone required for the next 10 years of road building. [17873]

**Mr. Watts** *[holding answer 5 April 1995]:* None.

## DEFENCE

### Armament Sales (Nigeria)

**Mr. Wray:** To ask the Secretary of State for Defence what make of armaments the Government have sold to the Government of Nigeria since June 1993. [20324]

**Mr. Freeman:** None.

### Makhzoami Brothers

**Mr. Wilson:** To ask the Secretary of State for Defence if he will list those occasions on which the

right hon. Member for Thanet, South (Mr. Aitken) had meetings with the Makhzoumi brothers or their representatives while a Minister in his Department, *(a)* in property owned or occupied by the Ministry of Defence and *(b)* elsewhere. [20325]

**Mr. Freeman:** Our records show that the right hon. Member for Thanet, South, while he was Minister for Defence Procurement, met Mr. Fouad Makhzoumi on 25 February 1993 at a dinner held at the Dorchester hotel in honour of the Lebanese Minister of Information; on 20 October 1993 in the Ministry of Defence, main building,Whitehall; and on the 17 November 1993 when he briefly joined a dinner party at the Dorchester hotel given in honour of the Lebanese chief of the naval staff. Officials were present on all these occasions.

Other meetings with the Makhazoumi brothers or their representatives, not on MOD business, held outside property owned or occupied by the Ministry of Defence and without civil servants, are a matter for the right hon. Member for Thanet, South.

**Mr. Wilson:** To ask the Secretary of State for Defence in which contracts notified to his Department, for the export of military or security-related equipment from Britain to the Lebanon, the Makhzoumi brothers have been involved as principals or intermediaries, since 1 January 1992. [20326]

**Mr. Freeman:** My Department has no record of export contracts for licensable military or security equipment with the Makhzoumi brothers or any of their companies. It is for companies to decide on whether and whom to employ as advisers or intermediaries.

### Arms Sales

**Mr. Wilson:** To ask the Secretary of State for Defence, what discussions have taken place since 1 January 1992 between *(a)* Alvis and *(b)* Racal and his Department concerning the export of security-related equipment from Britain to the Lebanon; and if he will make a statement. [20327]

**Mr. Freeman:** As part of their normal duties of promoting the sale of British defence equipment, officials from the Defence Export Services Organisation have had numerous discussions with Alvis, Racal and a number of other companies about the prospects for the sale of defence equipment to Lebanon.

**Mr. Wilson:** To ask the Secretary of State for Defence what assessment he has made of the role of Future Management Services in the promotion of arms sales to the middle east; and if he will make a statement. [20328]

**Mr. Freeman:** Future Management Services has discussed export prospects to the middle east for UK companies with DESO officials on a number of occasions.

**Mr. Byers:** To ask the Secretary of State for Defence on what dates between April 1992 and July 1994 Ministers in his Department met Mr. Fouad Makhzoumi to discuss arms sales; which Ministers were involved; and if civil servants were present during such meetings. [20486]

**Mr. Freeman:** My right hon. Friend the Member for Thanet, South met Mr. Makhzoumi on several occasions between April 1992 and July 1994 to discuss the prospects for the sale of defence equipment to Lebanon and I refer the hon. Member to the answer I gave earlier today to the hon. Member for Cunninghame, North (Mr. Wilson).

There are no records of meetings between other Ministry of Defence Ministers and Mr. Makhzoumi between April 1992 and July 1994.

### Asturion Foundation

**Mr. Wilson:** To ask the Secretary of State for Defence (1) if he authorised the receipt of hospitality from the Asturion Foundation by the right hon. Member for Thanet, South (Mr. Aitken); and if he will make a statement; [20329]

(2) what information his Department has on the work of the Asturion Foundation. [20330]

**Mr. Freeman:** The MOD has no information about the Asturion Foundation.

### Old Sarum Airfield

**Mr. Key:** To ask the Secretary of State for Defence if the purchaser of Old Sarum airfield will be required to maintain on the property an operational airfield for civilian and military use. [20368]

**Mr. Freeman:** The terms of the 999-year lease of the airfield have been carried forward into the terms of the current sale. Neither the lease nor the sale terms carry an obligation for the maintenance of an airfield for civilian and military use, although my Department retains in the lease and sale documents the right to land military helicopters and fixed-wing aircraft on no more than 150 occasions per year, and has been exercising that right. Any change of use by the purchaser of the property would be subject to the usual planning laws in the ordinary way.

### Defence Evaluation and Research Agency

**Mr. Ainger:** To ask the Secretary of State for Defence which official or officials within the Defence Evaluation and Research Agency are responsible for marketing test ranges and the capabilities of the work force on each range. [20521]

**Mr. Freeman:** This is a matter for the chief executive of the Defence Evaluation and Research Agency. I have therefore asked him to reply.

*Letter from John Chisholm to Mr. Nick Ainger, dated 24 April 1995:*

In today's written answer the Minister of State for Defence Procurement informed you that I would be replying to your question (No 20521) about which official or officials within the Defence Evaluation and Research Agency are responsible for marketing test ranges and the capabilities of the workforce on each range.

Within DERA, the test ranges are managed by the Defence Test and Evaluation Organisation (DTEO), one of the four constituent divisions of the Agency. Marketing of DTEO and its capabilities is the responsibility of the Managing Director and his management team.

I hope that this information is helpful.

**Mr. Ainger:** To ask the Secretary of State for Defence which officials of the Defence Evaluation and Research Agency have the responsibility for allocating tests and trials between ranges for customers within ranges. [20523]

**Mr. Freeman:** This is a matter for the chief executive of the Defence Evaluation and Research Agency. I have therefore asked him to reply.

*Letter from John Chisholm to Mr. Nick Ainger, dated 24 April 1995:*

In today's written answer the Minister of State for Defence Procurement informed you that I would be replying to your question

(No 20523) about which officials of the Defence Evaluation and Research Agency have the responsibility for allocating tests and trials between ranges for customers within ranges.

Within DERA, the test ranges are managed by the Defence Test and Evaluation Organisation (DTEO), one of the four constituent divisions of the Agency. Trials are offered to the customer at the range with the ability to perform the trial. Where more than one range can conduct the trial there is normally a site which specialises in this kind of trial and this would generally be the one offered. The decision on which site to use is taken by the customer, not DTEO, on a value for money basis.

I hope that this information is helpful.

### Sea Dumping (Munitions)

**Mr. Ainger:** To ask the Secretary of State for Defence (1) if he will list the position of the sites of current and disused sea dumping grounds for *(a)* explosives and *(b)* chemical weapons; [20525]

(2) if he will list the tonnage and type of *(a)* explosive and *(b)* chemical weapons which have been dumped at sea since 1965 in each of the current and disused dumping grounds. [20524]

**Mr. Freeman:** I refer the hon. Member to my answer of 31 March to the hon. Member for South Shields (Dr. Clark) *Official Report*, column *875*.

**Mr. Ainger:** To ask the Secretary of State for Defence how many times a customer's preference for a particular range has not been agreed to by officials of the Defence Evaluation and Research Agency. [20526]

**Mr. Freeman:** This is a matter for the chief executive of the Defence Evaluation and Research Agency. I have therefore asked him to reply.

*Letter from John Chisholm to Mr. Nick Ainger, dated 24 April 1995:*

In today's written answer the Minister of State for Defence Procurement informed you that I would be replying to your (No. 20526) about how many times a customer's preference for a particular range has not been agreed to by the officials of the Defence Evaluation and Research Agency.

I am aware of no such cases. In any event, DTEO, like the rest of the Agency, is dependent upon customers to pay for its services. If a customer is unhappy with the service offered, the decision rests with the customer as to whether to proceed.

I hope that this information is helpful.

**Mr. Ainger:** To ask the Secretary of State for Defence which officials within the Defence Evaluation and Research Agency allocate projects to ranges when a customer has expressed a preference for a particular range to carry out trials and tests. [20522]

**Mr. Freeman:** This is a matter for the chief executive of the Defence Evaluation and Research Agency. I have therefore asked him to reply.

*Letter from John Chisholm to Mr. Nick Ainger, dated 24 April 1995:*

In today's written answer the Minister of State for Defence procurement informed you that I would be replying to your question (No 20522) about which officials within the Defence Evaluation and Research Agency allocate projects to ranges when a customer has expressed a preference for a particular range to carry out trials and tests.

Within DERA, the test ranges are managed by the Defence Test and Evaluation Organisation (DTEO), one of the four constituent divisions of the Agency. Where a customer has expressed a preference for a particular range this is taken into account by the assignment manager responsible for the particular customer's programme. If the proposed location is not suitable the customer would be appraised of this. If the customer's trial is one for which more than one range is suitable he would be made aware of any additional costs associated with performing the trial at any alternative site. Since DTEO is part of an Agency its trading status ensures it places great emphasis upon customers' preferences.

I hope that this information is helpful.

### Queen Elizabeth Military Hospital

**Mr. Austin-Walker:** To ask the Secretary of State for Defence (1) if he will make a statement on the matters raised by the hon. Member for Woolwich in his letter of 19 April concerning civilian staff at Queen Elizabeth military hospital, Woolwich; [20531]

(2) what representations his Department has received from civilian staff at Queen Elizabeth military hospital, Woolwich, about their future; and what was the response. [20530]

**Mr. Freeman:** My noble friend the Under Secretary of State for Defence will write to the hon. Member shortly answering fully the points raised in his letters.

### Royal Arsenal, Woolwich

**Mr. Austin-Walker:** To ask the Secretary of State for Defence if he will make a statement on the most recent position regarding the future of the site of the former Royal Arsenal, Woolwich. [20532]

**Mr. Freeman:** The future of the site at the Royal Arsenal, Woolwich is the subject of detailed negotiations between my Department and the Urban Regeneration Agency and English Partnerships. The east site is still occupied by the Defence Research Agency, who will vacate the site this summer. Disposal options are being discussed with the local planning authority, the London borough of Greenwich.

## NORTHERN IRELAND

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Northern Ireland if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19654]

**Sir John Wheeler:** The information is not fully available in the Northern Ireland Office or in all the Northern Ireland Departments in the form requested. However, the information available is as listed.

| *Department* | *Total amount of removal costs £* | *Amount of each of the highest 3 claims £* | *Average amount of claim £* |
|---|---|---|---|
| *1992–93* | | | |
| Education | 6,665 | 625 | 493 |
| | | 625 | |
| | | 625 | |
| Agriculture | 48,560 | 5,000 | 1,628 |
| | | 3,863 | |
| | | 2,414 | |
| Economic Development | nil | none | nil |

| Department | Total amount of removal costs £ | Amount of each of the highest 3 claims £ | Average amount of claim £ |
|---|---|---|---|
| Environment | 88,510 | 12,408[1]<br>10,722[1]<br>10,056[1] | 7,550[1] |
| Health and Social Services | 20,261 | n/a | n/a |
| Finance and Personnel | 22,610 | 5,471<br>5,379<br>3,296 | 2,261 |
| Northern Ireland Office | 290,168 | n/a | n/a |
| *Agency* | | | |
| Training and Employment Agency | nil | none | nil |
| Rate Collection Agency | 7,209 | [2]— | [2]— |
| Driver and Vehicle Testing Agency | 6,895 | [2]— | [2]— |
| Ordnance Survey of NI | 8,894 | [2]— | [2]— |
| Driver and Vehicle Licensing Agency | nil | [2]— | [2]— |
| Social Security Agency | 17,903 | n/a | n/a |
| Child Support Agency | not established | | |
| Valuation and Lands Agency | not established | | |
| Compensation Agency | nil | none | nil |
| *1993–94* | | | |
| Education | 27,772 | 6,118<br>4,908<br>2,332 | 2,076 |
| Agriculture | 48,017 | 7,134<br>3,265<br>2,894 | 2,410 |
| Economic Development | 8,412 | 8,412 | 8,412 |
| Environment | 36,612 | 11,586[1]<br>11,519[1]<br>9,670[1] | 10,925[1] |
| Health and Social Services | 6,950 | n/a | n/a |
| Finance and Personnel | 2,514 | 1,599 | 838<br>635<br>280 |
| Northern Ireland Office | 438,332 | n/a | n/a |
| *Agency* | | | |
| Training and Employment Agency | 5,188 | 5,188 | 5,188 |
| Rate Collection Agency | 492 | [2]— | [2]— |
| Driver and Vehicle Testing Agency | 383 | [2]— | [2]— |
| Ordnance Survey of NI | 6,839 | [2]— | [2]— |
| Driver and Vehicle Licensing Agency | 945 | [2]— | [2]— |
| Social Security Agency | 3,610 | n/a | n/a |
| Child Support Agency | 5,413 | n/a | n/a |
| Valuation and Lands Agency | 3,150 | 3,150 | 3,150 |
| Compensation Agency | nil | none | nil |
| *1994–95* | | | |
| Education | 6,643 | 3,263<br>1,752<br>421 | 3,148 |
| Agriculture | 53,653 | 5,882<br>1,417<br>635 | 2,645 |
| Economic Development | nil | none | nil |
| Environment | 23,290 | 8,088[1] | 8,080[1] |
| Health and Social Services | 1,707 | n/a | n/a |
| Finance and Personnel | 8,065 | 6,595<br>835 | 2,688 |
| Northern Ireland Office | 259,974 | n/a | n/a |
| *Agency* | | | |
| Training and Employment Agency | nil | none | nil |
| Rate Collection Agency | 371 | [2]— | [2]— |
| Driver and Vehicle Testing Agency | 386 | [2]— | [2]— |
| Ordnance Survey of NI | 2,172 | [2]— | [2]— |
| Driver and Vehicle Licensing Agency | nil | [2]— | [2]— |
| Social Security Agency | 4,413 | n/a | n/a |
| Child Support Agency | nil | none | nil |
| Valuation and Lands Agency | 15,002 | 10,220<br>4,782 | 7,501 |
| Compensation Agency | nil | none | nil |

[1] These figures include the 4 Agencies related to the Department of Environment.
[2] Figures included in Department of the Environment totals.
n/a = not available in the form requested and could only be obtained at disproportionate cost.

**Mr. David Shaw:** To ask the Secretary of State for Northern Ireland if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19560]

**Sir John Wheeler:** The available information is as follows:

| Department | Subsistence allowance paid for travel £ |
|---|---|
| *1992–93* | |
| Education | 132,562 |
| Agriculture | [1]48,077 |
| Environment | 355,844 |
| Northern Ireland Office | 256,307 |
| Economic Development | 279,830 |
| Health and Social Services | 233,520 |
| Finance and Personnel | 161,000 |
| *Agency* | |
| Rate Collection Agency | 12,840 |

| Department | Subsistence allowance paid for travel £ |
|---|---|
| Driver and Vehicle Testing Agency | 20,688 |
| Ordnance Survey of Northern Ireland | 40,815 |
| Driver and Vehicle Licensing Agency | not established |
| Compensation Agency | 432 |
| Training and Employment Agency | 132,635 |
| Social Security Agency | 540,594 |
| Child Support Agency | not established |
| Valuation and Lands Agency | not established |
| *1993–94* | |
| Education | 110,223 |
| Agriculture | 584,543 |
| Environment | 332,569 |
| Northern Ireland Office | 261,679 |
| Economic Development | 301,771 |
| Health and Social Services | 176,383 |
| Finance and Personnel | 110,000 |
| *Agency* | |
| Rate Collection Agency | 13,554 |
| Driver and Vehicle Testing Agency | 17,581 |
| Ordnance Survey of Northern Ireland | 50,777 |
| Driver and Vehicle Licensing Agency | 2,451 |
| Compensation Agency | 7,869 |
| Training and Employment Agency | 132,085 |
| Social Security Agency | 438,431 |
| Child Support Agency | 28,901 |
| Valuation and Lands Agency | 33,000 |
| *1994–95* | |
| Education | 66,702 |
| Agriculture | 651,350 |
| Environment | 340,835 |
| Northern Ireland Office | 184,677 |
| Economic Development | 262,197 |
| Health and Social Services | 122,245 |
| Finance and Personnel | 97,000 |
| *Agency* | |
| Rate Collection Agency | 11,552 |
| Driver and Vehicle Testing Agency | 26,522 |
| Ordnance Survey of Northern Ireland | 42,990 |
| Driver and Vehicle Licensing Agency | 3,280 |
| Compensation Agency | 8,509 |
| Training and Employment Agency | 119,015 |
| Social Security Agency | 183,724 |
| Child Support Agency | 20,087 |
| Valuation and Lands Agency | 29,000 |

[1]Travel outside the UK only.

### Job Losses

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland how many jobs have been lost with the final run-down of the towns' gas industry in Northern Ireland; and how many of these will be replaced by jobs in the natural gas industry in Northern Ireland. [19867]

**Mr. Ancram:** At 31 March 1985, the gas undertakings in Northern Ireland employed some 980 staff and the last undertaking closed in May 1993. It is too early to estimate the number of jobs that could be provided by a natural gas industry.

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland how many jobs were lost after disbanding the Northern Ireland Housing Executive's direct labour organisation; and how many of those made redundant secured employment in the private sector in the same field of work. [19872]

**Mr. Moss:** This is a matter for the Northern Ireland Housing Executive. I understand from the chief executive that its direct labour organisation was not disbanded; it was, however, scaled down from 749 employees, permanent and temporary, in January 1993 to its current complement of 127 employees. Details of how many staff subsequently took up employment in the private sector are not available.

### Natural Gas Industry

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland if proposals have been completed by the Department of Economic Development for regulations to govern the natural gas industry in Northern Ireland. [19866]

**Mr. Ancram:** It is planned to publish a proposal for a draft gas order to facilitate the development and regulation of a natural gas industry in Northern Ireland by early summer of this year.

### Footpath Resurfacing

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland whether the Department of the Environment in Northern Ireland has been able to fulfil its aims to resurface 22 km of urban footpaths every year. [19868]

**Mr. Moss:** The Department aims to resurface 220 km of urban footpath each year and over the past three years this has been achieved.

### Arts Councils

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland what proposals the Arts Council of Northern Ireland has to increase arts contacts with *(a)* Scotland *(b)* the Republic of Ireland; and if he will make a statement about the present policy of the Arts Council towards the promotion of co-operation with similar bodies within the United Kingdom. [19757]

**Mr. Ancram:** I refer the right hon. Gentleman to the answer I gave him on 10 January 1995, *Official Report*, column 11.

The Arts Council of Northern Ireland has no specific plans to increase arts contacts with Scotland and the Republic of Ireland.

### Magpies and Crows

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland what is his estimate of the threat to sheep and lambs by magpies and grey-backed crows; what proposals he has to reduce the presence of magpies and grey-backed crows; and if he will make a statement. [19755]

**Mr. Moss:** Information is not available on the threat posed to sheep and lambs by magpies and grey-backed, or hooded crows.

There are no proposals to reduce the presence of magpies and grey-backed crows; existing controls under the wildlife legislation are considered to be adequate.

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland what change has occurred *(a)* in the population of magpies and grey-backed crows and *(b)* in the number of attacks on young lambs by magpies and grey-backed crows in the last five years; what is the impact of the species on song bird populations; what proposals he

has to control numbers of magpies and grey-backed crows; and if he will make a statement. [19920]

**Mr. Moss:** Specific information in relation to Northern Ireland for the past five years is not available. Overall UK figures for 1992–93 indicate an increase in the populations of magpies and crows as follows:

| *Species* | *Population size in Northern Ireland 1993* | *Annual rate of change in Northern Ireland 1992–93 (per cent.)* | *Annual rate of change in UK 1992–93 (per cent.)* |
|---|---|---|---|
| Crow | 49,500 | n/a | +4.7 |
| Magpie | 58,900 | +2.3 | +2.5 |

n/a = not available.

Information is not available on the number of attacks on young lambs by magpies and grey-backed, or hooded, crows in the last five years.

Recent research in England and Wales has shown that there is no correlation between the number of magpies and the breeding success of song birds. No similar research has been carried out in Northern Ireland, but population densities of magpies and song birds are similar and there is no reason to believe that the situation is different from that in Great Britain.

There are no proposals to reduce the presence of magpies and grey-backed crows; existing controls under the wildlife legislation are considered to be adequate.

### Green Economy Working Group

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland if he will list the names of the industrialists and environmentalists which make up the working group set up to advise the Government on environmental issues in business and industry in Northern Ireland under the initiative of the Department of Economic Development in Northern Ireland, "Growing a Green Economy", launched in March 1993; and what initiatives it has recommended to the Government since the establishment of the group. [19861]

**Mr. Ancram:** The names of the members of the green economy working group and their recommendations to Government and industry are included in the working group's report, which was published on 1 December 1994 and copies of which are available in the Library.

### European Aid Conference

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland how many persons were invited to the conference in Newcastle on Wednesday 29 March about the Delors package of European aid for Northern Ireland; how many were invited in their capacity as local government elected members; how many hon. Members were invited; and if he will make a statement. [19758]

**Sir John Wheeler:** A total of 248 invitations were issued for the conference in Newcastle on 29 March on the Delors package of European aid for Northern Ireland, 52 of which were sent to the chief executives of district councils. Councils were free to use these places as they wished for local government elected members or officials with functional responsibility. Members of Parliament were not invited because the purpose of the conference was to give local people on the ground the opportunity to make their views known. The decision to focus the conference in this way took account of the fact that elected representatives have the opportunity to meet Ministers to discuss matters such as the Delors package of European aid.

### Homelessness

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland what is his estimate of the number of homeless people in Northern Ireland. [19871]

**Mr. Moss:** It is not possible to estimate the number of people who are homeless in Northern Ireland. I am advised by the chief executive of the Northern Ireland Housing Executive, however, that at 31 March 1995 the number of households living in temporary accommodation secured for them under the homeless provisions of the Housing (Northern Ireland) Order 1988 was 1,747.

### Balmoral Avenue—Malone Road Junction

**Rev. Ian Paisley:** To ask the Secretary of State for Northern Ireland what is the cost, so far, for the road scheme at Balmoral avenue-Malone road junction. [19744]

**Mr. Moss:** In-house staff costs incurred to date are not readily available and could be obtained only at disproportionate cost. Other costs incurred to date relate to the public inquiry into the scheme and amount to approximately £23,000.

### Fisheries

**Rev. Ian Paisley:** To ask the Secretary of State for Northern Ireland what consideration the Government have given to allocation in any potential extra funding following the recent ceasefire to the fishing industry. [19922]

**Mr. Ancram:** Such funding could be available under the European Union's proposed "Special Support Programme for Peace and Reconciliation in Northern Ireland". However, that programme has yet to be fully negotiated with the EU in conjunction with the Republic of Ireland. It is too early to predict who exactly the beneficiaries will be.

# Written Answers to Questions

*Tuesday 25 April 1995*

## TREASURY

### Child Benefit

**Mr. Wicks:** To ask the Chancellor of the Exchequer if he will estimate the revenue raised from taxing child benefit where either parent is a higher rate taxpayer and the administrative cost of doing this. [19698]

**Sir George Young:** The Government are committed to maintaining child benefit, which recognises that all families with children face additional costs.

Now that husbands and wives are taxed independently, it would be administratively complex to tax child benefit in a way which fairly reflected family circumstances.

However, were child benefit to be taxed, the yield for 1995–96 from taxing it at the higher rate for lone parents who are higher rate taxpayers, and for married couples where either the husband or wife is a higher rate taxpayer, would be about £320 million.

The cost of administration would depend on the method used to collect the tax.

### Whitehall Buildings

**Mr. Duncan:** To ask the Chancellor of the Exchequer if he will publish detailed plans for the sale or lease of part of the Treasury's Whitehall buildings including full calculations of the economic justification of such plans or decisions. [19892]

**Mr. Nelson:** In his speech to the private finance panel conference on 24 January, my right hon. and learned Friend announced that the redevelopment of the Treasury building in Great George street will be taken forward under the private finance initiative. The process to define our requirement and conduct the competition to find a consortium to take the project forward is continuing. My right hon. and learned Friend will consider what information can be published at the appropriate time.

**Mr. Duncan:** To ask the Chancellor of the Exchequer will submit to Parliament for its approval or rejection any plans to sell or lease part of the Treasury's Whitehall buildings; and, under what other auspices such a transaction might be concluded. [19893]

**Mr. Nelson:** It has not yet been decided exactly how the redevelopment of the Parliament street building will be taken forward. When the decision is taken, Ministers will consider how the House should be informed.

### Public Sector Construction

**Mr. Spellar:** To ask the Chancellor of the Exchequer, pursuant to the answer of the Secretary of State for the Environment of 4 April, *Official Report*, column *1052*, what view his Department has put to the working groups as to the desirability of a single exclusive register for public sector work. [20209]

**Mr. Nelson:** HM Treasury has expressed no view to the working groups on the desirability of a single register for public sector construction work. It is awaiting the outcome of the study by Capita Management Consultancy Ltd. before reaching conclusions. It has, however, indicated to the working groups that it doubts whether excluding certain companies from bidding for public sector work merely because they were not on a register could be justified on value-for-money grounds.

### Value Added Tax

**Dr. Lynne Jones:** To ask the Chancellor of the Exchequer if he will make it his policy to resist any proposals for the European Commission to prevent member states from continuing to exempt those goods and services which are currently zero-rated for VAT when the transitional period agreed under the sixth VAT directive expires. [20388]

**Mr. Heathcoat-Amory:** The Government have consistently made it clear that, as a condition of any move to a definitive system for VAT within the European Community, provision must be made for the UK to continue to apply those zero rates which are in force at the time any new system is introduced.

### Valuation Office

**Mr. Matthew Banks:** To ask the Chancellor of the Exchequer what targets will be set for the Valuation Office executive agency for the year 1995–96. [21194]

**Mr. Nelson:** I have set the following key targets for the agency in 1995–96:

| | *Key Targets* |
|---|---|
| Operational targets | |
| Council tax | to clear 240,000 appeals against the council tax valuation lists |
| Non-domestic | to clear 330,000 appeals in aggregate against the 1990 and the 1995 rating lists |
| Direct taxes | to undertake 70,000 valuation cases for the Inland Revenue for capital gains and inheritance tax purposes |
| Financial performance and cost efficiency | to ensure the agency's net operating cost before cost of statutory non-chargeable work is at least fully covered by receipts |
| | to break even from year to year within each business segment, after charging for the full cost of chargeable services including notional interest of 6 per cent. on the average working capital |
| | to achieve efficiency savings of 6 per cent. on the agency gross expenditure |
| Quality of Service | to reply to 100 per cent. of correspondence within 35 days of receipt |
| | to achieve specified time limits in 96 per cent. of cases undertaken |
| | to achieve a specified valuation quality standard in 84 per cent. of cases carried out |

Further details are set out in the agency's business plan for 1995–96, copies of which will be placed in the Library of the House on publication.

### Central Statistical Office

**Mr. Matthew Banks:** To ask the Chancellor of the Exchequer, pursuant to his answer of 19 January, *Official Report*, columns *594-95*, whether he and his right hon. Friend the Secretary of State for Health have decided whether the Central Statistical Office and the Office of Population Censuses and Surveys should be merged. [21274]

**Mr. Kenneth Clarke:** My right hon. Friend the Secretary of State for Health and I have concluded that there would be benefits from such a merger. Subject to the views of other interested parties, we propose that on 1 April 1996 the two organisations should merge to form a new next steps agency which would be accountable to me.

I am placing in the Library a document setting out the functions and responsibilities of the proposed new agency and the benefits which we believe would arise from the merger. Copies of this document will shortly be sent to those known to have a close interest in the work of the two organisations, with an invitation to make any comments on the proposals within three months.

A decision on the proposed merger will be announced as soon as possible after that.

**Mr. Matthew Banks:** To ask the Chancellor of the Exchequer what has been the outcome of the review of the agency status for the Central Statistical Office. [21226]

**Mr. Nelson:** I announced on 18 November 1994, *Official Report*, column *12*, that a review of the agency status of the Central Statistical Office was being undertaken by a small team representing a cross-section of interest in the CSO and its statistics. Since then, the performance of the CSO has been evaluated and CSO activities have been subjected to the prior options tests set out in "Next Steps Review", Cm 2430. A wide-ranging consultation exercise has been carried out and the views received have been incorporated in the team's report. The team recommended that the CSO remain an agency and the Government have accepted this recommendation. A copy of the review team's report is being placed in the Library. The Chancellor of the Exchequer has announced today that the Government propose that, subject to the views of other interested parties, the CSO should merge with the Office of Population Censuses and Surveys from 1 April 1996. We therefore propose to take forward the outcome of the CSO agency review in that context.

### Official Statistics

**Mr. Straw:** To ask the Chancellor of the Exchequer (1) what guidance is given by the Head of the Government Statistical Service as to the maximum advance notice to be given to Ministers of the publication of regular statistical series; [18897]

(2) what advance notice Ministers are given of the publication of the main monthly economic statistical series. [18896]

**Mr. Nelson** *[holding answer 18 April 1995]:* The practice followed by the Central Statistical Office is set out in the open government White Paper, Cm 2290, and was announced previously by the then Chancellor of the Exchequer. The code of practice for official statistics, a copy of which is in the Library, was released earlier this month by the Head of the Government Statistical Service.

Data are made available to all users at the same time, although Ministers, officials and the Governor of the Bank of England may receive copies of key statistical information at 5 pm two working days before publication on a strict need-to-know basis.

In the case of the retail prices index, although the main release of the RPI does conform to standard release practices, Treasury Ministers, named officials and the Governor of the Bank of England receive an early unpublished projection about a week in advance of the first release.

### African Development Bank

**Mr. Worthington:** To ask the Chancellor of the Exchequer if he has a vote in the election for the presidency of the African development bank; and which candidate he supports. [19916]

**Mr. Baldry:** I have been asked to reply.

The president of the African development bank is elected by a majority of the total voting power of its members, including a majority of the voting power of regional members. We are giving careful consideration to the five candidates nominated for the post.

## HOUSE OF COMMONS

### Child Care Facilities

**Mr. Corbyn:** To ask the right hon. Member for Berwick-upon-Tweed, as representing the House of Commons Commission (1) what child care facilities are currently available in the House of Commons;

(2) what studies he has undertaken of child care facilities in other Parliament buildings; and what conclusions he has drawn from this;

(3) what is his estimate of the number of pre-school child care places needed in the Palace of Westminster by *(a)* staff and *(b)* hon. Members; and what surveys have been done to determine likely need.

**Mr. Beith** *[holding answer 24 April 1995]:* I refer the hon. Member to the debate on child care facilities held on 12 January, *Official Report*, columns *323–45*, and to the report on potential demand for child care facilities published by the House of Commons Commission in July 1994. Following the debate, the commission considered its policy on child care facilities and decided to implement a child care voucher scheme for staff of the House of Commons Service under arrangements set out in my reply to the hon. Member for Christchurch (Mrs. Maddock) on 2 March 1995, *Official Report*, column *637*. No studies of child care facilities in other Parliament buildings have been undertaken.

Staff of the House have now been circulated with details of the voucher scheme, which will operate with effect from 1 April 1995.

## DUCHY OF LANCASTER

### Executive Agencies

**Mr. Macdonald:** To ask the Chancellor of the Duchy of Lancaster if he will list the number and location of Chessington Computer Centre, Civil Service College, HMSO, Occupational Health Service, Recruitment and Assessment Services Agency offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [19966]

**Mr. Horam:** Of the agencies listed, only HMSO and the Occupational Health and Safety Agency have had offices in Scotland during the last five years. As the question concerns operational matters, I have asked the chief executives of HMSO and OHSA to reply direct to the hon. Member.

*Letter from Paul Freeman to Mr. Calum Macdonald, dated 21 April 1995:*

I have been asked to reply, in respect of HMSO, to your question tabled on 18 April (No. 196) regarding offices opened and closed and the numbers of jobs lost from and gained in Scotland.

HMSO Scotland trades in a dynamic environment and provides a wide range of services to Scottish public sector customers from its South Gyle, Edinburgh, headquarters. The picture over the past five years shows a net gain of 13 jobs. The detail is as follows:

| | *Posts* | *Work transferred* |
|---|---|---|
| *Jobs lost* | | |
| Bookshop Assistant | 1 | Standing orders for HMSO Books and the supply of non-Scottish titles to HMSO Agents transferred to our Publications Centre in London to obviate double-handling and service delays. |
| *Jobs gained* | | |
| Accountant and Assistant | 2 | Responsibilities devolved from Norwich HQ to increase local control of business operational decisions. |
| Debt Management Staff | 2 | |
| Information Systems Bureau Staff | 5 | |
| Customers Services Staff | 5 | North of England office supplies order processing: closer proximity to customers. |
| | 14 | |

No offices were opened or closed as a result of these changes, but three existing premises ie warehouse, printing press and offices were replaced by the new HQ building at South Gyle in 1993.

*Letter from J. L. Gordon to Mr. Calum Macdonald, dated 24 April 1995:*

I have been asked to reply to your question on behalf of Dr. McCloy, Chief Executive of the Agency, who is on sick leave.

Since the Agency moved its Headquarters function from London to Edinburgh in 1989, to join the existing Regional Office, there have been no further moves into or out of Scotland.

Prior to 1980, six (6) staff were based in Scotland, and the relocation of the Headquarters unit brought an additional nineteen (19) posts. Although OHSA is a relatively small agency the intervening period has seen a modest increase, including senior posts, and the number of staff now based in Edinburgh is thirty-one (31) with a further medical officer due to take up post later this year. There is one post located in Glasgow.

### "Official Report"

**Mr. Bayley:** To ask the Chancellor of the Duchy of Lancaster if he will list the institutions which subscribed to the *Official Report* in the 1978–79 Session and in the 1993–94 Session; and what were the prices of annual subscriptions in 1978–79 and 1993–94 in cash terms and at constant prices. [20016]

**Mr. Horam:** HMSO does not keep lists of subscribers to the *Official Report* other than for current dispatches. Details for 1978–79 and 1993–94 cannot therefore be provided.

The price of the annual subscription to the daily *Official Report* in 1978–79 was £93 and in 1993–94 £1,275. The sum of £93 is equivalent to just over £265 in 1993–94 prices. The subsidy needed in 1978–79 to maintain *Hansard* at this artificially low price was £2.4 million, equivalent to over £6.8 million in 1993–94. The actual subsidy in 1993–94 was nil.

**Mr. Bayley:** To ask the Chancellor of the Duchy of Lancaster what profit or loss was made from producing and publishing the *Official Report* in 1978–79 and in 1993–94. [20017]

**Mr. Horam:** In 1978–79, the subsidy voted to reimburse HMSO for losses arising from the sale of the *Official Report* of both Houses at less than the costs of production and distribution stood at £2.4 million. This subsidy was systematically eliminated between 1983—when it had reached £6 million—and 1991, by a combination of productivity improvements and price increases.

The financial position in 1993–94 was distorted by significant investments in new technology and redundancy payments, following HMSO's successful in-house bids for two *Hansard* market tests; as a result, there is now the prospect that a profit may be made on *Hansard* for the first time ever next year.

### Market Testing

**Mr. Morgan:** To ask the Chancellor of the Duchy of Lancaster what guidelines he has issued with respect to in-house bids in market-testing exercises and the circumstances in which there should not be in-house bids in such exercises. [20867]

**Mr. Horam:** Guidance on in-house bids is set out in the "Government's Guide to Market Testing", a copy of which is available in the Library of the House. Examples of the circumstances in which in-house bids might not be considered are set out in the White Paper "Taking forward Continuity and Change", Cm 2748. They include occasions when a Department judges that the private sector is clearly better equipped to deliver a specific service, has a better understanding of market needs or has a capacity to invest in new technology or where an activity is relatively small and peripheral to a department's functions. It is, however, for individual Departments to decide in each case whether or not to consider an in-house bid.

### Departmental Reports

**Mr. Matthew Taylor:** To ask the Chancellor of the Duchy of Lancaster if he will list for each annual departmental report, the estimated cost of printing and publishing last year the total sales to *(a)* the Department and *(b)* other buyers; and if HMSO covered its costs. [20187]

**Mr Horam:** Sales to the author Department and to other buyers for each 1994 departmental report are as follows:

| *Cm No.* | *Author Department* | *Sales to Author Department*[1] | *Other Sales*[2] |
|---|---|---|---|
| 2501 | Defence | 500 | 699 |
| 2502 | Foreign and Commonwealth Office | 2,770 | 632 |
| 2503 | Agriculture | 776 | 593 |
| 2504 | Trade and Industry | 3,850 | 955 |
| 2505 | Employment | 982 | 758 |
| 2506 | Transport | 530 | 972 |
| 2507 | Environment | 1,540 | 955 |
| 2508 | Home Office | 806 | 613 |
| 2509 | Lord Chancellor and Law Officers | 206 | 606 |
| 2510 | Education | 705 | 834 |
| 2511 | National Heritage | 825 | 688 |
| 2512 | Health | 1,157 | 855 |
| 2513 | Social Security | 1,870 | 807 |
| 2514 | Scottish Office | 35 | 694 |
| 2515 | Welsh Office | 450 | 628 |
| 2516 | Northern Ireland Office | 137 | 681 |
| 2517 | Chancellor of the Exchequer's Departments | 301 | 554 |
| 2518 | Cabinet Office etc | 340 | 582 |
| 2519 | Statistical Supplement | 263 | 857 |
| | Complete Sets | Nil | 222 |

[1] Initial supplies only, any subsequent orders are not recorded.
[2] As at 20 April 1995.

The printing costs result from competitive tendering undertaken by HMSO and are therefore commercially confidential. Printing and publishing costs were borne by HMSO, which aims to recover these from the sales revenue.

### Research Council

**Ms Quin:** To ask the Chancellor of the Duchy of Lancaster if he will list the ways in which his Department disseminates information from EU Research Council meetings to potential beneficiaries in British industry. [20242]

**Mr. Horam:** My Department, the Department of Trade and Industry and other Departments concerned inform British companies about the opportunities available under the framework of EU research programmes agreed by the Research Council, principally by means of publications, supported by a programme of information days and seminars.

### Public Bodies

**Dr. Wright:** To ask the Chancellor of the Duchy of Lancaster which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether in each case this is (i) under a statutory requirement or (ii) voluntary. [20493]

**Mr. Horam:** The executive non-departmental public bodies sponsored by the Office of Public Service and Science are as follows:

Biotechnology and Biological Sciences Research Council
The Council for the Central Laboratory of the Research Councils
Economic and Social Research Council
Engineering and Physical Sciences Research Council
Medical Research Council
Natural Environment Research Council
Particle Physics and Astronomy Research Council.

The research councils are responsible to my right hon. Friend the Chancellor of the Duchy of Lancaster. Each council is required under the terms of the Science and Technology Act 1965 to publish an annual report and annual accounts. None of the councils is required to publish minutes or agendas of council meetings or registers of its members' interests.

**Dr. Wright:** To ask the Chancellor of the Duchy of Lancaster if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20652]

**Mr. Horam:** The executive non-departmental public bodies sponsored by the Office of Public Service and Science are as follows:

Biotechnology and Biological Sciences Research Council
Council for the Central Laboratory of the Research Councils
Economic and Social Research Council
Medical Research Council
Natural Environment Research Council
Particle Physics and Astronomy Research Council

The research councils are responsible to my right hon. Friend the Chancellor of the Duchy of Lancaster.

(a) The councils are subject to investigation by the Parliamentary Commissioner;

(b) the councils are not subject to scrutiny by the Audit Commission;

(c) the councils are subject to scrutiny by the National Audit Office;

(d) there are no statutory provisions, but the code of practice on open government applies to all councils; each council is required, under the terms of the Science and Technology Act 1965, to publish an annual report and annual accounts.

(e) the councils publish performance indicators in their annual corporate plans;

(f) the councils are encouraged to adopt charter principles.

## HEALTH

### Prescriptions

**Mr. McMaster:** To ask the Secretary of State for Health (1) what provision the national health service makes for patients awaiting organ transplants requiring multiple prescriptions who are disqualified from free prescriptions because they are above income support levels, what plans she has to revise the specified conditions list to make patients awaiting organ transplants exempt from

prescription charges either totally or above a specified level; and if she will make a statement; [19038]

(2) when the last review of the specified conditions list was carried out; on what date changes resulting from this review were implemented; how the review and its implementation impacted on those awaiting organ transplants; how the review and its implementation impacted upon those whose medical condition precludes the reasonable prospect of an organ transplant; and if she will make a statement. [19036]

**Mr. Malone:** Patients awaiting organ transplants who are not otherwise exempt or entitled to charge remission may qualify for free prescriptions if they have any one of the specified medical conditions, including a permanent fistula requiring continuous surgical dressing or an appliance, and hold an exemption certificate issued by a family health services authority. The specified medical conditions were last reviewed in 1993 as part of the fundamental review of health expenditure and we have no plans for change. Prescription prepayment certificates continue to offer real savings for anyone not entitled to free prescriptions who needs frequent or extensive medication. Coupled with the wide-ranging arrangements for charge exemption and remission, they ensure that no one need be deterred from obtaining necessary prescribed medication for financial reasons.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Health if she will list the total amount paid by her central Department and each agency for which she is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19555]

**Mr. Sackville:** The amounts paid by the Department and its agencies in subsistence allowances for travel in the United Kingdom and outside for 1992–93 to 1994–95 were as follows:

*£000s*

| | *1992–93* | | *1993–94* | | *1994–95* | |
|---|---|---|---|---|---|---|
| | *UK* | *Foreign* | *UK* | *Foreign* | *UK* | *Foreign* |
| Central Department | 1,497 | [1]1,253 | 1,456 | 39 | 1,379 | 80 |
| *Agencies* | | | | | | |
| NHS Estates[2] | 148 | 3 | 260 | — | 221 | 28 |
| Medicines ControlAgency[2] | 78 | 158 | 85 | 252 | 92 | 173 |
| NHS Pensions Agency | 12 | — | 26 | — | 23 | — |
| Medical Devices Agency[3] | — | — | — | — | 21 | — |

*Notes:*

[1] This figure includes the cost of foreign travel as well as subsistence as these were not separately identified in 1992–93.

[2] The figures for NHS Estates and the Medicines Control Agency include the cost of travel as well as subsistence as these are not separately identified.

[3] The Medical Devices Agency was established on 27 September 1994. The figures for 1994–95 reported for the agency were for 27 September 1994 to 31 March 1995 only. Prior to this, its figures were included in those for the central Department.

### Executive Agencies

**Mr. Macdonald:** To ask the Secretary of State for Health if she will give the number and location of Medicines Control Agency, NHS Estates and NHS Pensions Agency offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if she will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [20302]

**Mr. Sackville:** None.

### Asbestos-related Diseases

**Mr. Worthington:** To ask the Secretary of State for Health, pursuant to her answer of 31 March, *Official Report*, column *816*, what representations have been made to her about the difficulties experienced by sufferers from asbestos-related diseases in obtaining such diagnosis as an explanation of their health problems. [19927]

**Mr. Sackville:** We have received no such representations.

### Private Finance Initiatives

**Mr. Spellar:** To ask the Secretary of State for Health what response her Department has received to health service schemes under the private finance initiative. [19962]

**Mr. Sackville:** I refer the hon. Member to the reply I gave the right hon. Member for Derby, South (Mrs. Beckett) on 21 April, *Official Report*, columns *312–13*.

### Confidentiality

**Mr. Cohen:** To ask the Secretary of State for Health when she expects to publish a further paper concerning the confidentiality of health information; and if she will make a statement. [20040]

**Mr. Sackville:** Draft Guidance, "Confidentiality, Use and Disclosure of Personal Health Information", was issued for consultation in August 1994. The consultation period closed on 9 December. We are considering the many responses received and will be making any appropriate revisions to the guidance in due course.

### Hospital Matrons

**Mr. Critchley:** To ask the Secretary of State for Health if she will re-establish the position of matron in NHS hospitals. [19902]

**Mr. Sackville:** The exact titles and responsibilities of senior nurses are for local decision. The title of matron may be used if appropriate. Every national health service trust is required to have a senior nurse as an executive director.

### Health Authority Allocations

**Mr. Bayley:** To ask the Secretary of State for Health what 1995–96 cash allocation has been made to each district health authority, including fundholding GP practices within the authority's area for hospital and community health services. [20022]

**Mr. Sackville:** The 1995–96 recurrent allocations for resident population to district health authorities for hospital and community health services will be placed in the Library.

### Hepatitis C

**Ms Lynne:** To ask the Secretary of State for Health what information her Department has on the number of people in England and Wales affected by hepatitis C as a result of contaminated blood prior to the introduction of screening in 1991. [20284]

**Mr. Sackville:** This information is not available centrally.

### Food Safety

**Mr. Redmond:** To ask the Secretary of State for Health (1) what progress has been made by her Department's working group into research regarding the bacteria strain in beef which has caused deaths; [20462]

(2) if she will list the members of the committee that was set up to investigate health hazards in respect of bacterium, E coli 0157; what are the members' qualifications; when the report will be published; and if she will make a statement. [20727]

**Mr. Sackville:** The report of the Advisory Committee on the Microbiological Safety of Food on verocytotoxin-producing Escherichia coli—VTEC—will be published shortly with the Government's response to its recommendations. Details of the membership of the ACMSF and its working group on VTEC are contained in the ACMSF's annual report 1993, copies of which are in the Library.

**Mr. Redmond:** To ask the Secretary of State for Health what representations she has received from doctors about the bacteria strain linked to beef responsible for deaths; and what trends there have been in the number of deaths caused. [20461]

**Mr. Sackville:** We have received no such representations. Information on deaths associated with verocytotoxin-producing Escherichia coli is not available centrally. However, available evidence does not suggest a change in the mortality associated with infection.

### Clinical Grading Appeals

**Mr. Cohen:** To ask the Secretary of State for Health in what circumstances interest is payable on back pay arising from clinical grading appeals which are upheld. [20618]

**Mr. Malone:** Retrospective payments to national health service staff do not attract interest.

### NHS Trusts

**Mr. Redmond:** To ask the Secretary of State for Health if she will require all NHS trusts to display on the exterior hospital name boards the names and home telephone numbers of the chairman and chief executive. [20692]

**Mr. Malone:** The provision of the names and office telephone numbers of board members and senior officers of national health service trusts is detailed as an example of good practice in the new code of openness in the NHS published in April.

**Mr. Andrew Smith:** To ask the Secretary of State for Health how many national health service trusts have *(a)* completed contracts with purchasers for the year 1995–96 and *(b)* not yet completed contracts for 1995–96; and how many in the latter category are in the process of arbitration. [19880]

**Mr. Malone:** This information is not available centrally.

### NHS Pension Scheme

**Mr. Redmond:** To ask the Secretary of State for Health if she will take action to ensure that the fee obtained by the Paymaster General for sending private pension correspondence to NHS pensioners is paid into the NHS benevolent fund. [20677]

**Mr. Sackville:** No.

### Bristol Royal Infirmary

**Ms Primarolo:** To ask the Secretary of State for Health what advice was given by her Department to the Bristol royal infirmary on the future programme of paediatric cardiac surgery for *(a)* switch, *(b)* atrial ventricular canal, *(c)* ventricular septal defects and *(d)* tetralogy of fallow. [20508]

**Mr. Sackville:** A protocol covering the future performance of all complex paediatric cardiac surgery in United Bristol Healthcare trust hospitals has been agreed jointly between my Department, the Director of Public Health Medicine for the south and west region, South and West regional health authority and the UBHT pending the arrival of the newly appointed paediatric cardiac surgeon.

**Ms Primarolo:** To ask the Secretary of State for Health what steps her Department has taken to continue to monitor the success rate of paediatric cardiac surgery at the Bristol royal infirmary; and what steps she has taken to satisfy herself that the procedures are carried out correctly. [20510]

**Mr. Sackville:** Monitoring the results of treatment is an integral part of clinical audit and as such is the responsibility of health professionals. Audit methodology is continually improving, but there are at present no agreed national standards for paediatric cardiac surgery. Improved audit arrangements for paediatric cardiac surgery are being agreed between the United Bristol Healthcare trusts and Avon Health. In addition, my Department has just provided funding for a pilot project to assess the feasibility of establishing a national central cardiac audit database to enable cardiac surgeons and cardiologists to monitor the outcome of all cardiac interventions against agreed standards.

**Ms Primarolo:** To ask the Secretary of State for Health what action her Department recommended following the visit by Stewart Hunter, Sir Keith Ross, Sir Terence English and David Hamilton in 1992 to investigate the Bristol royal infirmary's paediatric cardiac record. [20512]

**Mr. Sackville:** No such visit took place.

**Ms Primarolo:** To ask the Secretary of State for Health what information she has received on the reasons why the Senning operation was carried out in much larger numbers

at the Bristol royal infirmary as compared to switch operators in the 1990s and on the relative life expectancies and success rate. [20509]

**Mr. Sackville:** These were matters of clinical judgement.

**Ms Primarolo:** To ask the Secretary of State for Health when she was informed of the record of open heart surgery on children at the Bristol royal infirmary in the 1990s. [20511]

**Mr. Sackville:** My Department was informed in July 1994 that there was a difference of professional opinion about the results of an audit of paediatric cardiac surgery at Bristol royal infirmary. The United Bristol Healthcare trust management was asked to resolve the matter.

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for Health which of the executive non-departmental public bodies sponsored by her Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether in each case this is (i) under a statutory requirement or (ii) voluntary. [20498]

**Mr. Sackville:** The information is as follows. Non departmental public bodies that:

*Publish annual reports:*

*Under a statutory requirement:*

Human Fertilisation and Embryology Authority

United Kingdom Central Council for Nursing, Midwifery and Health Visiting

English National Board for Nursing, Midwifery and Health Visiting.

*Voluntarily:*

Central Council for Education and Training in Social Work

Medical Practices Committee

Public Health Laboratory Service Board

National Biological Standards Board

National Radiological Protection Board

Standing Committee on Postgraduate Medical and Dental Education

*Publish annual accounts:*

*Under a statutory requirement:*

Human Fertilisation and Embryology Authority

Public Health Laboratory Service Board

National Biological Standards Board

National Radiological Protection Board

United Kingdom Central Council for Nursing, Midwifery and Health Visiting

English National Board for Nursing, Midwifery and Health Visiting.

*Voluntarily:*

Central Council for Education and Training in Social Work.

*Publish the minutes of meetings:*

*Under a statutory requirement:*

None.

*Voluntarily:*

Central Council for Education and Training in Social Work

United Kingdom Central Council for Nursing, Midwifery and Health Visiting

English National Board for Nursing, Midwifery and Health Visiting.

*Publish the agendas for meetings:*

*Under a statutory requirement:*

None.

*Voluntarily:*

Central Council for Education and Training in Social Work

United Kingdom Central Council for Nursing, Midwifery and Health Visiting

English National Board for Nursing, Midwifery and Health Visiting.

*Publish registers of members' interests:*

*Under a statutory requirement:*

None.

*Voluntarily:*

English National Board for Nursing, Midwifery and Health Visiting.

**Dr. Wright:** To ask the Secretary of State for Health if she will list the executive non-departmental public bodies sponsored by her Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20658]

**Mr. Sackville:** The information is as follows:

Those non-departmental public bodies that are:

*Subject to investigation by the Parliamentary Commissioner:*

Human Fertilisation and Embryology Authority

Central Council for Education and Training in Social Work

Standing Committee on Postgraduate Medical and Dental Education.

*Subject to scrutiny by the Audit Commission:*

Human Fertilisation and Embryology Authority

English National Board for Nursing, Midwifery and Health Visiting.

*Subject to scrutiny by the National Audit Office:*

Public Health Laboratory Service Board

National Biological Standards Board

National Radiological Protection Board

Human Fertilisation and Embryology Authority

Central Council for Education and Training in Social Work

United Kingdom Central Council for Nursing, Midwifery and Health Visiting

English National Board for Nursing, Midwifery and Health Visiting

Standing Committee on Postgraduate Medical and Dental Education.

*Subject to statutory provisions for open government:*

Human Fertilisation and Embryology Authority

Central Council for Education and Training in Social Work

United Kingdom Central Council for Nursing, Midwifery and Health Visiting

English National Board for Nursing, Midwifery and Health Visiting.

*Subject to performance indicators:*

Public Health Laboratory Service Board

National Biological Standards Board

National Radiological Protection Board

Human Fertilisation and Embryology Authority

Central Council for Education and Training in Social Work

English National Board for Nursing, Midwifery and Health Visiting.

*Subject to provisions under the citizens charter:*

Human Fertilisation and Embryology Authority

Standing Committee on Postgraduate Medical and Dental Education.

## Fluoridation

**Mr. Wray:** To ask the Secretary of State for Health what recent assessment she has made of the 1976 Royal College of Physicians study of fluoridation in 1976; and if she will order an inquiry as to the safety of fluoride in humans. [20797]

**Mr. Malone:** The 1976 report "Fluoride, Teeth and Health", from the Royal College of Physicians of London, concluded that fluoridation is safe and effective in reducing dental caries, and recommended

> "fluoridation of water supplies in the United Kingdom where the fluoride level is appreciably below 1 mg per litre".

Government policy continues to be in line with this recommendation. Water fluoridation at 1 mg per litre is considered, on the scientific evidence currently available, to be safe for humans, and is an effective way of improving oral health. The Department of Health will continue to monitor information relevant to the safety and efficacy of fluoridation of drinking water.

## PRIME MINISTER

### Engagements

**Sir Peter Tapsell:** To ask the Prime Minister if he will list his official engagements for Tuesday 25 April. [19504]

**Mr. Harry Greenway:** To ask the Prime Minister if he will list his official engagements for Tuesday 25 April 1995. [19506]

**The Prime Minister:** This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall be having further meetings later today.

### Downing Street Admissions

**Mr. Tony Banks:** To ask the Prime Minister (1) how many individuals accompanying delegations of hon. Members were refused admission to Downing street on 19 April; and on what grounds they were refused entry; [20364]

(2) what dress restrictions govern admission of individuals to Downing street; [20365]

(3) when the decision was taken to restrict delegations to 10 Downing street to six people; who took it; and if he will list all restrictions applying to hon. Members. [20363]

**The Prime Minister:** Three members of the public were refused entry to Downing street on 19 April because they were dressed as foxes.

Since 1980s, if petitioners have wished to wear costume, it has been the practice to restrict admission to those wearing national dress or working uniforms. This is to maintain the dignity of the street and its surroundings. Delegations are normally restricted to six people in order to ensure the staff in the street can cope during busy periods.

There are no written restrictions on access to the street by hon. Members, but entry must remain at the discretion of the police on duty.

### VE Day Commemorations

**Mr. Mackinlay:** To ask the Prime Minister if he will state which of the VE commemorations Her Majesty the Queen will be participating in the United Kingdom and overseas as (i) Head of State of the United Kingdom of Great Britain and Northern Ireland, (ii) head of all those countries of which she is Head of State, (iii) Head of the Commonwealth and (iv) on which combination of (i) to (iii) above; and if he will make a statement. [20856]

**The Prime Minister:** Her Majesty the Queen, who is Head of the Commonwealth, will be participating in the VE day commemorations in the United Kingdom as Head of State of the United Kingdom of Great Britain and Northern Ireland. Her Majesty will not participate in VE day commemorations outside the United Kingdom.

### Governor-Generals

**Mr. Mackinlay:** To ask the Prime Minister on whose advice governor-generals make visits in their capacity as representatives of Her Majesty the Queen to overseas countries; and if he will make a statement. [20860]

**The Prime Minister:** Governor-generals make official visits to overseas countries in their capacity as representative of Her Majesty the Queen on the advice of her Ministers in the realm concerned.

**Mr. Mackinlay:** To ask the Prime Minister if the governor-generals of the countries of which Her Majesty is Head of State are deemed for the purpose of the VE commemorations to be Head of State in their own right; and if he will make a statement. [20855]

**The Prime Minister:** The only governor-general of Her Majesty's other realms who is expected to attend the VE day commemorations in London on 6 and 7 May is the Governor-General of Jamaica. He will attend in his capacity as Her Majesty's representative in Jamaica on behalf of the people of that country.

### Her Majesty the Queen

**Mr. Mackinlay:** To ask the Prime Minister (1) if a state visit made by an overseas Head of State to Britain is a visit to *(a)* Her Majesty the Queen as Head of State of the United Kingdom of Great Britain and Northern Ireland, *(b)* Great Britain hosted by Her Majesty the Queen, *(c)* Her Majesty the Queen as Head of State of all those countries of which she is Head of State, *(d)* Her Majesty the Queen as Head of the Commonwealth or *(e)* in a combination of the above. [20857]

(2) if on the occasion of the state visit of *(a)* the President of Zimbabwe in May 1994 and *(b)* the King and Queen of Norway in July 1994, the Queen received these guests in her capacity as (i) Head of State of the United Kingdom of Great Britain and Northern Ireland, (ii) Head of State of all those countries of which she is Head of State, (iii) as Head of the Commonwealth on (iv) or which combination of (i) to (iii) above; and if he will make a statement. [20858]

**The Prime Minister:** State visitors to the United Kingdom are invited by Her Majesty the Queen, who is Head of the Commonwealth, as Head of State of the United Kingdom of Great Britain and Northern Ireland, on behalf of the nation as a whole following consultation with her Ministers in the United Kingdom.

**Mr. Mackinlay:** To ask the Prime Minister (1) by what method and which Heads of government the Queen is advised before and during an official visit to republics where she is making the visit as Head of State and not merely as the Head of State of the United Kingdom of Great Britain and Northern Ireland; and if he will make a statement. [20861]

(2) on the occasion of the visit by Her Majesty the Queen to Russia in October 1994 and South Africa in March 1995, if the Queen was received in her capacity as (i) Head of State of Great Britain and Northern Ireland,

(ii) Head of State of all those countries of which she is Head of State, (iii) as Head of the Commonwealth, or (iv) on which combination of (i) to (iii) above; and if he will make a statement. [20859]

**The Prime Minister:** Her Majesty the Queen makes official visits overseas in her capacity as Head of State of the United Kingdom of Great Britain and Northern Ireland, on the advice of her Ministers in the United Kingdom unless the visit is to one of Her Majesty's other realms. In those latter cases, her visit is as Head of State of the realm concerned, and is made on the advice of her Ministers in that realm.

## OVERSEAS DEVELOPMENT ADMINISTRATION

### Rwanda

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the factors which have led to World Food Programme trucks not reaching their targets in Rwanda; and what international action is being taken to allow them to progress to camps for Rwandan refugees in Zaire. [20251]

**Mr. Baldry:** The rapid response from the UK and other donors to a recent World Food Programme—United Nations High Commissioner for Refugees appeal means that supplies are now assured until October. However, Rwanda's landlocked position has made it difficult to gauge the amount needed in the supply pipeline so as to ensure a continuous flow of food at the required level to people in need. On the question of access to camps in Zaire, we are in close touch with the WFP to see if we can help find a solution to the closing of the border. In the meantime, WFP is actively exploring alternative routes.

### Botswana

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what action is being taken by Her Majesty's Government and by the international community to alleviate drought in Botswana. [20252]

**Mr. Baldry:** No formal appeal for assistance has been made by the Government of Botswana, but we have had discussions on the drought with them, and other donors, and are ready to consider a request for assistance. There is unlikely to be a need for food aid as Botswana, in a non-drought year, already imports some 90 per cent. of its food requirements. It is therefore likely that any UK assistance will focus on technical and logistical support for food distribution to vulnerable communities.

### Kenya

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs in what ways the Government of Kenya *(a)* meet and *(b)* do not meet the yardstick of good governance for the receipt of bilateral or multilateral aid. [19909]

**Mr. Baldry:** Kenya's governance has improved significantly over recent years, which have seen the restoration of multi-party politics, serious discussion of issues of substance in Parliament and a much freer press. But concerns remain on a number of issues, including the status of the Government of Kenya—United Nations Development Programme displaced persons programme, the frustration by some officials of legitimate political activity, the arrests of opposition MPs, and corruption. The continuation of our substantial aid programme at current levels will depend on further progress on these and other governance issues.

### India

**Ms Quin:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assistance he is giving to India to raise environmental standards of coal-fired power stations.

**Mr. Baldry:** We are helping the Indian authorities to improve environmental auditing and dry ash disposal. In collaboration with the World bank, we have also funded work on environmental management of coal-fired power stations in Singrauli; and are contributing to a programme in Orissa which includes renovation of existing thermal generation and construction of new capacity to current environmental standards. Other projects are under consideration.

## TRADE AND INDUSTRY

### Business Link Outlets

**Mr. Wilson:** To ask the President of the Board of Trade how many civil servants from his Department have been seconded to, or are otherwise employed within, business link outlets. [18110]

**Mr. Page:** Thirty-nine civil servants have been co-located in business link outlets as at 31 March 1995. Annexe A gives a regional breakdown by Government office of staff co-locations to business links.

| *Government office for:* | *Number of staff co-located* |
|---|---|
| East Midlands | 8 |
| London | 0 |
| South East | 1 |
| Yorkshire and Humberside | 4 |
| South West | 1 |
| East | 2 |
| North West | 6 |
| West Midlands | 13 |
| North East | 2 |
| Merseyside | 2 |

### Franchising

**Mr. Pickthall:** To ask the President of the Board of Trade what plans he has to protect franchisees from false claims by franchisers. [20029]

**Mr. Page:** Franchising in the United Kingdom is subject to the general law of contract and other general laws applying to commercial relationships. There are no current plans to introduce specific legislation for franchise agreements.

**Mr. Pickthall:** To ask the President of the Board of Trade how many actions were taken by his Department, against franchisers, for false claims in 1994. [20030]

**Mr. Page:** This information is not held in the form requested.

The Department records only action taken under the Companies Act 1948 and 1985. These figures are not broken down by type of business.

**Mr. Pickthall:** To ask the President of the Board of Trade how much of his Department's grant was made available to the franchise centre. [20031]

**Mr. Page:** The franchise centre received £10,000 regional selective assistance in 1993 to aid the establishment of 6.5 permanent jobs.

### Manufacturing Company Wages

**Mr. Sheerman:** To ask the President of the Board of Trade what has been the average percentage increase in real wages since 1979 of chairs of the top 500 United Kingdom manufacturing companies. [20558]

**Mr. Jonathan Evans:** The Government do not compile statistics of the type requested by the hon. Member.

### Murvi Motorcaravans

**Mr. Steen:** To ask the President of the Board of Trade when he expects to complete his investigations into the matters raised by the hon. Member for South Hams in his letters to him of 4 April and 13 April regarding the refusal of his office in Plymouth to award a regional selective assistance grant to Murvi Motorcaravans. [20590]

**Mr. Page:** My investigations into this case are complete and I replied to my hon. Friend on 24 April 1995.

## ATTORNEY-GENERAL

### Allowances

**Mr. David Shaw:** To ask the Attorney-General if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19666]

**The Attorney-General:** The information for the Departments and agency for which I am responsible—Crown Prosecution Service, Treasury Solicitor's Department, Government Property Lawyers agency, Serious Fraud Office and the Legal Secretariat to the Law Officers—is given in the table.

| | *1992–93 £* | | | *1993–94 £* | | | *1994–95 £* | | |
|---|---|---|---|---|---|---|---|---|---|
| | *(a)* | *(b)* | *(c)* | *(a)* | *(b)* | *(c)* | *(a)* | *(b)* | *(c)* |
| CPS | 353,492 | n/a | 14,140 | 499,405 | 26,468<br>23,433<br>22,406 | 18,496 | 444,531 | 20,418<br>15,985<br>15,752 | 12,348 |
| T. SOL. | 26,237 | 8,418<br>6,313<br>5,860 | 4,373 | 4,318 | 2,931<br>1,367<br>20 | 1,439 | 4,448 | 3,033<br>1,415<br>— | 2,224 |
| GPL[1] | — | — | — | 19,878 | nil | 29,391 | 9,513 | 29,391 | nil |
| SFO | 26,245 | 2,214<br>—<br>— | 7,184 | 27,001 | 26,219<br>28,733 | 13,501 | 22,792 | 6,151<br>—<br>— | 11,396 |
| LSLO | — | — | — | — | — | — | — | — | — |

[1] Government Property Lawyers was established on 1 April 1993.

**Mr. David Shaw:** To ask the Attorney-General if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19548]

**The Attorney-General:** The information for the Departments and agency for which I am responsible—the Crown Prosecution Service, Treasury Solicitor's Department, Government Property Lawyers agency, Serious Fraud Office and the Legal Secretariat to the Law Officers—is given in the table.

| | *1992–93 £* | | *1993–94 £* | | *1994–95 £* | |
|---|---|---|---|---|---|---|
| | *(a)* | *(b)* | *(a)* | *(b)* | *(a)* | *(b)* |
| CPS[1] | 894,140 | | 788,055 | | 1,072,030 | |
| T.SOL. | 10,217 | 9,893 | 4,066 | 864 | 2,969 | 10,637 |
| GPL[2] | — | — | 4,155 | NIL | 3,566 | NIL |
| SFO | 38,255 | 14,639 | 71,812 | 22,133 | 62,920 | 19,302 |
| LSLO | Included inT.SOL. above | | 938 | 1,417 | 1,030 | 1,526 |

[1] Aggregate for (a) and (b).

[2] Government Property Lawyers was established on 1 April 1993.

### Overtime

**Mr. David Shaw:** To ask the Attorney-General if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19668]

**The Attorney-General:** The information for the Departments and agency for which I am responsible—Crown Prosecution Service, Treasury Solicitor's Department, Government Property Lawyers agency, Serious Fraud Office and the Legal Secretariat to the Law Officers—is given in the tables.

*Sickness*[1]

| | *1992 days* | *1993 days* |
|---|---|---|
| CPS | 48,213.00 | 53,495.00 |
| T.SOL. | 2,965.83 | 3,098.94 |
| GPL[2] | — | 868.00 |
| SFO | 842.42 | 1,609.90 |
| LSLO | 18.75 | 56.55 |

[1] Figures provided by the Occupational Health Service agency. Figures for 1994 are not yet available. No records are available which give figures for a monetary equivalent.
[2] Government Property Lawyers was established on 1 April 1993.

*Overtime*

| | *1992–93* | | *1993–94* | | *1994–95* | |
|---|---|---|---|---|---|---|
| | *(a) hours* | *(b) £* | *(a) hours* | *(b) £* | *(a) hours* | *(b) £* |
| CPS | n/a | 587,268 | n/a | 685,179 | n/a | 523,439 |
| T.SOL. | 2,589.0 | 24,025 | 3,027.5 | 30,220 | 1,701.5 | 18,190 |
| GPL[1] | — | — | 313.0 | 2,873 | 286.0 | 2,555 |
| SFO | 5,236.0 | 42,872 | 6,711.0 | 55,748 | 5,795.0 | 55,188 |
| LSLO | 1,781.5 | 14,426 | 1,943.5 | 17,279 | 1,435.25 | 12,990 |

[1] Government Property Lawyers was established on 1 April 1993.

## FOREIGN AND COMMONWEALTH AFFAIRS

### Iran

**Mr. Llew Smith:** To ask the Secretary of State for Foreign and Commonwealth Affairs what specific recent representations have been made to Iran regarding its nuclear programme. [20362]

**Mr. David Davies:** We have made no specific representations to Iran regarding its nuclear programme, but we have made public our concerns at reports that Iran is seeking to develop nuclear weapons. My right hon. Friend the Foreign Secretary made it clear in his evidence to the Foreign Affairs Committee on 18 January that the US assessment indicating that Iran could possess a nuclear explosive device within seven to 15 years gave serious cause for concern.

### Nuclear Weapons

**Mr. Llew Smith:** To ask the Secretary of State for Foreign and Commonwealth Affairs what arrangements Her Majesty's Government intend to make to permit international safeguards inspectors to verify the United Kingdom's cessation of production of fissile material for explosive uses. [20384]

**Mr. David Davis:** The announcement that the UK has ceased production of fissile material for explosive purposes was made to show our commitment to the negotiation of a treaty banning such productions. We anticipate that negotiations will begin in June at the conference on disarmament in Geneva. We intend that the treaty should include appropriate verification arrangements.

### Russia (Nuclear Safeguards)

**Mr. Llew Smith:** To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals he has to fulfil the commitment made by the European Union Energy Commissioner on the nuclear safeguards conference in St. Petersburg on 10 April that the European Union would assist the countries of the Commonwealth of Independent States in developing a regional safeguards system; and whether he raised this matter, in regard to its relevance to combating illicit trafficking in nuclear materials, with his Russian counterpart at the nuclear non-proliferation treaty conference in New York.

**Mr. David Davis:** The UK—through the DTI, British Nuclear Fuels Ltd. and the AEA—has been closely involved in international programmes of safeguards collaboration with nuclear authorities and facility operators in both Russia and Kazakhstan. UK efforts initially focused on the provision of training seminars covering a wide range of safeguards issues. Direct collaboration between UK and Russian and Kazakh operators on facility specific safeguards systems is now being developed as a result of these seminars. The Russian Foreign Minister was not in New York at the time of the Foreign Secretary's visit.

### Nagorno-Karabakh

**Mr. David Atkinson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what progress has been made in establishing Organisation on Security and Co-operation in Europe monitors of the ceasefire in the Nagorno-Karabakh dispute following the decision of the Budapest summit last November; what is the United Kingdom's contribution to it; and if he will make a statement. [20474]

**Mr. Douglas Hogg:** The Budapest summit of the OSCE in December 1994 decided that an agreement between the parties on the cessation of hostilities in the Nagorno-Karabakh conflict would be a necessary precondition for the deployment of a multi-national peacekeeping operation. Although a ceasefire has now been in place for almost a year, no agreement has yet been reached. The OSCE Minsk group is actively engaged, with our full support, in efforts to promote an agreement.

We have offered to send a team of signallers to a monitoring mission, if required. We are providing personnel for the high-level planning group which is working in Vienna on a possible peacekeeping operation.

### Azerbaijan

**Mr. David Atkinson:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on relations with Azerbaijan; and what plans he has to visit the country in the near future. [20472]

**Mr. Douglas Hogg:** We enjoy excellent relations with Azerbaijan. Bilateral trade is increasing rapidly. We have provided substantial humanitarian aid and we have a programme of technical assistance through the know-how fund.

My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs does not at present have plans to visit Azerbaijan.

### Non-proliferation Treaty Conference

**Mr. Llew Smith:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library a copy of his speech to the non-proliferation treaty conference in New York on 18 April. [20382]

**Mr. David Davis:** A copy has been placed in the Library.

### Smoking

**Mr. Peter Griffiths:** To ask the Secretary of State for Foreign and Commonwealth Affairs what facilities are provided and arrangements made for the well-being and comfort of staff who *(a)* smoke and *(b)* do not wish to be affected by smoking at (i) the work-station and (ii) rest, recreation and refreshment facilities at the Foreign and Commonwealth Office, King Charles street, London.

**Mr. Goodlad:** There are designated smoking areas, and smoking is permitted in single-occupancy offices.

Smoking is not permitted in shared offices, or at meetings, or in other common areas apart from designated smoking areas.

In general, rest, recreation and refreshment facilities either have smoking and no-smoking areas or do not permit any smoking.

### Leader of the Opposition (Briefing)

**Mr. David Shaw:** To ask the Secretary of State for Foreign and Commonwealth Affairs what was the extent of the briefing Foreign Office officials or Ministers provided to the right hon. Member for Sedgefield (Mr. Blair) for this trip to Washington in 1986. [20610]

**Mr. Baldry:** We have no record of any such briefing.

**Mr. David Shaw:** To ask the Secretary of State for Foreign and Commonwealth Affairs what briefing the United Kingdom ambassador to the United States of America provided to press during the right hon. Member for Sedgefield's visit to Washington in 1986 as to whether the visit was official. [20581]

**Mr. Baldry:** None.

### Georgia

**Mr. David Atkinson:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on relations with Georgia; and what plans he has to visit the country in the near future. [20471]

**Mr. Douglas Hogg:** We enjoy excellent relations with Georgia. A British embassy will open in Tbilisi later this year; Georgia intends to open an embassy in the UK soon. Head of State Eduard Shevardnadze visited the UK as a guest of Government in February. We have provided substantial humanitarian aid, and are developing a programme of technical assistance through the know-how fund.

My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs does not at present have plans to visit Georgia.

### Armenia

**Mr. David Atkinson:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on relations with Armenia; and what plans he has to visit the country in the near future. [20473]

**Mr. Douglas Hogg:** We enjoy excellent relations with Armenia. A British embassy will open in Yerevan later this year. We have provided substantial humanitarian aid for Armenia, and are developing a programme of technical assistance through the know-how fund.

My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs does not at present have plans to visit Armenia.

### Unitary Tax Campaign

**Mr. David Shaw:** To ask the Secretary of State for Foreign and Commonwealth Affairs if Her Majesty's ambassador attended all the official meetings held by the three hon. Members in Washington DC in May 1986 as part of the unitary tax campaign; and what was the purpose of such attendance. [20611]

**Mr. Baldry:** A visit by parliamentary supporteurs of the unitary tax campaign took place on 19 and 20 June 1986. We no longer have records of which, if any, of the delegation's official meetings the ambassador attended.

### European Union Legislation

**Ms Quin:** To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals he is considering for changing the system of comitology in EU decision making; and if he will make a statement. [20245]

**Mr. David Davis:** None. Comitology was re-examined as recently as last year. In December, the Council, Commission and European Parliament agreed to a limited EP role in comitology measures stemming from co-decision legislations. It was agreed that the European Parliament should be able to give an opinion on the few measures of general application which are proposed under the Commission's delegated powers in co-decision legislation, when, following a negative opinion, these measures are referred by the relevant comitology committee back to the Council for decision.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Foreign and Commonwealth Affairs which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual

accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether in each case this is (i) under a statutory requirement or (ii) voluntary. [20497]

**Mr. Goodlad:** The answer for non-departmental public bodies sponsored by the FCO, including the Overseas Development Administration, is shown in the table:

| | | *Publishes* | | | |
|---|---|---|---|---|---|
| | *Annual Reports* | *Annual Accounts* | *Minutes* | *Agendas* | *Registers* |
| British Council | Yes (statutory) | Yes (statutory) | No | No | [1]No |
| British-Russia Centre | Yes (statutory) | Yes (statutory) | No | No | No |
| British Association for Central and Eastern Europe | Yes (statutory) | Yes (statutory) | No | No | No |
| Commonwealth Institutes in London and Edinburgh | Yes (voluntary) | Yes (voluntary) | No | No | No |
| Great Britain-China Centre | Yes (voluntary) | Yes (statutory) | No | No | No |
| Marshall Aid Commemoration Commission | Yes (statutory) | Yes (statutory) | No | No | No |
| Westminster Foundation for Democracy | Yes (statutory) | Yes (statutory) | [1]No | [1]No | No |
| Commonwealth Scholarship Commission | Yes (statutory) | Yes (statutory) | No | No | No |
| Crown Agents Holding and Realisation Board | Yes (statutory) | Yes (statutory) | No | No | No |

[1] Available for inspection on request.

**Dr. Wright:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20657]

**Mr. Goodlad:** The answer for non-departmental public bodies sponsored by the FCO, including the Overseas Development Administration, is shown in the table.

*Subject to:*

| | *Investigation by Parliamentary Commissioner* | *Scrutiny by Audit Commission* | *Scrutiny by HAO* | *Statutory Provisions for open government* | *Performance Indicators* | *Provisions under citizens charter* |
|---|---|---|---|---|---|---|
| British Council | Yes | No | Yes | No | Yes | Yes |
| Britain-Russia Centre | Yes | No | Yes | No | Yes | Yes |
| British Association for Central and Eastern Europe | No | No | Yes | No | No | No |
| Commonwealth Institutes in London and Edinburgh | No | No | Yes | No | Yes | Yes |
| Great Britain-China Centre | Yes | No | Yes | No | Yes | Yes |
| Marshall Aid Commemoration Commission | No | No | Yes | No | No | Yes |
| Westminster Foundation for Democracy | No | No | Yes | No | No | No |
| Commonwealth Scholarship Commission | No | No | Yes | No | No | No |
| Crown Agent's Holding and Realisation Board | No | No | Yes | No | No | No |

## Tibet

**Mr. Wray:** To ask the Secretary of State for Foreign and Commonwealth Affairs when he last discussed Tibet with the Government of the People's Republic of China; and if he will make a statement on the issues which were discussed. [20798]

**Mr. Goodlad:** My right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs raised Tibet with the Chinese Vice-Premier and Foreign Minister Qian Qichen in New York on 18 April during discussions on a broad range of bilateral and international issues.

## Ambassadors' Pay

**Mr. Sykes:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the pay of the most senior ambassadors.

**Mr. Hurd:** My right hon. Friend the Prime Minister told the House on 9 February, *Official Report*, columns *345-47*, that parallel arrangements to those established for the pay of permanent secretaries would be made for the most senior ambassadors—that is, those with a rank equivalent to permanent secretary.

A remuneration committee has now been established to advise me on the pay of those ambassadors. The full terms of reference are given. Although the final decisions on the pay of individual ambassadors will be for me to take, I would expect normally to accept the recommendations of the committee.

As in the case of the remuneration committee dealing with permanent secretaries' pay, there will be five members of the committee, three from the private sector, the head of the diplomatic service and the chief clerk of the diplomatic service. The recommendations made to me will be those of the three private sector members and the terms of reference provide that the chairman be drawn from their number.

Sir Denys Henderson has agreed to be the first chairman of the committee. Sir Michael Perry and Mr. Allan Gormly have also agreed to serve on it. I am grateful to all of them. The presence of Sir Michael Perry, who is also chairman of the Senior Salaries Review Body and of the Committee on Permanent Secretaries Pay, will help ensure that awards made to senior ambassadors are in balance with those made to permanent secretaries.

The salaries of individual ambassadors will be published in £5,000 bands in the departmental report each year.

TERMS OF REFERENCE OF THE REMUNERATION COMMITTEE

*Membership*

1. There shall be a committee on the pay of grade 1 ambassadors of whom the members will be:

—Three members drawn from the private sector, including

—One member of the Senior Salaries Review Body

—the head of the diplomatic service

—the chief clerk of the diplomatic service.

2. The chairman of the committee will be one of the private sector members.

*Remit*

3. The purpose of the committee is for the private sector members to make proposals to the Secretary of State on the pay of individual grade 1 ambassadors save in so far as their pay is determined by the terms of an individual appointment.

4. The pay of grade 1 ambassadors will be accommodated within the pay range of permanent secretaries to be determined from time to time by the Government. The committee may not propose other forms of remuneration or benefit than pay falling within this range.

5. In making proposals the committee shall take the following factors into account in relation to individuals:

—the relative level of responsibility of the post occupied;

—the performance of the embassy in meeting its objectives and executing the policy of Ministers and, in particular, the personal contribution the individual has made in terms of policy advice and efficient management, including where appropriate meeting the measured objectives of the embassy;

—the particular demands placed on the individual, including those stemming from his or her public role;

—the experience of the individual in the present post or in others occupied at grade 1 level;

—in the case of those newly promoted, the level of pay in their previous post;

—the individual's own assessment of his/her achievements and the main requirements of the job.

6. The committee shall also take into account these wider factors:

—the pay levels of permanent secretaries in the home civil service and of other senior staff in the diplomatic and civil services, and in particular those immediately below grade 1/permanent secretary;

—the increase recently given, or likely to be given in the period ahead, to DS staff and civil servants generally, and the pay progression available to them;

—the extent of the change for any individual as well as the absolute level of pay, and the presentation of both;

—any movement in the pay range as a whole;

—the nature and terms of the civil service pension scheme;

—any statements made by the Government on public sector pay;

—the maintenance of the confidence on the individual, that recommendations have been properly and fairly determined;

—the need to ensure recommendations are consistent with the Government's equal opportunities policies.

### Kenya

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Government of Kenya about arrests of opposition members of Parliament. [19908]

**Mr. Baldry:** We have made clear to the Kenyan authorities at the highest level our concerns at the arrest of opposition members of Parliament, and the damage such actions do to Kenya's image in the international community.

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will support the representations made to the Government of Kenya by the American ambassador in Nairobi about the arrest of six trustees of the Mzangaza Trust. [19910]

**Mr. Baldry:** Our high commission in Nairobi contacted the Kenyan authorities at a high level to register our strong concern at these arrests as soon as they heard the news. The six trustees were released shortly thereafter.

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs if the views expressed in the Catholic bishops' recent pastoral letter in Kenya are in accord with the reports he receives from the high commission in Nairobi. [19928]

**Mr. Baldry:** We receive regular reports from our high commission in Nairobi. They cover various issues including those raised in the Catholic bishops' recent pastoral letter. We have noted the concerns expressed by the bishops, many of which are widely shared.

### Sierra Leone

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals have been put forward by the United Nation's special envoy to Sierra Leone for making progress to a peaceful settlement. [19912]

**Mr. Baldry:** None. The Special Representative of the UN Secretary-General continues his good offices mission.

**Mr. Worthington:** To ask the Secretary of State for Foreign and Commonwealth Affairs if it is his policy to support the facilitation by the international community of the establishment of a Government of national unity in Sierra Leone prior to the holding of free and fair elections. [19911]

**Mr. Baldry:** It is our policy to support efforts to bring about a peaceful solution to the conflict. We also look to the Sierra Leone Government to press ahead with the transition to civilian democratic rule.

## HOME DEPARTMENT

### Thames Valley Police

**Mr. Andrew Smith:** To ask the Secretary of State for the Home Department what is the cost to the Thames Valley police force of security provided for Ministers and members of the royal family; and what additional allocation of resources from his Department the Thames Valley police force receives in relation to these responsibilities. [19886]

**Mr. Howard:** For security reasons, it is not the practice to disclose the cost to individual police authorities of

carrying out protection duties. Thames Valley police's known security commitments were taken into account under the police funding formula for 1995–96.

### Police Resignations

**Mr. Sedgemore:** To ask the Secretary of State for the Home Department if he will list separately for each of the last six years for which figures are available the number of police officers in England and Wales who *(a)* resigned after criminal charges had been preferred against them but before such proceedings were completed, *(b)* resigned after disciplinary charges had been preferred against them but before such proceedings had been completed, *(c)* were under suspension at the time of their resignation and *(d)* resigned while under investigation for disciplinary matters. [20032]

**Mr. Maclean:** Figures for the number of officers in England and Wales, excluding the Metropolitan police, who resigned after criminal or disciplinary charges were preferred but before such proceedings were completed are set out in the table. Information collected centrally in respect of officers who resigned while under suspension is restricted to those resignations before disciplinary charges were preferred.

In 1993, there were 56 officers in England and Wales who resigned while under investigation for disciplinary matters but before disciplinary charges were preferred, including 13 in the Metropolitan police. Figures for earlier years are not available centrally.

*Resignations among officers in England and Wales, excluding the Metropolitan police, facing criminal or disciplinary proceedings*

| | *1988* | *1989* | *1990* | *1991* | *1992* | *1993* |
|---|---|---|---|---|---|---|
| Resignations after criminal charges preferred but before completed. | 25 | 17 | 22 | 21 | 20 | 15 [1](4) |
| Resignations after disciplinary charges preferred but before completed. | 20 | 21 | 32 | 12 | 15 | 18 [1](10) |
| Resignations while under suspension, but before charges preferred. | 33 | 37 | 31 | 14 | 24 | 19 [1](3) |

[1] Figures for the Metropolitan police—only available from 1993.

### Police Complaints

**Mr. Sedgemore:** To ask the Secretary of State for the Home Department if he will give the number of police complaints, or cases of complaint, in each of the last five years for which figures are available which led to police officers being charged with *(a)* a criminal offence, or, if the information is held or recorded in a suitable form, *(b)* a non–traffic criminal offence, and *(c)* a traffic offence, and in each caste, the number of police officers convicted. [20033]

**Mr. Maclean:** The information on complaints resulting in criminal proceedings, for England and Wales, excluding the Metropolitan police, is shown in the table. Information held centrally does not show the number of convictions resulting from complaints.

*Number of substantiated complaints by type of criminal proceedings*

| | *1989* | *1990* | *1991* | *1992* | *1993* |
|---|---|---|---|---|---|
| Traffic offences | 5 | 0 | 4 | 0 | 4 |
| Other criminal offences | 15 | 27 | 8 | 7 | 21 |
| Total complaints resulting in proceedings | 20 | 27 | 12 | 7 | [1]23 |

[1] Two complaints resulted in proceedings for both traffic and other criminal offences.

**Mr. Sedgemore:** To ask the Secretary of State for the Home Department if he will give the total number of police officers in England and Wales, including the Metropolitan police, against whom disciplinary charges were brought in each of the last six years for which figures are available showing *(a)* in the case of discipline charges arising out of a complaint from a member of the public (i) the number of officers charged and (ii) the number of officers against whom charges were proved, *(b)* in the case of discipline charges arising out of other circumstances (i) the number of officers charged, (ii) the number of officers against whom charges were proved and *(c)* the total of *(a)* and *(b)* (i) charged and (ii) proved. [20034]

**Mr. Maclean:** The information requested is set out in the table, with the exception of figures for the Metropolitan police, which were not collected centrally before 1993. Revised collection criteria introduced from 1993 also mean that figures for the number of disciplinary charges arising in circumstances other than from a compliant are no longer available centrally.

*Police officers charged—found guilty of disciplinary offences arising from a complaint or other circumstances—England and Wales excluding Metropolitan police.*

| | *1988* | *1989* | *1990* | *1991* | *1992* | *1993* |
|---|---|---|---|---|---|---|
| Complaints | | | | | | |
| Officers charged | 108 | 84 | 102 | 121 | 101 | 121 |
| Officers found guilty | 63 | 61 | 75 | 100 | 70 | 106 |
| Other Circumstances | | | | | | |
| Officers charged | 358 | 278 | 258 | 271 | 269 | n/a |
| Officers found guilty | 329 | 265 | 246 | 264 | 259 | [1]256 |
| Total charged | 466 | 362 | 360 | 392 | 370 | n/a |
| Total found guilty | 392 | 326 | 321 | 364 | 329 | [1]362 |

[1]The 1993 figure relates to officers receiving disciplinary punishments.

### Unemployment and Crime

**Mr. Straw:** To ask the Secretary of State for the Home Department if he will list research carried out since 1979 by his Department on any link between unemployment and crime. [20488]

**Mr. Howard:** Since 1979, the following research studies bearing on any link between unemployment and crime have been carried out by my Department:

Tarling, R. (1982). "Unemployment and Crime", Home Office Research Bulletin 14.

(1983). "Unemployment, Crime and Sentencing: Some Time Series and Cross Sectional Studies for England and Wales", unpublished internal Home Office report.

Field, S. (1990). "Trends in Crime and their Interpretation", Home Office research study No. 119.

Orme, J. (1994). "A Study of the Relationship between Unemployment and Recorded Crime", Home Office Statistical Findings 1/94.

## Miscarriages of Justice

**Mr. Michael:** To ask the Secretary of State for the Home Department, pursuant to his answer of 20 April, *Official Report*, column *271*, if he will place in the Library full details of the responses to his Department's inquiries into miscarriages of justice, including the nature of the allegation, the nature of the inquiries undertaken, the recommendations made by the investigating officer and the decision made on each case by him. [21038]

**Mr. Nicholas Baker:** The information requested is as follows:

| *Name of applicant* | *Nature of allegations and inquiries* | *Length of inquiries to date* | *Total cost to date* £ |
|---|---|---|---|
| *Case 1: Avon and Somerset constabulary* Barry Pitcher | Disputed forensic and medical evidence. Inquiries included forensic tests and examination of court documents. | 84 weeks | 5,541.02 |
| *Case 2: Lancashire constabulary* Dave Berry and Barry Dewhurst | Allegations were that other individuals had committed the offence. Inquiries included interviewing all the parties involved. | 31 hours | 570.04 |
| *Case 3: Northumbria police* Gary Turner | Disputed prosecution evidence including identification evidence. Inquiries covered all the allegations made. | 10 days | 3,113.02 |
| *Case 4: Devon and Cornwall constabulary* Brian Parsons | Prosecution case alleged to have involved fabrication of evidence; identification evidence also disputed. Inquiries covered all the matters raised. | 8 months | 122,386.28 |
| *Case 5: West Midlands police* Anthony Benton | Allegations involved alleged new evidence. A full criminal investigation was carried out into all the allegations. | 86 weeks | 98,610 |
| *Case 6: West Midlands police* Derek Lee Abraha | Allegations that other individuals committed the offence. Inquiries involved interviewing those involved and forensic tests. | 14 weeks | 18,072 |
| *Case 7: Greater Manchester police* Alf Fox | Alleged new evidence and fabrication of evidence at trial. Inquiry involved study of all relevant documents and re-interviewing all witnesses. | 67 weeks | 192,913 |

It is not the responsibility of an investigating officer to make recommendations as to what action my right hon. and learned Friend should take on a case. In cases Nos. 2, 3, 5 and 6 my right hon. and learned Friend decided not to refer the case to the Court of Appeal. The remaining cases are still being considered, or are the subject of further inquiries.

**Mr. Michael:** To ask the Secretary of State for the Home Department what research projects or investigations have been undertaken by his Department or on behalf of his Department into the costs of investigating alleged miscarriages of justice, and what conclusions were arrived at. [21036]

**Mr. Nicholas Baker:** Information about the present and possible future costs of investigating alleged miscarriages of justice is contained in the explanatory and financial memorandum to the Criminal Appeal Bill. Information about the costs of police inquiries carried out in seven such cases was obtained in a recent survey whose results were reported in my reply to the hon. Member of 20 April, *Official Report*, column *271*.

**Mr. Michael:** To ask the Secretary of State for the Home Department, pursuant to his answer of 20 April, *Official Report*, column *271*, (1) if he will list the four police forces from which replies are still awaited in respect of investigations of alleged miscarriages of justice; [21044]

(2) if he will list the 11 police forces from which information in regard of miscarriages of justice was requested; and how many cases were raised with each force. [21035]

**Mr. Nicholas Baker:** Information was requested from the following forces:

| | *Number of cases* |
|---|---|
| Avon and Somerset constabulary | 1 |
| Lancashire constabulary | 1 |
| Northumbria police | 1 |
| Devon and Cornwall constabulary | 1 |
| West Midlands police | 2 |
| Greater Manchester police | 2 |
| Metropolitan police[1] | 3 |
| West Mercia constabulary[1] | 1 |
| Kent constabulary[1] | 2 |
| Thames Valley police[1] | 1 |
| West Yorkshire police[1] | 1 |

[1] These forces were unable to provide the information requested. Greater Manchester police were able to provide the information in one of the two cases concerned.

**Mr. Michael:** To ask the Secretary of State for the Home Department what research projects or investigations have been undertaken by his Department or on behalf of his Department into international comparisons of the costs of investigating miscarriages of justice. [21037]

**Mr. Nicholas Baker:** None.

### Prisons (Drugs)

**Mr. Merchant:** To ask the Secretary of State for the Home Department if he will make a statement on the progress of the Prison Service drugs strategy. [21217]

**Mr. Michael Forsyth:** I have today arranged for copies of the Prison Service drugs strategy to be placed in the Library.

The Prison Service drugs strategy has been developed as part of the Government's strategy against the misuse of drugs, as set out in the Green Paper "Tackling Drugs Together". The presence of drugs in prisons is unacceptable and leads to bullying, violence and intimidation, while undermining regimes. Dealing with this problem is, therefore, being given high priority by the service.

Local drugs strategies will be developed which will have the objective of:

- reducing the supply of drugs
- reducing the demand for drugs
- rehabilitating drug misusers, and
- reducing the potential for damage to the health of prisoners, staff and the wider community, arising from the misuse of drugs.

Mandatory drugs testing is an important part of the strategy. The first phase of implementation has already started in eight establishments—Lindholme, Wakefield, Feltham, Stoke Heath, Pentonville, Bristol, Holloway and Wayland. This phase will be carefully monitored and evaluated and the results will provide the basis for testing throughout the Prison Service. Prisoners who test positive will be liable to the usual range of disciplinary action on adjudication including additional days, loss of privileges and fines. Other measures to be taken will include imposition of closed visits and removal of home leave. Prisoners who test positive will be offered treatment for their drug misuse problem.

A wide range of other measures is being taken to prevent drugs entering prisons. These include the increased use of drug dogs; more effective searching of prisoners, staff and visitors; the use of closed circuit television cameras during visits; and the imposition of closed visits for prisoners found guilty of drug offences in prison.

The Prison Service is also committed to providing help to prisoners who misuse, have misused or are at risk of misusing drugs. A senior manager will be responsible for the through-care of drug misusers in each establishment, and will co-ordinate procedures for the identification, support and treatment of drug misusers whilst in custody. Preventive education programmes will be made available to all prisoners with the objective of informing prisoners about the dangers of drug misuse, instructing them in ways of minimising health risks, providing information about local treatment and support initiatives and who to contact if they require further help. A health care standard on the clinical management of drug misusers was issued to all establishments on 12 April 1995.

This year, the Prison Service will be expanding substantially the number and types of drug treatment programmes. These programmes include therapeutic communities; three-month treatment programmes; intensive counselling and education services; detoxification units; and community linked through-care programmes. Careful monitoring and evaluation of these programmes will help to determine the development of drug treatment in other establishments.

The Prison Service is also committed to improving its working relationship with community drug agencies to ensure continuity of care for prisoners with drug misuse problems upon release from prisons.

### National Lottery

**Mr. Chris Smith:** To ask the Secretary of State for the Home Department what are the terms of reference of his officials' monitoring exercise on the impact of the national lottery on charities and charity lotteries. [20985]

**Mr. Nicholas Baker:** The Government have undertaken to monitor changes in charitable income following the introduction of the national lottery. The most effective methods of doing this are currently under consideration.

### Port Talbot Bail Hostel

**Mr. John Morris:** To ask the Secretary of State for the Home Department what decisions have recently been made as to the future and management of the bail hostel at Port Talbot; and if he will publish the report of the inspector who evaluated the role and functions of the hostel. [20351]

**Mr. Nicholas Baker:** No decisions have yet been taken as a result of the recent review by HM inspectorate of probation. The inspectorate's report will be published in due course.

### Fixed Penalty Charges

**Mr. Sheerman:** To as the Secretary of State for the Home Department (1) what guidelines his Department gives to police forces regarding fixed penalty charges; [20005]

(2) what plans he has to introduce a standardised national charging system for fixed penalty charges; [20007]

(3) what representations he has received regarding fixed penalty charges imposed by police forces in the last two years. [20006]

**Mr. Maclean:** The national levels of fixed penalties for road traffic offences are set by my right hon. and learned Friend under section 53 of the Road Traffic Offenders Act 1988. Chief officers of police have been advised that the national rates in England and Wales are £40 for offences involving obligatory endorsement and £20 for non-endorsable offences including illegal parking, with the exception of illegal parking in London. For London, which is defined as the Metropolitan police district and the City of London, the following differential rates were set in view of the particular problems of congestion:

- £40 for illegal parking on a red route;
- £30 for illegal parking elsewhere in London

No representations have been received regarding the current levels of fixed penalty, which came into force on 1 April 1992.

## Police Statistics

**Mr. Bayley:** To ask the Secretary of State for the Home Department how many police officers were in post in *(a)* north Yorkshire and *(b)* England and Wales on 31 December 1974 and on the same date in 1979 and 1994. [20021]

**Mr. Maclean:** The information is as follows:

| | *North Yorkshire* | *England and Wales* |
|---|---|---|
| December 1974 | 1,209 | 100,774 |
| December 1979 | 1,338 | 111,754 |
| December 1994 | 1,313 | 125,293 |

**Mr. Bayley:** To ask the Secretary of State for the Home Department how many police officers are available for *(a)* front-line, *(b)* support and front-line and *(c)* administrative duties; and what is the resident population in each police force in England and Wales. [20018]

**Mr. Maclean:** Data on deployment of police officers are not available in the form requested. The numbers of police officers deployed on operational policing and on support duties are set out in the table. Data on the population in each force area in England and Wales are in the annual report of Her Majesty's chief inspector of constabulary 1993, a copy of which is in the Library.

*Police strength—operations and support roles[1] (1993)*

| | *Police strength (operations)* | *Police strength (support)* |
|---|---|---|
| Avon and Somerset | 2,286 | 738 |
| Bedfordshire | 838 | 329 |
| Cambridgeshire | 940 | 285 |
| Cheshire | 1,542 | 331 |
| City of London | 564 | 228 |
| Cleveland | 1,116 | 298 |
| Cumbria | 968 | 216 |
| Derbyshire | 1,408 | 382 |
| Devon and Cornwall | 2,391 | 514 |
| Dorset | 1,056 | 236 |
| Durham | 1,028 | 359 |
| Dyfed-Powys | 844 | 122 |
| Essex | 2,256 | 691 |
| Gloucestershire | 866 | 274 |
| Greater Manchester | 4,971 | 2,074 |
| Gwent | 819 | 170 |
| Hampshire | 2,663 | 607 |
| Hertfordshire | 1,356 | 323 |
| Humberside | 1,522 | 511 |
| Kent | 2,629 | 524 |
| Lancashire | 2,343 | 794 |
| Leicestershire | 1,365 | 472 |
| Lincolnshire | 1,028 | 176 |
| Merseyside | 3,494 | 1,168 |
| Metropolitan Police | 19,932 | 7,211 |
| Norfolk | 1,102 | 332 |
| North Wales | 1,104 | 237 |
| North Yorkshire | 1,034 | 300 |
| Northamptonshire | 1,002 | 179 |
| Northumbria | 2,742 | 849 |
| Nottinghamshire | 1,900 | 449 |
| South Wales | 2,628 | 514 |
| South Yorkshire | 2,389 | 626 |
| Staffordshire | 1,697 | 502 |
| Suffolk | 976 | 239 |
| Surrey | 1,451 | 199 |
| Sussex | 2,285 | 692 |
| Thames Valley | 2,827 | 996 |
| Warwickshire | 761 | 242 |
| West Mercia | 1,578 | 478 |
| West Midlands | 5,012 | 1,932 |
| West Yorkshire | 3,641 | 1,345 |
| Wiltshire | 929 | 247 |

[1] The police strength figures do not include supernumerary officers, officers on secondment—for example, regional crime squads—or officers working overseas. The figures are full-time equivalents.

## Fire Service Pensions Scheme

**Mr. Cohen:** To ask the Secretary of State for the Home Department what is the latest progress made by his Department's review body of the fire service pensions review; and if he will make a statement. [20050]

**Mr. Nicholas Baker:** The review group is producing a consultation paper suggesting new arrangements for the fire service pensions scheme. The consultation document will be circulated as soon as possible.

## Police Diving Teams

**Mr. Gareth Wardell:** To ask the Secretary of State for the Home Department if he will publish the information his Department holds on the performance and expenditure by police authorities on police diving teams. [19933]

**Mr. Maclean:** This information is not held centrally.

## Data Protection Directive

**Mr. Cohen:** To ask the Secretary of State for the Home Department if he will make a statement concerning progress towards agreement on the European Union's data protection directive; if he will indicate those areas where the United Kingdom Government still have major concerns; what plans he has to oppose implementation of the data protection directive; and if he will make a statement. [20038]

**Mr. Nicholas Baker:** The Council adopted a common position on the directive on 20 February. The United Kingdom abstained. The directive is currently before the European Parliament, where it has been referred to the Legal Affairs and Citizens Rights Committee. The Government hope that the directive will be further improved in its application to manual records, political canvassing, and financial and other commercial regulation, and by the removal of the requirement for prior checking of certain categories of processing operation. The Government's position is described in a briefing paper on the directive which has been sent to United Kingdom Members of the European Parliament. I am placing a copy of this paper in the Library.

Decisions on how the directive should be implemented in national law will be taken when its final form is known.

## Firefighters

**Mr. Cohen:** To ask the Secretary of State for the Home Department what research has been undertaken by his Department's scientific research and development branch into the exposure of firefighters to diesel exhaust emissions from fire appliances in fire stations. [20046]

**Mr. Nicholas Baker:** No research has been undertaken by the Home Office on this topic.

**Mr. Cohen:** To ask the Secretary of State for the Home Department what guidance has been promulgated by his Department to local fire authorities and brigades on post-traumatic stress disorder among fire service personnel. [20054]

**Mr. Nicholas Baker:** We have received no requests for such guidance, but it is for individual fire authorities to decide what arrangements—for example, for the provision of professional counselling—might be appropriate in particular circumstances.

**Mr. Cohen:** To ask the Secretary of State for the Home Department what guidance has been promulgated by his Department to local fire authorities and brigades on the wearing and use of extended duration breathing apparatus by firefighters. [20052]

**Mr. Nicholas Baker:** Technical and procedural advice to the fire service on the use of breathing apparatus in the course of duty is contained in "Technical Bulletin", 1/1989, and in book 6, "Breathing Apparatus and Resuscitation", of the "Manual of Firemanship". The guidance is subject to monitoring and review.

**Mr. Cohen:** To ask the Secretary of State for the Home Department what research has been undertaken by his department's scientific research and development branch into the effects of radiation on firefighters. [20049]

**Mr. Nicholas Baker:** No research has been undertaken by the Home Office on this matter. Comprehensive operational and procedural guidance on the role of the fire service at incidents involving radioactivity is contained in "Technical Bulletin", 2/1993, "Incidents Involving Radioactive Materials", which is published by HMSO, ISBN 0 11 341034 4.

### Police Funding

**Mr. Bayley:** To ask the Secretary of State for the Home Department (1) what factors his Department is considering using in the funding formula for police authorities to reflect the additional costs of policing rural counties; [20019]

(2) when his Department intends to introduce changes to the funding formula for police authorities to reflect the additional costs of policing rural counties. [20020]

**Mr. Maclean:** My right hon. and learned Friend has asked the allocation formula working group to advise him whether the police funding formula in England and Wales takes adequate account of any extra police costs in both densely and sparsely populated areas. The group is following a unit costing approach, and will have access to the expertise of external consultants. If there is a sound statistical basis for changes to the formula, we will introduce these as soon as we can.

### London Fire Brigade

**Mr. Cohen:** To ask the Secretary of State for the Home Department what plans the London fire and civil defence authority has to equip fire rescue unit appliances in the London fire brigade with geiger counter equipment. [20051]

**Mr. Nicholas Baker:** I am informed by the chief fire officer that fire rescue units, of which there are six strategically located across London, are currently equipped with radiation detection devices based on the geiger principle.

**Mr. Cohen:** To ask the Secretary of State for the Home Department what action has been taken by the London fire and civil defence authority to implement the recommendations of the Hidden inquiry report into the 1988 Clapham rail disaster as regards the London fire brigade. [20047]

**Mr. Nicholas Baker:** I am informed by chief fire officer that eight of the 93 recommendations resulting from the investigation into the Clapham Junction railway accident conducted by Mr. Anthony Hidden QC had implications for the London fire and civil defence authority and that all these recommendations have been met.

### Fire Research

**Mr. Cohen:** To ask the Secretary of State for the Home Department what research has been undertaken by his Department's scientific research and development branch on flashover and backdraught. [20053]

**Mr. Nicholas Baker:** In 1992, the Home Office fire research and development group commissioned the fire research station to undertake a study into what was known about flashovers and backdraughts. This was completed in 1994 and issued as FRDG publication No. 5/94. Following this research, a supplement to the manual of firemanship entitled "The Behaviour of Fire—Compartment Fires" was published in February 1995. Further research is being undertaken by the fire experimental unit of the FRDG into the feasibility of producing a small-scale compartment fire simulator for use as a training tool for firefighters.

**Mr. Cohen:** To ask the Secretary of State for the Home Department what research has been undertaken by the fire research station into flashover and backdraught. [20048]

**Sir Paul Beresford:** I have been asked to reply.

The fire research station, part of the Building Research Establishment of DOE, has studied, over many years, the transition of small fires, through flashover, to fully developed conditions. The work has included experimental fires in compartments, the development of mathematical models to describe smoke and fire spread and studies of real fires. Results of the work have been used in the development of regulations and supporting codes and standards.

FRS has recently completed a review for the Home Office to define the technical conditions of "backdraught" where the rapid ignition of partially burnt combustion products may place the lives of firefighters at risk when a compartment is ventilated.

### Prison Suicides

**Mr. Cox:** To ask the Secretary of State for the Home Department what discussions his Department has had with coroners courts conducting inquests on prison suicides about measures to reduce such suicides. [19951]

**Mr. Nicholas Baker:** We have drawn the attention of coroners to Prison Service guidance on a range of matters, including measures aimed at reducing the number of prison suicides. The issues were also discussed at a seminar for coroners on deaths in custody.

### Deceased Persons (Severed Hands)

**Mr. Spearing:** To ask the Secretary of State for the Home Department if he will place in the Library the

documents relating to the procedures authorising the severance of hands from deceased persons in mortuaries, or elsewhere, extant in August 1989, stating the purposes for which such action was authorised, the criteria used for assessing its necessity, compared to procedures in situ, and the rank of those making decisions in respect of any individual case. [19775]

**Mr. Nicholas Baker** *[holding answer 18 April 1995]:* I am not aware of the existence of any written procedures, extant in 1989, governing the removal of hands of deceased persons for identification purposes.

### Hospital Crime

**Mrs. Beckett:** To ask the Secretary of State for the Home Department how many crimes were committed in national health service hospitals in each of the last five years; and if he will break down the figures by type of crime. [20628]

**Mr. Maclean** *[holding answer 24 April 1995]:* This information is not collected centrally.

### Extradition

**Mr. Molyneaux:** To ask the Secretary of State for the Home Department (1) if he will give an assurance that persons wanted for questioning in connection with murders in the United Kingdom continue to be the subject of arrangements for extradition for the Irish Republic; [20013]

(2) if he will give an assurance that persons wanted for questioning in connection with murders in the United Kingdom continue to be the subject of arrangements for extradition from the Irish Republic. [20012]

**Mr. Nicholas Baker:** Extradition between the United Kingdom and the Republic of Ireland takes place under the Backing of Warrants (Republic of Ireland) Act 1965 and the corresponding legislation of the Republic of Ireland. As with all extradition arrangements, the legislation makes no provision for extradition solely for the purposes of questioning, but makes provisions for the extradition of those who are either unlawfully at large having been convicted of a crime, or for whom an arrest warrant has been issued so that they may stand trial. It remains Her Majesty's Government's policy, wherever possible, to seek the return of those who have escaped from justice.

### Tokyo Subway Chemical Agent

**Mr. Morley:** To ask the Secretary of State for the Home Department what plans he has for increased numbers of experiments at Porton Down on antidotes to chemical warfare agents following the Tokyo subway attack; and what plans he has to use animals in such experiments. [19725]

**Mr. Freeman:** I have been asked to reply.

We currently have no plans to increase experiments on the agent reportedly used in the attack on the Tokyo subway.

## SOCIAL SECURITY

### Claimants' Mail

**Mr. David Marshall:** To ask the Secretary of State for Social Security what considerations underlay the contracting out of the opening by non-DSS staff of mail form claimants; and if he will make a statement. [19128]

**Mr. Roger Evans:** This is a matter for Mr. Ian Magee, the acting chief executive of the Benefits Agency, and he will write to the hon. Member.

*Letter from Ian Magee to Mr. David Marshall, dated 24 April 1995:*

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question regarding the opening of Departmental post by private sector companies.

The "Competing for Quality" White Paper set out the Government's policy for extending choice and competition in the public sector in order to secure better services and better value for money. Market testing is one of the ways in which the Government aims to extend competition and achieve more effective, more accountable and more business-like management in the public sector. This does not mean that work is automatically contracted out to the private sector. Main elements of the market testing process are to review the existing in house service, to establish precisely the standard of service that the customer requires, and to encourage and support the existing staff in seeking ways to improve the efficiency and effectiveness of their work. The work will only be awarded to an external contractor if the existing staff cannot provide the required service at best value for money for the taxpayer.

As part of this initiative the Benefits Agency has market tested a number of accommodation and office services including typing, security guarding, messengers and post opening operations. The work was grouped in geographical packages before being market tested. The outcome of the tests has been a mixture of wins by in-house and external suppliers. Some of the successful in-house bids were made in partnership with the Royal Mail and in the Tyne/Tees, North and West Yorkshire, Scotland, East Midlands, Wales, Greater Manchester and South East areas the Royal Mail now open and sort post under contract to the Benefits Agency.

All mail is opened under careful supervision in a separate, secure area which is locked at all times and only staff directly involved in the contract will be allowed access to this area. Whilst the post is being opened and sorted no one is allowed to enter or leave the room. Any mail marked "Private", "Personal" or "Confidential" is left unopened. The sorted mail is then placed in sealed bags and delivered to the Agency's District Offices each morning.

Benefits Agency contracts with external suppliers contain all the safeguards that are normally applied to Civil Servants including the requirement to sign a declaration acknowledging the provisions of Section 123 of the Social Security Act 1992 which makes it a criminal offence to disclose personal information needed to establish benefit entitlement.

This is a highly complex operation run by well-trained staff, who previously had to be removed from benefit work to attend post opening. This method of operation cost the Benefits Agency a considerable amount of staff time and money and the new arrangements free staff to deal with benefit work. Typically the revised operation frees the equivalent of 2 extra staff in an average office, and also guarantees that the mail is ready to be dealt with by staff, on average, 1½ hours earlier than had previously been the case. This presents a real opportunity for enhanced customer service. Savings, in simple cost terms, have also been achieved for the tax payer.

The Benefits Agency has ensured that in seeking to provide better value for money in the delivery of public services the highest standards of quality and confidentiality will be maintained.

I hope you find this reply helpful.

### Industrial Injuries Disablement Benefit

**Mr. Tipping:** To ask the Secretary of State for Social Security how many claims for industrial injuries benefit in respect of chronic bronchitis and emphysema were made in Nottinghamshire up to 31 March; and how many were successful. [19882]

**Mr. Hague:** The administration of industrial injuries disablement benefit is a matter for Mr. Ian Magee, the acting chief executive of the Benefits Agency. He will write to the hon. Member shortly.

*Letter from Ian Magee to Mr. Paddy Tipping, dated 24 April 1995:*

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question about the number of claims for Industrial Injuries Disablement Benefit made in respect of chronic bronchitis and/or emphysema in Nottinghamshire up to 31 March 1995.

The information is not available in the precise format requested. Statistics are maintained by Benefits Agency Branch Offices and Districts whose boundaries do not corresponded exactly with those of counties. However, figures are quoted in the attached appendix for the three main benefit offices in the area; North, East and West Nottinghamshire. It is possible that these figures will include some people living outside Nottinghamshire.

I am afraid that, whilst collating the present data, it was discovered that the figures supplied in the reply to your previous Parliamentary Question (Hansard Reference: Vol 245 Col 186/187) were incorrect and I apologise for any inconvenience this may have caused. The corrected figures are also shown in the attached appendix.

I hope you find this reply helpful.

*Claims to Industrial Injuries Disablement Benefit for prescribed disease D12—chronic bronchitis and/or emphysema—in the Nottinghamshire area as at 12 June 1994 (corrected data)*

| | |
|---|---|
| Claims being proceeded with | 3,453 |
| Successful claims | 295 |
| Disallowed on prescription | 62 |
| Regulation 22 cases[1] | 11 |
| Assessed at 1–13[2] | 1 |
| Not diagnosed | 2,478 |

[1] Where an applicant is already receiving Disablement Benefit in respect of PD D1 (pneumoconiosis) and has been assessed at over 50 per cent. disablement with chronic bronchitis and emphysema as a contributory factor.
[2] Benefit is not payable for assessments under 14 per cent.

*Claims to Industrial Injuries Disablement Benefit for Prescribed Disease D12—Chronic Bronchitis and/or Emphysema—in the Nottinghamshire area as at 31 March 1995*

| | |
|---|---|
| Claims received | 3,893 |
| Successful claims (assessed at 14–100 per cent.) | 474 |

*Note:*
Not all claims received within the period will have been decided by 31 March 1995.

### Benefits Agency Business Plan

**Ms Primarolo:** To ask the Secretary of State for Social Security what was the total production and distribution cost of the Benefits Agency 1995–96 business plan; how many copies were produced; and to whom they were distributed. [20254]

**Mr. Roger Evans:** The production, distribution and associated costs of the Benefits Agency 1995–96 business plan is a matter for Mr. Ian Magee, the acting chief

executive of the Benefits Agency. He will write to the hon. Member.

*Letter from Ian Magee to Ms Dawn Primarolo, dated 24 April 1995:*

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question about the production and distribution costs of the Benefits Agency (BA) 1995–96 Business Plan.

The design, printing and distribution costs of the Business Plan totalled £14,775 for the production of 15,000 copies.

The Business Plan is distributed to Ministers, the Permanent Secretary, Opposition Spokespersons, Members of Parliament, the Social Security Advisory Committee, National Audit Office and Her Majesty's Treasury. It is also distributed externally to Local Authority Housing Benefits Departments and to BA Customer Organisations. There is also an internal distribution to managers in the Department of Social Security and the BA.

Copies of the Business Plan are available in the House of Commons Library and can be freely obtained from the Agency by members of the public upon request.

### Attendance Allowance

**Mr. Bill Michie:** To ask the Secretary of State for Social Security if he will make a statement on implementing the fallow period when the delay for late payment of attendance allowance is due to administrative error. [16159]

**Mr. Hague:** Under the DSS special payments arrangements, compensation may be considered where payment of benefit has been delayed unduly as a result of clear official error.

The fallow period is the period which must elapse before consideration can be given to the payment of compensation. The fallow period until 1993 was one year for all benefits, including attendance allowance.

The fallow period for AA and disability living allowance was reduced to eight months from 1 April 1995.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Social Security if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19651]

**Mr. Hague:** Available information is in the table. Further information is not available and could be provided only at disproportionate cost.

*£000*

| | *1992–93* | *1993–94* | *1994–95* |
|---|---|---|---|
| DSS Headquarters | 4,870 | 329 | 341 |
| Benefits Agency | 1,565 | 2,676 | 1,828 |
| Contributions Agency | 281 | 324 | 279 |
| Information Technology Services Agency | 797 | 779 | 885 |
| Child Support Agency | 243 | 834 | 437 |
| Resettlement Agency | nil | nil | nil |
| War Pensions Agency | — | — | 20 |
| Total | [1]7,755 | 4,942 | [1]3,802 |

[1] Total difference due to rounding.

The information to reply to parts *(b)* and *(c)* is not readily available and could be obtained only at disproportionate cost.

### Child Benefit

**Mr. Wicks:** To ask the Secretary of State for Social Security what would be the rate of child benefit at April 1995 if it were uprated from its value on introduction in 1975 *(a)* in line with the retail prices index and *(b)* in line with average earnings. [19699]

**Mr. Burt:** The information requested is in the table. Child benefit was not introduced until 5 April 1977.

Value for child benefit at April 1995, uprating its rate on introduction on 5 April 1977 *(a)* in line with retail prices index and *(b)* in line with average earnings.

| | *Rate payable from 5 April 1977* £ | *Uprated in line with retail prices index*[1] £ | *Uprated in line with average earnings*[2] £ |
|---|---|---|---|
| First child | 1.00 | 3.25 | 5.00 |
| Second and subsequent children | 1.50 | 4.70 | 7.00 |

[1] Using the General Index of Retail Prices (All Items).
[2] Using the Average Earnings Index (Whole Economy) Unadjusted.

### Benefits, Northamptonshire

**Mr. William Powell:** To ask the Secretary of State for Social Security if he will list the number of applications for housing benefit and the proportion allowed for each local authority in Northamptonshire for each year since 1987–88. [20264]

**Mr. Roger Evans:** The information requested is not available. However, information from 1988 relating to case loads is set out in the table.

*Housing benefit recipients for each local authority in Northamptonshire—1988 to 1994*

| *Local authority name* | *November 1988* | *November 1989* | *November 1990* | *November 1991* | *November 1992* | *November 1993* | *November 1994* |
|---|---|---|---|---|---|---|---|
| Corby | 3,700 | 3,600 | 3,900 | 4,600 | 4,900 | 5,100 | 5,200 |
| Daventry | 2,300 | 2,200 | 2,400 | 2,600 | 2,800 | 3,000 | 2,800 |
| East Northampton | 2,600 | 2,600 | 2,800 | 2,900 | 3,300 | 3,500 | 3,600 |
| Kettering | 3,600 | 3,600 | 3,700 | 4,200 | 4,400 | 4,500 | 4,700 |
| Northampton | 9,900 | 10,100 | 11,000 | 11,700 | 12,400 | 13,400 | 13,800 |
| South Northants | 2,200 | 2,400 | 2,300 | 2,500 | 2,600 | 2,600 | 2,700 |
| Wellingborough | 3,900 | 3,900 | 3,900 | 4,400 | 4,700 | 4,800 | 4,900 |

*Source:*
Housing Benefit Management Information System. 100 per cent. quarterly case load stock count inquiries, taken at the end of November in each year given.

**Mr. William Powell:** To ask the Secretary of State for Social Security if he will list the most recently available figure for each security benefit, including pensions, paid by or on behalf of this Departments in Northamptonshire. [20276]

**Mr. Roger Evans:** The information is not available in the form requested. Social security expenditure for Great Britain is shown in the 1995 departmental report, Cm 2813, published in March 1995.

### War Widows Pensions

**Mr. William Powell:** To ask the Secretary of State for Social Security how many pensions are currently being paid to war widows; and how many of these relate to service up to 30 September 1921. [20265]

**Mr. Arbuthnot:** As at 31 March 1995 the number of war widows pensions in payment was 48,405; of those, 1,643 have been awarded in respect of death due to service up to 30 September 1921.

### Housing Benefit Central Register

**Mr. Cohen:** To ask the Secretary of State for Social Security in relation to the current pilot scheme involving the cross-matching of council tax and housing benefits data, obtained from London local authorities, with data held by his Department, if he will indicate the anticipated saving arising from the exercise; what estimate he has made of the number of records to be matched, anticipated mismatches and withdrawn applications for benefits; and if he will make a statement. [20058]

**Mr. Arbuthnot:** I refer the hon. Member to the reply that I gave him on 1 December 1994, *Official Report*, column *883*. A full evaluation of the housing benefit central register pilot has taken place and is currently under consideration.

**Mr. Cohen:** To ask the Secretary of State for Social Security in relation to his intention to cross-match council tax and housing benefits personal data with personal data held by his Department, whether he has issued advice to London boroughs concerning the need to protect claimants from false accusations based in inaccurate data; and if he will make a statement. [20059]

**Mr. Arbuthnot:** I refer the hon. Member to the reply that I gave him on 28 November 1994, *Official Report*, column *521*.

### Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Secretary of State for Social Security how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990. [20177]

**Mr. Hague:** The information is not collected and could be obtained only at disproportionate cost.

**Mr. Matthew Taylor:** To ask the Secretary of State for Social Security what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [20178]

**Mr. Hague:** The Department is required to publish a report to Parliament accounting for the stewardship of public funds and spending plans. This is also an opportunity, within the spirit of open government, to make available to the public information about the Department's work and activities. There is a common core of information that all Departments must include to present a consistent picture of public spending across all programmes. Above that, the Department has relative freedom to determine the style and content of the report.

The Department controls costs by allocating budgets for items of expenditure to managers rather than costing specific processes, such as preparation of reports. In preparing the departmental report the Department strives to produce a clear and comprehensive document which represents good value for money.

### National Insurance Numbers

**Mr. Cohen:** To ask the Secretary of State for Social Security if he will give the Data Protection Registrar an undertaking that the national insurance number will not be used for purposes unconnected with the tax and benefits system; and if he will make a statement. [20057]

**Mr. Arbuthnot:** The Data Protection Registrar has been advised that it is departmental policy to restrict the use of the national insurance number of national insurance, tax and social security benefit related purposes.

### Myalgic Encephalomyelitis Association

**Ms Lynne:** To ask the Secretary of State for Social Security (1) when he next intends to meet with representatives of the Myalgic Encephalomyelitis Association to discuss the entry on ME in the disability living allowance handbook; [20556]

(2) what representations he has received on the accuracy of the entry in the disability living allowance handbook on ME in relation to the stance of the national task force on CFS/PVFS/ME; and if he will make a statement. [20555]

**Mr. Hague:** A small number of representations have been received concerning the revised entry on CFS/ME in the disability handbook. A full reply has been sent to the ME Association, extending an invitation for a meeting with departmental officials to discuss the association's concerns further.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Social Security which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether this in each case is (i) under a statutory requirement or (ii) voluntary. [20504]

**Mr. Hague:** The Occupational Pensions Board is the only executive non-departmental public body sponsored by this Department. No such information is published.

**Dr. Wright:** To ask the Secretary of State for Social Security if he will list the executive non-departmental public bodies sponsored by his Department which

are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20664]

**Mr. Hague:** The only non-departmental public body that fits these criteria is the Occupational Pensions Board, which is:

(a) not currently subject to investigation by the Parliamentary Commissioner for Administration, although arrangements to bring the OPB within the jurisdiction of the Parliamentary Commissioner, by means of an Order in Council, are well advanced;

(b) not subject to scrutiny by the Audit Commission;

(c) subject to scrutiny by the National Audit Office, under the National Audit Act 1983;

(d) not currently subject to the statutory provisions for open government, which apply only to those bodies within the ambit of the Parliamentary Commissioner for Administration;

(e) not subject to published performance indicators;

(f) committed to the principles of the citizens charter, which apply to all public services.

The board and its members are not public servants, although the administrative staff in the executive office are. In line with the principles of the citizens charter, the OPB published its charter standard statement and code of practice in July 1994, setting out the standards of service the public can expect and telling customers what they can do to obtain help and advice from the OPB. In addition, this publication also incorporates the OPB's enforcers code, published as part of the "Working with Business—a Code for Enforcement Agencies" initiative.

### Benefits Uprating

**Mr. Flynn:** To ask the Secretary of State for Social Security what would be *(a)* the current value and *(b)* the estimated value for next year of those benefits which have never been uprated since they were (i) introduced and (ii) announced, if they were now uprated. [20261]

**Mr. Hague:** The information is in the table:

| *Benefit/allowance* | *Current rate* | *Rate if uprated by April 1995 uprating only* £ | *Estimated rate if uprated by April 1995 and projected 1996 uprating* £ |
|---|---|---|---|
| Christmas bonus | 10.00 | 10.20 | 10.50 |
| Income support—amounts for meals where these cannot be obtained within the accommodation (daily rates): | | | |
| Breakfast | 1.10 | 1.10 | 1.10 |
| Midday/evening meal | 1.55 | 1.60 | 1.65 |
| Maternity allowance—higher rate (weekly) | 52.50 | 53.65 | 55.25 |
| Pneumoconiosis, byssinosis and miscellaneous diseases scheme—death benefit | 300.00 | 306.60 | 315.80 |
| Retirement pension—age 80 addition (weekly) | 0.25 | 0.25 | 0.25 |
| Widows payment | 1,000 | 1,022 | 1,052.66 |

*Notes:*
1. Amounts are rounded to the nearest 5p.
2. Uprated amounts for 1995 are based upon the movement in retail prices Index in the year up to September 1994. The all items index has been applied for benefits other than income related benefits; to which the Rossi index—all items except housing—has been applied.
3. Estimated rates for 1996 are based upon the assumptions for planning public expenditure in the Treasury's annual financial and budget report 1995–96.

## NATIONAL HERITAGE

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for National Heritage which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether this in each case is (i) under a statutory requirement or (ii) voluntary. [20501]

**Mr. Dorrell:** All of my Department's NDPBs are required, under their founding statute, charter, or other instrument of corporation, to publish reports, although not necessarily on an annual basis, and to publish annual accounts. None of my Department's executive NDPBs is required to publish minutes or agendas of meetings, although some may issue public statements about decisions taken at meetings. Such arrangements are voluntary. My Department has asked each of its executive NDPBs to adopt a code of practice for board members. This recommends that boards should consider establishing a register of members' interests which should be open for public inspection and published at least once a year. A number of bodies are currently considering how to implement the code. There are no statutory requirements to compile and publish a register of members' interests.

### Children's Play

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage what organisations will be represented on the panel which will assess the bids to carry out work on children's play. [20989]

**Mr. Sproat:** Assessment of any bids to do work on children's play will be made by my Department in consultation with the Sports Council.

**Mr. Kilfoyle:** To ask the Secretary of State for National Heritage what funding he is making available to the National Voluntary Council for Children's Play in 1995–96. [20827]

**Mr. Sproat:** For the period April to September 1995, the National Children's Bureau is receiving a grant of £13,500 from the Sports Council Trust Company for the National Voluntary Council for Children's Play.

Interested organisations will shortly be invited by my Department to bid for funds to carry out work in certain specified areas of children's play from October 1995. Future funding of the NVCCP will depend upon the outcome of that process.

### Sports Bodies

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage what local authorities representation there is on *(a)* the new United Kingdom Sports Commission and *(b)* the new English Sports Council. [20997]

**Mr. Sproat:** Local authorities are not directly represented on either body. Ministerial nominees, to be appointed in each of the regions of the English Sports Council, will bring a further range of experience and expertise to the council's work, including that of local government.

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage what percentage of *(a)* the new United Kingdom Sports Commission and *(b)* the new English Sports Council are females. [20995]

**Mr. Sproat:** The United Kingdom Sports Council will have 10 members, one of whom is female. The Sports Council for England will have 15 members, one of whom is female.

### Broadcasting

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage what assessment he has made of the advantages and disadvantages of removing responsibility for transmission from the BBC. [20004]

**Mr. Dorrell:** I am currently considering the options for the future ownership of the BBC's transmission service.

**Mr. Gordon Prentice:** To ask the Secretary of State for National Heritage what estimate he has made of the number of people in the United Kingdom who can pick up satellite television but who are unable to receive terrestrial television. [20003]

**Mr. Dorrell:** None.

**Mr. Pendry:** To ask the Secretary of State for National Heritage what plans he has to reassess the provisions of the Broadcasting Act 1990 with regard to the protection of universal television coverage of sporting events in the United Kingdom in respect of News Corporation's bid for the rights to television coverage of rugby football league. [20247]

**Mr. Dorrell:** None. With the Broadcasting Act 1990, the Government decided that it was right to liberalise the market for the benefit of rights holders, who should not without good reason find themselves prohibited from disposing of their rights in the way they choose. This remains the Government's position.

### Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Secretary of State for National Heritage what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [20186]

**Mr. Dorrell:** Consistent with its obligation to publish an annual report, my Department takes all necessary measures to keep the cost and staff implications of compiling material to a minimum.

**Mr. Matthew Taylor:** To ask the Secretary of State for National Heritage how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1992. [20185]

**Mr. Dorrell:** Staff time and the estimated cost of officials who were directly involved in producing my Department's annual reports in the years since it was established are as follows:

| | *Total staff years* | *Cost (£'000)* |
|---|---|---|
| 1993 | 0.21 | 18.9 |
| 1994 | 0.26 | 20.9 |
| 1995 | 0.27 | 19.0 |

Other staff throughout the Department also participate in providing material for the report, as part of their normal duties.

### Agency Job Losses

**Mr. Macdonald:** To ask the Secretary of State for the National Heritage if he will list the number and location of Historic Royal Palaces Agency and Royal Parks Agency offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [19968]

**Mr. Sproat:** Neither the Historic Royal Palaces Agency nor the Royal Parks Agency has ever had any offices or jobs located in Scotland.

### Monuments

**Mr. Key:** To ask the Secretary of State for National Heritage if he will list the amendments made to the schedule of monuments under the ancient Monuments and Archaeological Areas Act 1979, as amended, in each of the past 10 years, by name and location and with the reason for revision of the scheduled area of each monument.

**Mr. Dorrell** *[holding answer 3 April 1995]:* In the mid-1980s there were roughly 12,500 entries in the schedule, representing some 18,000 individual sites. By the end of February 1995, there were 15,346 entries, representing some 22,000 individual sites. The number of amendments to the schedule per year since 1989 is shown in the table. Amendments agreed by the Secretary of State comprise the addition of new monuments, revisions of existing schedule entries, and the deletion of monuments

from the schedule. Figures for 1985 to 1989, and the name, location and reason for each amendment since 1989, cannot be provided in view of the disproportionate cost involved.

| | *Recommendations by English Heritage* | *Number of scheduling decisions by the Secretary of State* | *Number of decisions involving revisions of areas* | *Increase in number of monuments in the schedule* |
|---|---|---|---|---|
| 1989–90 | 304 | 310 | 52 | 132 |
| 1990–91 | 403 | 328 | 136 | 189 |
| 1991–92 | 1,138 | 900 | 295 | 534 |
| 1992–93 | 1,020 | 1,280 | 446 | 655 |
| 1993–94 | 1,240 | 1,203 | 507 | 598 |
| 1994–95 (to end of February 1995) | 1,672 | 1,626 | 688 | 884 |

### Mahogany

**Mr. Matthew Taylor:** To ask the Secretary of State for National Heritage how many metres of mahogany or products containing it his Department has bought in the last five years; and if he will list the purposes and the costs. [19850]

**Mr. Dorrell** *[holding answer 19 April 1995]:* My Department was established in April 1992. Neither my Department nor its agencies has purchased any mahogany or products containing it.

## NORTHERN IRELAND

### Fair Employment

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland (1) what further action has been taken against firms for non-compliance with orders of enforcement from the Fair Employment Tribunal since the introduction of the Fair Employment (Northern Ireland) Act 1989; [19852]

(2) how many breaches of its orders of enforcement have been certified by the Fair Employment Tribunal to the High Court; and of these how many were subject to fines or committal penalties for contempt of that court; [19855]

(3) what cash penalties were imposed by the Fair Employment Tribunal for breaches of its orders of enforcement; and what firms were subject to such fines since the inception of the Fair Employment Tribunal. [19851]

**Mr. Ancram:** No orders of enforcement have been issued by the Fair Employment Tribunal since the introduction of the Fair Employment (Northern Ireland) Act 1989.

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland how many and what firms or employers have been debarred from tendering for contracts as a result of non-compliance with orders of enforcement from the Fair Employment Tribunal since the introduction of the Fair Employment (Northern Ireland) Act 1989. [19853]

**Mr. Ancram:** Since the introduction of the Fair Employment Act 1989 no firms have been debarred from tendering for contracts as a result of non-compliance with an order of enforcement from the Fair Employment Tribunal.

### Glaucoma

**Mr. Chidgey:** To ask the Secretary of State for Northern Ireland what is the estimated number of people aged over 17 years with glaucoma in Northern Ireland. [19732]

**Mr. Moss:** The information is not available.

### Income Support

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland what recent representations he has received from the Northern Ireland Citizens Advice Bureaux concerning the number of people dependent on income support; and what action the Government will take to reduce poverty levels in Northern Ireland. [19854]

**Mr. Moss:** I am not aware of any recent representations from the Northern Ireland Citizens Advice Bureaux concerning the number of people dependent on income support.

The Government continue to give priority to targeting resources on areas and people in greatest need. Social security in Northern Ireland maintains parity with the rest of the United Kingdom and income-related benefits such as income support provide assistance to the least well-off.

### Pollution Repairs

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland what proportion of the total repair budget of the Department of the Environment for Northern Ireland is used in repairs to roads, buildings, etcetera which have sustained damage as the result of environmental pollution. [19870]

**Mr. Moss:** The Department of the Environment for Northern Ireland has not identified any damage to roads, buildings, etcetera, specifically caused by environmental pollution which has required repair expenditure. It is estimated, however, that approximately 4 per cent. of the roads services total bridge maintenance budget of £5 million for 1993–94 was spent on repairing damage caused by chloride attack.

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland what assessment he has made of the causes of chloride attack on bridges and other structures in Northern Ireland; and what proportion of the £3.2 million spent on repairs to bridges and other structures during 1993–94 was needed to repair damage from chloride attack. [19869]

**Mr. Moss:** The main cause of chloride attack on bridges is rock salt which is used for winter gritting.

While no exact figures are available to show the costs incurred in repairing damage caused specifically by chloride attack, it is estimated that this accounts for approximately 4 per cent. of the total bridge maintenance budget which, in the 1993–94 financial year, stood at £5 million.

No expenditure has been incurred on repairs to other structures.

### Sport

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland what proposals the Sports Council of Northern Ireland has to increase sporting contacts with *(a)* Scotland and *(b)* the Republic of Ireland; and if he will make a statement about the present policy of the Sports Council towards promotion of co-operation within the United Kingdom. [19756]

**Mr. Ancram:** The Sports Council for Northern Ireland has no proposals to increase sporting contacts with Scotland or the Republic of Ireland, as arrangements already in place are felt to be appropriate and adequate.

The policy of the Sports Council for Northern Ireland is to promote co-operation within the United Kingdom, both in general and in relation to specific issues. Accordingly, the chairman and chief executive attend the meetings of the Great Britain Sports Council, and bilateral contacts with individual home country sports councils are pursued as appropriate on specific issues.

### Local Enterprise Development Unit

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland how many of the small businesses created with the assistance of the Local Enterprise Development Unit in Northern Ireland since 1989 are currently still trading. [19863]

**Mr. Ancram:** In the period between December 1989 and December 1993, LEDU assisted the creation of 3,302 new firms. At December 1993, 2,909 of these companies were still in existence. Information on LEDU's performance during 1994–95 is not yet available and will be published at the end of May.

### Surplus Milk

**Mr. Morley:** To ask the Secretary of State for Northern Ireland if he will list, by county, the amount of surplus milk thrown away in each month since January 1992. [19822]

**Mr. Ancram:** The information requested is not available.

## SCOTLAND

### Meat Inspections

**Mr. Nigel Griffiths:** To ask the Secretary of State for Scotland (1) how many inspectors his Department employs to visit meat wholesalers; how many visits each inspector makes; and how many visits each supplier expects in a year; [19491]

(2) what investigations his Department's inspectors carry out on the accuracy of date labelling by wholesale meat suppliers to supermarkets; [19492]

(3) if he will list the number and types of incidents in meat wholesalers detected by his Department's inspectors for the last year for which figures are available; [19493]

(4) if meat wholesalers are notified in advance of visits by his Department's meat inspectors. [19522]

**Sir Hector Monro:** I refer the hon. Member to the replies given yesterday by my hon. Friend the Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food, *Official Report,* columns *378–79.*

### Swine Vesicular Disease

**Mr. Morley:** To ask the Secretary of State for Scotland how many cases of swine vesicular disease were reported in each year since 1985. [19729]

**Sir Hector Monro:** No cases of swine vesicular disease have been recorded in Scotland since 1985.

### Road Side Advertising

**Mr. Galbraith:** To ask the Secretary of State for Scotland what plans he has to alter the planning law on road side advertising; and if he will make a statement. [19749]

**Mr. Kynoch:** My right hon. Friend has no immediate plans to alter the planning law on road side advertising. However, the Scottish Office Environment Department is currently reviewing the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, with a view to amending and updating this legislation. A public consultation document on this subject will issue later this year.

Separately, the roads directorate of the Scottish Office Industry Department has, in conjunction with the Scottish tourist board, been reviewing the provision of tourist signposting in Scotland, and has now issued a consultation document, proposing changes to the Traffic Signs Regulations and General Directions 1994. The results of this consultation will be known during the summer.

### Child Prostitution

**Mr. Redmond:** To ask the Secretary of State for Scotland how many cases of child prostitution have been reported during the last year; and what are the figures for each of the previous four years. [20705]

**Lord James Douglas-Hamilton:** The information requested is not collected centrally.

### Surplus Milk

**Mr. Morley:** To ask the Secretary of State for Scotland if he will list, by region, the amount of surplus milk thrown away in each month since January 1992. [19821]

**Sir Hector Monro:** This information is not available.

### Business Rates

**Mr. Wallace:** To ask the Secretary of State for Scotland what guidelines, information or instructions were issued by his Department to assessors in respect of the most recent rating revaluation of business properties in Scotland; and if he will make a statement. [20596]

**Mr. Lang:** New primary and secondary legislation was drawn to assessors' attention by means of departmental circulars. In carrying out their statutory responsibilities, assessors are not subject to policy direction by my Department.

### Highlands and Islands Veterinary Services Scheme

**Mr. Wallace:** To ask the Secretary of State for Scotland what expenditure was incurred by his Department in funding the highlands and islands veterinary services scheme in 1991–92, 1992–93, 1993–94 and 1994–95; and what is the estimated expenditure on the scheme for the current year. [20591]

**Mr. Lang:** The information requested is set out in the table:

| *Year* | *Expenditure £000* |
|---|---|
| 1991–92 | 245 |
| 1992–93 | 253 |
| 1993–94 | 259 |
| 1994–95 | 266 |

The expenditure in the current financial year will depend on the outcome of negotiations which are in progress with the British Veterinary Association.

**Mr. Wallace:** To ask the Secretary of State for Scotland when officials of his Department last met representatives of the British Veterinary Association to discuss future arrangements for the highlands and islands veterinary services scheme. [20592]

**Mr. Lang:** Officials last met BVA representatives on 19 April. Discussions were very positive and I hope that we will be able to introduce revised arrangements in the near future.

### Non-domestic Rates

**Mr. Wallace:** To ask the Secretary of State for Scotland if he will list, in respect of each islands and district council area in Scotland, the total net rateable value of non-domestic property *(a)* prior to and *(b)* since 1 April. [20593]

**Mr. Lang:** Information on the rateable value of non-domestic property, in respect of each islands and district council area in Scotland, at 1 April 1994, which is the latest date for which the information is available, is given in table 1. Information is not, at present, available centrally on the rateable value of non-domestic property at 1 April 1995. Table 2 gives estimates of the average percentage increase in rateable value in each region and islands area following the 1995 revaluation of non-domestic rates. The estimates are based on a sample survey of estimated outcomes of revaluation which was conducted last year.

*Table 1: Non-domestic rateable values, April 1994*

| | *£ millions* |
|---|---|
| Berwickshire | 6.25 |
| Ettrick and Lauderdale | 15.35 |
| Roxburgh | 11.85 |
| Tweeddale | 5.02 |
| Clackmannan | 21.98 |
| Falkirk | 89.24 |
| Stirling | 46.62 |
| Annandale and Eskdale | 16.18 |
| Nithsdale | 27.73 |
| Stewartry | 8.87 |
| Wigtown | 9.75 |
| Dunfermline | 92.86 |
| Kirkcaldy | 83.06 |
| North East Fife | 28.28 |

*Table 1: Non-domestic rateable values, April 1994*

| | *£ millions* |
|---|---|
| Aberdeen | 186.65 |
| Banff and Buchan | 51.76 |
| Gordon | 23.30 |
| Kincardine and Deeside | 20.19 |
| Moray | 40.63 |
| Badenoch and Strathspey | 7.40 |
| Caithness | 10.80 |
| Inverness | 47.91 |
| Lochaber | 12.30 |
| Nairn | 3.08 |
| Ross and Cromarty | 22.13 |
| Skye and Lochalsh | 4.26 |
| Sutherland | 4.50 |
| East Lothian | 52.20 |
| Edinburgh | 341.86 |
| Midlothian | 24.89 |
| West Lothian | 66.26 |
| Argyll and Bute | 31.67 |
| Bearsden and Milngavie | 10.22 |
| Clydebank | 21.94 |
| Clydesdale | 20.24 |
| Cumbernauld and Kilsyth | 25.28 |
| Cumnock and Doon Valley | 12.52 |
| Cunninghame | 70.55 |
| Dumbarton | 36.24 |
| East Kilbride | 41.84 |
| Eastwood | 13.55 |
| Glasgow | 469.80 |
| Hamilton | 38.74 |
| Inverclyde | 34.72 |
| Kilmarnock and Loudon | 29.75 |
| Kyle and Carrick | 52.95 |
| Monklands | 36.93 |
| Motherwell | 56.99 |
| Refrew | 94.64 |
| Strathkelvin | 23.42 |
| Angus | 36.09 |
| Dundee | 93.60 |
| Perth and Kinross | 66.36 |
| Orkney | 2.31 |
| Shetland | 42.47 |
| Western Isles | 10.05 |
| Total Scotland | 2,756.02 |

*Source:*
Non-domestic rateable values return: April 1994.

*Table 2: Average percentage increase in rateable value following revaluation*

| | |
|---|---|
| Borders | 23.2 |
| Central | 17.5 |
| Dumfries and Galloway | 16.2 |
| Fife | 16.0 |
| Grampian | 30.5 |
| Highland | 17.4 |
| Lothian | 29.6 |
| Strathclyde | 27.5 |
| Tayside | 19.2 |
| Orkney | 7.2 |
| Shetland | 1.7 |
| Western Isles | 17.9 |

*Source:*
Sample survey of revaluation factors from the 1995 revaluation.
*Note:*
Estimates for Orkney, Shetland and Western Isles are based on small samples and should be treated with caution.

**Mr. Wallace:** To ask the Secretary of State for Scotland if he will list, in respect of each islands and district council area in Scotland, the total revenue raised

by non-domestic rates in each year since 1990–91 in *(a)* actual prices and *(b)* 1995 prices. [20594]

**Mr. Lang:** The information is given in the tables.

*Net income from non-domestic rates £ million current prices*

| | 1990–91 | 1991–92 | 1992–93 | 1993–94 | 1994–95 |
|---|---|---|---|---|---|
| Berwickshire | 1.96 | 2.16 | 2.18 | 2.13 | 2.27 |
| Ettrick and Lauderdale | 5.13 | 5.53 | 5.51 | 5.35 | 5.50 |
| Roxburgh | 4.09 | 4.37 | 4.29 | 4.20 | 4.33 |
| Tweeddale | 1.71 | 1.84 | 1.87 | 1.77 | 1.82 |
| Clackmannan | 9.13 | 9.97 | 9.74 | 8.84 | 9.37 |
| Falkirk | 35.72 | 39.63 | 38.14 | 37.18 | 38.18 |
| Stirling | 20.24 | 22.89 | 21.59 | 19.99 | 19.80 |
| Annandale and Eskdale | 5.37 | 5.89 | 6.14 | 6.18 | 6.44 |
| Nithsdale | 10.29 | 10.87 | 10.79 | 10.30 | 10.95 |
| Stewartry | 2.84 | 3.08 | 3.07 | 2.99 | 3.47 |
| Wigtown | 3.58 | 3.77 | 3.76 | 3.59 | 3.78 |
| Dunfermline | 41.45 | 44.01 | 43.09 | 41.62 | 40.49 |
| Kirkcaldy | 37.28 | 38.80 | 37.44 | 35.31 | 33.94 |
| North East Fife | 11.79 | 12.27 | 11.80 | 10.89 | 10.29 |
| Aberdeen | 68.57 | 70.51 | 70.87 | 68.66 | 69.92 |
| Banff and Buchan | 17.52 | 18.64 | 18.84 | 19.50 | 19.99 |
| Gordon | 7.29 | 7.78 | 8.20 | 8.48 | 8.77 |
| Kincardine and Deeside | 6.20 | 6.60 | 6.77 | 7.08 | 7.50 |
| Moray | 14.90 | 14.92 | 14.93 | 14.80 | 15.46 |
| Badenoch and Strathspey | 2.34 | 2.53 | 2.59 | 2.68 | 2.72 |
| Caithness | 4.13 | 4.44 | 4.36 | 3.96 | 3.98 |
| Inverness | 18.74 | 19.77 | 19.37 | 18.28 | 18.88 |
| Lochaber | 4.80 | 5.27 | 5.29 | 5.25 | 5.28 |
| Nairn | 1.11 | 1.20 | 1.18 | 1.05 | 1.06 |
| Ross and Cromarty | 9.22 | 9.82 | 9.24 | 8.54 | 8.65 |
| Skye and Lochalsh | 1.52 | 1.69 | 1.71 | 1.62 | 1.60 |
| Sutherland | 1.49 | 1.64 | 1.65 | 1.64 | 1.67 |
| East Lothian | 21.63 | 22.92 | 22.70 | 21.61 | 23.44 |
| Edinburgh | 154.73 | 165.33 | 156.67 | 143.33 | 137.29 |
| Midlothian | 10.67 | 11.16 | 11.45 | 10.56 | 9.98 |
| West Lothian | 26.98 | 29.21 | 28.68 | 27.42 | 27.89 |
| Argyll and Bute | 14.66 | 15.15 | 14.31 | 12.54 | 12.22 |
| Bearsden and Milngavie | 4.35 | 4.55 | 4.44 | 4.18 | 4.08 |
| Clydebank | 11.00 | 10.83 | 10.43 | 9.39 | 9.77 |
| Clydesdale | 8.62 | 9.79 | 10.00 | 8.84 | 9.06 |
| Cumbernauld and Kilsyth | 11.56 | 12.34 | 11.76 | 11.02 | 11.26 |
| Cumnock and Doon Valley | 4.43 | 4.89 | 4.91 | 4.31 | 4.90 |
| Cunninghame | 33.87 | 35.02 | 33.62 | 31.88 | 30.71 |
| Dumbarton | 17.42 | 18.14 | 17.87 | 16.76 | 16.27 |
| East Kilbride | 18.57 | 19.72 | 19.30 | 18.96 | 18.64 |
| Eastwood | 5.50 | 5.86 | 5.79 | 5.56 | 5.62 |
| Glasgow | 231.30 | 243.70 | 229.35 | 209.59 | 203.19 |
| Hamilton | 18.13 | 19.08 | 18.52 | 17.36 | 17.16 |
| Inverclyde | 14.86 | 15.91 | 15.55 | 13.71 | 14.17 |
| Kilmarnock and Loudon | 13.77 | 14.29 | 13.77 | 12.67 | 12.98 |
| Kyle and Carrick | 24.26 | 25.71 | 25.05 | 23.15 | 23.00 |
| Monklands | 16.94 | 17.87 | 17.12 | 16.55 | 16.25 |
| Motherwell | 28.67 | 28.78 | 26.85 | 25.50 | 25.37 |
| Refrew | 42.12 | 44.50 | 44.18 | 41.76 | 41.86 |
| Strathkelvin | 10.32 | 11.00 | 10.87 | 10.76 | 10.51 |
| Angus | 14.47 | 14.98 | 15.00 | 13.45 | 13.20 |
| Dundee | 40.17 | 42.11 | 39.67 | 34.25 | 33.45 |
| Perth and Kinross | 25.65 | 28.10 | 27.88 | 25.61 | 24.23 |
| Orkney | 6.39 | 6.38 | 5.42 | 5.66 | 5.85 |
| Shetland | 20.05 | 19.69 | 15.93 | 16.51 | 16.85 |
| Western Isles | 4.10 | 4.56 | 4.52 | 3.93 | 3.80 |
| Total Scotland | 1,203.60 | 1,271.48 | 1,225.99 | 1,148.71 | 1,139.07 |

*Notes:*

Source, non-domestic rate income returns—September 1994.

Figures for districts within Lothian include estimates.

*Net income from non-domestic rates £ million 1995–96 prices*

| | 1990–91 | 1991–92 | 1992–93 | 1993–94 | 1994–95 |
|---|---|---|---|---|---|
| Berwickshire | 2.36 | 2.44 | 2.37 | 2.24 | 2.34 |
| Ettrick and Lauderdale | 6.16 | 6.25 | 5.98 | 5.63 | 5.68 |
| Roxburgh | 4.91 | 4.93 | 4.66 | 4.43 | 4.47 |
| Tweeddale | 2.06 | 2.08 | 2.03 | 1.86 | 1.88 |
| Clackmannan | 10.95 | 11.25 | 10.58 | 9.31 | 9.67 |
| Falkirk | 42.84 | 44.73 | 41.40 | 39.16 | 39.42 |
| Stirling | 24.28 | 25.84 | 23.43 | 21.05 | 20.44 |
| Annandale and Eskdale | 6.44 | 6.65 | 6.66 | 6.51 | 6.65 |
| Nithsdale | 12.35 | 12.27 | 11.71 | 10.85 | 11.31 |
| Stewartry | 3.41 | 3.48 | 3.33 | 3.15 | 3.59 |
| Wigtown | 4.30 | 4.26 | 4.09 | 3.78 | 3.90 |
| Dunfermline | 49.73 | 49.66 | 46.77 | 43.83 | 41.80 |
| Kirkcaldy | 44.72 | 43.79 | 40.63 | 37.18 | 35.05 |
| North East Fife | 14.14 | 13.85 | 12.80 | 11.47 | 10.62 |
| Aberdeen | 82.25 | 79.58 | 76.92 | 72.31 | 72.20 |
| Banff and Buchan | 21.02 | 21.04 | 20.45 | 20.54 | 20.64 |
| Gordon | 8.74 | 8.78 | 8.90 | 8.93 | 9.06 |
| Kincardine and Deeside | 7.43 | 7.45 | 7.35 | 7.46 | 7.74 |
| Moray | 17.87 | 16.83 | 16.20 | 15.58 | 15.97 |
| Badenoch and Strathspey | 2.81 | 2.86 | 2.81 | 2.82 | 2.81 |
| Caithness | 4.95 | 5.01 | 4.73 | 4.17 | 4.11 |
| Inverness | 22.47 | 22.31 | 21.02 | 19.25 | 19.50 |
| Lochaber | 5.76 | 5.94 | 5.75 | 5.53 | 5.46 |
| Nairn | 1.33 | 1.36 | 1.28 | 1.11 | 1.09 |
| Ross and Cromarty | 11.06 | 11.08 | 10.02 | 8.99 | 8.93 |
| Skye and Lochalsh | 1.82 | 1.91 | 1.85 | 1.71 | 1.66 |
| Sutherland | 1.79 | 1.85 | 1.79 | 1.73 | 1.72 |
| East Lothian | 25.94 | 25.87 | 24.64 | 22.76 | 24.20 |
| Edinburgh | 185.60 | 186.59 | 170.04 | 150.95 | 141.75 |
| Midlothian | 12.80 | 12.59 | 12.43 | 11.13 | 10.31 |
| West Lothian | 32.37 | 32.97 | 31.13 | 28.88 | 28.80 |
| Argyll and Bute | 17.58 | 17.10 | 15.54 | 13.20 | 12.61 |
| Bearsden and Milngavie | 5.22 | 5.13 | 4.82 | 4.40 | 4.21 |
| Clydebank | 13.19 | 12.22 | 11.32 | 9.89 | 10.09 |
| Clydesdale | 10.34 | 11.05 | 10.85 | 9.31 | 9.36 |
| Cumbernauld and Kilsyth | 13.86 | 13.93 | 12.76 | 11.61 | 11.63 |

*Net income from non-domestic rates £ million 1995–96 prices*

| | 1990–91 | 1991–92 | 1992–93 | 1993–94 | 1994–95 |
|---|---|---|---|---|---|
| Cumnock and Doon Valley | 5.32 | 5.52 | 5.33 | 4.54 | 5.05 |
| Cunninghame | 40.63 | 39.52 | 36.49 | 33.58 | 31.70 |
| Dumbarton | 20.90 | 20.47 | 19.40 | 17.65 | 16.80 |
| East Kilbride | 22.27 | 22.25 | 20.94 | 19.97 | 19.24 |
| Eastwood | 6.60 | 6.61 | 6.28 | 5.85 | 5.81 |
| Glasgow | 277.45 | 275.04 | 248.93 | 220.73 | 209.80 |
| Hamilton | 21.75 | 21.54 | 20.10 | 18.29 | 17.71 |
| Inverclyde | 17.83 | 17.96 | 16.88 | 14.44 | 14.63 |
| Kilmarnock and Loudon | 16.51 | 16.12 | 14.95 | 13.34 | 13.40 |
| Kyle and Carrick | 29.10 | 29.02 | 27.19 | 24.38 | 23.75 |
| Monklands | 20.32 | 20.17 | 18.58 | 17.43 | 16.78 |
| Motherwell | 34.39 | 32.48 | 29.14 | 26.85 | 26.19 |
| Renfrew | 50.52 | 50.22 | 47.95 | 43.98 | 43.22 |
| Strathkelvin | 12.38 | 12.41 | 11.79 | 11.33 | 10.85 |
| Angus | 17.36 | 16.91 | 16.28 | 14.17 | 13.63 |
| Dundee | 48.18 | 47.52 | 43.05 | 36.07 | 34.53 |
| Perth and Kinross | 30.77 | 31.71 | 30.26 | 26.97 | 25.01 |
| Orkney | 7.67 | 7.21 | 5.88 | 5.96 | 6.04 |
| Shetland | 24.04 | 22.22 | 17.29 | 17.38 | 17.39 |
| Western Isles | 4.91 | 5.15 | 4.90 | 4.14 | 3.92 |
| Total Scotland | 1,443.74 | 1,434.99 | 1,330.65 | 1,209.76 | 1,176.09 |

*Notes:*
Source, non-domestic rate income returns—September 1994.
Figures for districts within Lothian include estimates.
Deflated using GDP deflator at market prices.

### Atmospheric Emissions

**Mr. Ainger:** To ask the Secretary of State for Scotland how many installations in Scotland require consent from Her Majesty's inspectorate of pollution for atmospheric emissions; and if he will list them. [20844]

**Sir Hector Monro:** In Scotland HM industrial pollution inspectorate is the designated enforcing authority for part A processes under the Environmental Protection Act 1990. Integrated pollution control for such processes is being introduced in stages. As of 24 April 1995, 159 authorisations had been issued to 121 operators of prescribed processes. Further applications for authorisations will be required in accordance with the timetable in schedule 3 to the Environmental Protection (Prescribed Processes) Regulations 1991, as amended.

Details of both applications and authorisations, including requirements relating to emissions to the atmosphere, may be examined on public registers maintained by the inspectorate and by river purification authorities and district councils in respect of processes operated in their respective areas.

### Local Enterprise Companies

**Mr. Bradley:** To ask the Secretary of State for Scotland what was the amount in cash terms, and as a percentage of the total, of public funds under the control of local enterprise companies. [19939]

**Mr. Kynoch** *[holding answer 21 April 1995]:* The allocation of local enterprise company budgets is an operational matter for Scottish Enterprise and Highlands and Islands Enterprise. I have asked the chairmen to write to the hon. Member.

### Radioactive Waste

**Mr. Canavan:** To ask the Secretary of State for Scotland if he will make it his policy that nuclear industry wastes will not be disposed of within the boundaries of Central region. [19885]

**Sir Hector Monro** *[holding answer 24 April 1995]:* No. It would not be appropriate for policy on this matter to be constrained by local authority boundaries. The Government's policy will be set out later this year when they publish the conclusions to their review of radioactive waste management policy, on which a consultation document was issued in August 1994.

### Executive Agencies

**Mr. Flynn:** To ask the Secretary of State for Scotland if he will list the jobs that have been lost to agencies in his Department in the past two years that have *(a)* been taken over by contractors and *(b)* disappeared. [18333]

**Mr. Lang** *[holding answer 4 April 1995]:* I have asked the chief executives of the agencies for which my Department is responsible to write to the hon. Member.

*Letter from Alan W. Ramage to Mr. Paul Flynn, dated 25 April 1995:*

I have been asked to reply, in relation to Registers of Scotland Executive Agency, to your question to the Secretary of State for Scotland about jobs lost to Agencies in the past two years.

There have been no jobs lost over the past two years due to the employment of contractors. Overall staff numbers in the Registers of Scotland have declined from 1257.5 on 1 April 1993 to 1065.5 on 1 April 1995. Reductions in staff numbers have resulted from a range of efficiency saving measures and the need to align the size of the organisation to match the market demand for our services.

*Letter from K. MacRae to Mr. Paul Flynn, dated 25 April 1995:*

I refer to the Parliamentary Question which you tabled recently to the Secretary of State for Scotland seeking information on the loss of jobs in Agencies during the past two years.

I have been asked to reply in respect of the Student Awards Agency for Scotland which was launched in April 1994. In 1994–95, no jobs have been lost to the Agency due to the employment of contractors or otherwise.

I trust this represents the information which you were seeking.

*Letter from Graeme N. Munro to Mr. Paul Flynn, dated 25 April 1995:*

The Secretary of State for Scotland has asked me to reply on behalf of Historic Scotland to your recent question about jobs which have been taken over by contractors or have disappeared in the last 2 years.

Since April 1993 23.5 posts (full-time equivalents) have been given up in Historic Scotland. Of this total 4 posts have been contracted out, with the staff either being redeployed elsewhere within the Agency or retiring. Of the remaining 19.5 posts, 15 were saved as a consequence of the market testing process where the decision was to retain the service in-house. The remaining 4.5 posts were saved by withdrawing staffing from 5 of the least frequently visited monuments in care.

I hope this information meets your needs.

*Letter from Andrew Macleod to Mr. Paul Flynn, dated 25 April 1995:*

I have been asked to reply in respect of the Scottish Fisheries Protection Agency to your recent Parliamentary Question to the Secretary of State for Scotland concerning the loss of jobs in executive agencies of The Scottish Office in the past 2 years.

During the financial year 1993–94 and 1994–95 no jobs in the Agency have been taken over by contractors. The average number of staff employed by the Agency during 1993–94 was 266, compared with 265 in the previous year. The final figure for 1994–95 will be published in the Agency's Annual Report and Accounts. We estimate that average employment for the year was around 260.

I hope this information is helpful.

*Letter from E. W. Frizzell to Mr. Paul Flynn, dated 25 April 1995:*

The Secretary of State for Scotland has asked me to reply, in respect of the Scottish Prison Service, to your question about the loss of jobs in agencies over the last two years as a result of contracting out of work.

In the Scottish Prison Service market testing has been confined to the part of the Service that maintains buildings and services. A total of 10 establishments have been market tested and in-house teams have been successful in 9 competitions. The number of Scottish Prison Service staff involved in this area has been reduced by seventy-four over the period from 348 at 1 April 1993 to 274 at 1 April 1994. The reduction in numbers of staff largely reflects a reorganisation and restructuring of the in-house teams within the SPS. No staff were made redundant as a consequence of contractors being successful in winning the contract at one establishment.

*Letter from Norman MacLeod to Mr. Paul Flynn, dated 25 April 1995.*

The Secretary of State has asked me to reply to your Question about jobs lost to Scottish Office Agencies in the past two years, so far as the Scottish Office Pensions Agency is concerned.

No jobs have been lost to the Agency as a result of work being taken over by contractors but measures to improve efficiency, mainly through better use of information technology, have removed the need for 5 posts. In the same period, however, a number of new posts have been created to deal with new work.

*Letter from Patrick Cadell to Mr. Paul Flynn, dated 25 April 1995:*

In reply to your question on the number of jobs lost to agencies, I have to say that no jobs have been lost, and no jobs have disappeared as a consequence of our becoming a Next Steps Agency.

*Letter from Dr. R. K. M. Hay to Mr. Paul Flynn, dated 25 April 1995:*

The Secretary of State has asked me to reply on behalf of the Scottish Agricultural Science Agency (SASA) to your recent question about jobs which have been taken over by contractors or have disappeared in the last 2 years.

In the last 2 years, 4 Security Guard posts in SASA have been taken over by contractors. To date, no posts have disappeared.

### Arable Area Payments Scheme

**Dr. Strang:** To ask the Secretary of State for Scotland how many claims were made in Scotland (1) for set-aside and (2) in total under the arable area payments scheme in (i) 1993–94 and (ii) in 1994–95 of *(a)* between £0 and £5,000, *(b)* between £5,001 and £10,000, *(c)* between £10,001 and £15,000, *(d)* between £15,001 and £20,000, *(e)* between £20,001 and £25,000, *(f)* between £25,001 and £50,000, *(g)* between £50,001 and £75,000, *(h)* between £75,001 and £100,000, *(i)* between £100,001 and £150,000, *(j)* between £150,001 and £200,000, *(k)* between £200,001 and £1 million and (1) over £1 million; and what is his latest estimate of the number of claims that will be made in 1995–96 in each value band. [18632]

**Sir Hector Monro** *[holding answer 5 April 1995]:* The numbers of claims made by farmers in Scotland under the arable area payments scheme in the scheme years 1993 and 1994 were as follows:

*(1) Set-aside*

| £ | 1993 | 1994 |
|---|---|---|
| 0–5,000 | 3,361 | 3,437 |
| 5,001–10,000 | 750 | 1,021 |
| 10,001–15,000 | 148 | 256 |
| 15,001–20,000 | 43 | 95 |
| 20,001–25,000 | 19 | 39 |
| 25,001–50,000 | 8 | 30 |
| 50,001–75,000 | 1 | 1 |
| 75,001–100,000 | nil | 1 |
| 100,001–150,000 | nil | nil |
| 150,001–200,000 | nil | nil |
| 200,001–£1 million | nil | nil |
| Over £1 million | nil | nil |
| | 4,330 | 4,880 |

*(2) In total*

| £ | 1993 | 1994 |
|---|---|---|
| 0–5,000 | 5,526 | 5,109 |
| 5,001–10,000 | 1,232 | 1,088 |
| 10,001–15,000 | 794 | 804 |
| 15,001–20,000 | 504 | 650 |
| 20,001–25,000 | 366 | 402 |
| 25,001–50,000 | 779 | 986 |
| 50,001–75,000 | 206 | 258 |
| 75,001–100,000 | 59 | 95 |
| 100,001–150,000 | 39 | 51 |
| 150,001–200,000 | 4 | 13 |
| 200,001–£1 million | 5 | 4 |
| Over £1 million | nil | nil |
| Total | 9,514 | 9,460 |

Figures are not yet available for the 1995 scheme year.

## ENVIRONMENT

### Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Secretary of State for the Environment (1) what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report; [20195]

(2) how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990. [20194]

**Sir Paul Beresford:** Contributions to the annual report are prepared by all sections of the Department. Staff time spent on this activity is not separately recorded, and it is not therefore possible to give a valid estimate of the costs involved.

### Public Sector Housing (Northamptonshire)

**Mr. William Powell:** To ask the Secretary of State for the Environment if he will list for each district authority in Northamptonshire the total discounted value of public sector flats and houses sold in each year since 1991–92. [20279]

**Mr. Robert B. Jones:** The latest information on total discounted values of dwellings sold by local authorities in Northamptonshire between April 1991 and December

1994 is given in the table. Actual cash receipts in any year will depend on the extent to which sales were financed by loans from the authorities.

*Discounted value of all sales*

*£ million*

| *Local Authority* | *1991–92* | *1992–93* | *1993–94* | *[1]1994-95* |
|---|---|---|---|---|
| Corby | 2,421 | 2,097 | 3,678 | 1,852 |
| Daventry | 1,242 | 3,061 | 1,316 | 776 |
| East Northamptonshire | 1,042 | 1,261 | 2,368 | 1,662 |
| Kettering | 1,020 | 1,029 | 1,287 | n/a |
| Northampton | 4,197 | 2,503 | 4,524 | n/a |
| South Northamptonshire | 1,109 | 1,543 | 1,982 | 1,618 |
| Wellingborough | 1,480 | 1,165 | 991 | 1,011 |

[1] 9 months.

**Mr. William Powell:** To ask the Secretary of State for the Environment what is his latest estimate of the number of local authority tenants not in receipt of housing benefit for each local authority in Northamptonshire. [20267]

**Mr. Robert B. Jones:** Based on returns from local authorities for 1994–95, the Department's latest estimates for the numbers of local authority tenants not in receipt of housing benefit in each local authority in Northamptonshire are as follows:

| *Local authority* | *Council tenants not on housing benefit* |
|---|---|
| Corby | 3,500 |
| Daventry | 1,600 |
| East Northampton | 1,800 |
| Kettering | 1,700 |
| Northampton | 5,600 |
| South Northampton | 1,500 |
| Wellingborough | 2,500 |

**Mr. William Powell:** To ask the Secretary of State for the Environment if he will publish the total number of households accepted by each local authority in Northamptonshire for each year since 1992–93 for securing permanent accommodation under the homeless provisions of the Housing (Homeless Persons) Act 1977 and subsequent legislation. [20278]

**Mr. Robert B. Jones:** Local authorities report the number of households for whom they accept responsibility to secure permanent accommodation under the homelessness provisions of the 1985 Housing Act in their quarterly P1(E) returns.

I refer my hon. Friend to the answer my right hon. Friend the Minister for Local Government, Housing and Urban Regeneration gave for the information covering the years 1992 to 1994 to the hon. Member for Greenwich (Mr. Raynsford) on 4 April 1995, *Official Report*, column *1049*.

**Mr. William Powell:** To ask the Secretary of State for the Environment if he will list the total usable receipts held by each local authority in Northamptonshire on 30 March for each year since 1983. [20270]

**Mr. Robert B. Jones:** The total usable capital receipts held at 31 March in each year from 1990 onwards are given in the table. Information is not available on a comparable basis for years prior to the introduction of the current capital control system in 1990.

*Usable capital receipts held at 31 March*

*£ million*

| | 1990 | 1991 | 1992 | 1993 | 1994 |
|---|---|---|---|---|---|
| Northamptonshire | 13.412 | 12.131 | 11.829 | 0.220 | 0.220 |
| Corby | 2.003 | 0.001 | 0.120 | 0.749 | 3.447 |
| Daventry | 7.311 | 6.730 | 4.510 | 2.884 | 0.622 |
| East Northampton | 5.233 | 3.144 | 2.402 | 2.628 | 0.000 |
| Kettering | 6.000 | 2.542 | 1.741 | 1.481 | 2.964 |
| Northampton | 21.235 | 13.849 | 10.549 | 3.634 | 4.523 |
| South Northampton | 7.021 | 2.729 | 0.738 | 0.000 | 2.152 |
| Wellingborough | 18.461 | 14.075 | 11.267 | 11.840 | 11.082 |

**Mr. William Powell:** To ask the Secretary of State for the Environment how many dwellings were owned by each district council in Northamptonshire at the time the right to buy was introduced; how many are owned at the latest date; what percentage that is of the original figure. [20268]

**Mr. Robert B. Jones:** Local authorities in England report the number of dwellings they own on their annual housing investment programme returns. The numbers of dwellings reported by each local authority in Northamptonshire at 1 April 1980 have been compared with those at 1 April 1994, the latest information available.

| *Local authority* | *(1) Stock of dwellings at 1 April 1994* | *(2) Stock of dwellings at 1 April 1980* | *(1) as a percentage of (2)* |
|---|---|---|---|
| Corby | 7,631 | 13,628 | 56.0 |
| Daventry | 4,095 | 6,082 | 67.3 |
| East Northamptonshire | 4,557 | 6,047 | 75.4 |
| Kettering | 4,881 | 6,626 | 75.7 |
| Northampton | 15,825 | 12,925 | 122.4 |
| South Northamptonshire | 3,667 | 5,745 | 63.8 |
| Wellingborough | 5,845 | 7,750 | 75.4 |

Right to buy was introduced in October 1980. Changes in local authorities' dwelling stocks include other losses and gains apart from sales through the right to buy. In the case of Northampton district council, the 1994 stock reflects the acquisition of some 6,400 dwellings from the Commission for the New Towns in April 1985.

**Mr. William Powell:** To ask the Secretary of State for the Environment how many people were employed by each local authority in Northamptonshire *(a)* full time and *(b)* part time in each year since 1983. [20272]

**Mr. Robert B. Jones:** The available information is given in the table.

*Numbers employed in local authorities in Northamptonshire at June of each year*

| | *1983* | | *1984* | | *1985* | | *1986* | | *1987* | | *1988* | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Authority* | *Full-time* | *Part-time* | *Full-time* | *Part-time* | *Full-time* | *Part-time* | *Full-time* | *Part-time* | *Full-time* | *Part-time* | *Full-time* | *Part-time* |
| Northamptonshire | 11,784 | 9,751 | 11,832 | 9,735 | 11,857 | 10,254 | 11,890 | 10,934 | 11,594 | 11,223 | 11,819 | 11,477 |
| Corby | 527 | 122 | 550 | 112 | 582 | 108 | 572 | 141 | 583 | 170 | 580 | 135 |

*Numbers employed in local authorities in Northamptonshire at June of each year*

| Authority | 1983 | | 1984 | | 1985 | | 1986 | | 1987 | | 1988 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Full-time | Part-time | Full-time | Part-time | Full-time | Part-time | Full-time | Part-time | Full-time | Part-time | Full-time | Part-time |
| Daventry | 268 | 48 | 268 | 43 | 275 | 53 | 287 | 54 | 298 | 59 | 311 | 79 |
| East Northamptonshire | 263 | 70 | 266 | 73 | 264 | 73 | 265 | 72 | 261 | 69 | 260 | 80 |
| Kettering | 509 | 92 | 494 | 105 | 486 | 103 | 485 | 108 | 478 | 109 | 478 | 96 |
| Northampton South | 1,606 | 172 | 1,608 | 159 | 1,599 | 183 | 1,606 | 178 | 1,482 | 216 | 1,431 | 235 |
| Northamptonshire | 261 | 35 | 263 | 34 | 257 | 34 | 252 | 37 | 255 | 43 | 255 | 26 |
| Wellingborough | 386 | 67 | 389 | 73 | 384 | 77 | 376 | 79 | 378 | 83 | 384 | 90 |

| Authority | 1989 | | 1990 | | 1991 | | 1992 | | 1993 | | 1994[1] | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Full-time | Part-time | Full-time | Part-time | Full-time | Part-time | Full-time | Part-time | Full-time | Part-time | Full-time | Part-time |
| Northamptonshire | 11,536 | 11,295 | 11,005 | 12,365 | 10,943 | 10,966 | 10,752 | 10,409 | 9,507 | 9,870 | n/a | n/a |
| Corby | 613 | 134 | 667 | 153 | 621 | 135 | 613 | 133 | n/a | n/a | n/a | n/a |
| Daventry | n/a | n/a | 314 | 106 | 312 | 118 | 315 | 86 | 312 | 89 | 344 | 96 |
| East Northamptonshire | 267 | 78 | 213 | 57 | 200 | 57 | 203 | 57 | n/a | n/a | n/a | n/a |
| Kettering | 468 | 104 | 464 | 105 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Northampton South | n/a | n/a | 1,554 | 192 | 1,602 | 281 | 1,518 | 151 | 1,429 | 255 | 1,396 | 180 |
| Northamptonshire | n/a | n/a | n/a | n/a | n/a | n/a | 342 | 43 | 336 | 74 | 334 | 63 |
| Wellingborough | 388 | 93 | 388 | 105 | 392 | 100 | 383 | 119 | 346 | 116 | 339 | 112 |

*Notes:*
[1]Provisional data.
n/a: Data not available.
1. Education, highways, fire services, law and order and social services are administered by Northamptonshire county council. The other authorities shown are district councils which, among other services, administer housing, planning and refuse collection.
2. Polytechnics and higher education institutions were transferred from the local authority sector in April 1989.
3. Further education institutions became the responsibility of the Further Education Funding Council in April 1993.
*Source:*
Joint Staffing Watch for England.

### Executive Agencies

**Mr. Macdonald:** To ask the Secretary of State for the Environment if he will give the number and location of Building Research Establishment, Ordnance Survey, Planning Inspectorate, Security Facilities Executive and Buying Agency offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [20304]

**Sir Paul Beresford:** One Ordnance Survey post in Edinburgh has been lost as the result of work transferring from Scotland to England during the past five years.

### Construction Industry

**Mr. Spellar:** To ask the Secretary of State for the Environment, pursuant to his answer of 4 April, *Official Report*, columns *1052–53*, which other Departments have submitted their views to the consultants regarding a single test for contractors and consultants for public sector projects. [20208]

**Mr. Robert. B. Jones:** During the course of its commission, Capita Management Consultancy Ltd. has consulted representatives from the following Government Departments and agencies: Her Majesty's Treasury, the Ministry of Defence, the Prison Service, the Scottish Office, the Houses of Parliament, the Parliamentary Works Directorate, the Benefits Agency, NHS Estates, the Department of Transport, the Department of the Environment and Cadw: Welsh Historic Monuments.

### Housing Renewal Programmes

**Mr. Rooker:** To ask the Secretary of State for the Environment when he expects to announce the result of his consultation on private housing renewal programmes. [20349]

**Mr. Robert B. Jones:** In due course.

### Renewal Areas

**Mr. Rooker:** To ask the Secretary of State for the Environment what considerations led his Department to commission a review of the operation of renewal areas; who is carrying out the review; and when it is expected to report. [20348]

**Mr. Robert B. Jones:** We wish to establish what local authorities have done to progress declared renewal areas, what they have achieved and whether any further guidance from the Department would be helpful. The research project is being undertaken by Austin Mayhead and Company Ltd., which is due to report in July.

### LIFE Programme

**Mr. Llew Smith:** To ask the Secretary of State for the Environment if he will make a statement on the scope of the EC LIFE programme on the environment over the period 1996 to 1999, indicating how it has changed from the first phase and those areas where the United Kingdom or British-based companies can benefit from the LIFE programme. [20383]

**Mr. Atkins:** The Commission of the European Communities adopted a proposal for the second phase of the LIFE programme on 12 April 1995. This proposal will

now go through the Council of Ministers and the European Parliament under the co-operation procedure. Until this process has been completed, the scope of the programme cannot be known for certain, but it seems likely that United Kingdom companies will continue to be able to benefit in areas such as new cleaner technologies.

### Corncrake

**Ms Quin:** To ask the Secretary of State for the Environment if he will make a statement regarding the disappearance of the corncrake from mainland Britain and what proposals he has to encourage its reintroduction to the countryside. [20244]

**Mr. Atkins:** The population of the corncrake started to decline in the 19th century and current figures suggest that there are between 500 and 600 pairs in Britain. The present population is primarily concentrated in Scotland where they nest in pasture and rough grassland.

Since 1991, the Government have been involved in schemes in Scotland to provide financial incentives to landowners and farmers to introduce farming methods which are more conducive to breeding corncrakes. The corncrake is a candidate species under consideration by the biodiversity steering group for an individual action plan to improve its conservation status. The steering group will report later this year.

### Unitary Authorities

**Mr. Berry:** To ask the Secretary of State for the Environment to what extent his proposal to establish a unitary authority for Wokingham is consistent with his proposals to create unitary authorities in other shire county areas. [20794]

**Mr. Curry:** In taking our decisions for each county we sought to achieve a structure which would best combine effective and convenient local government in the area with a reflection of local identities and interests. With regard to our decisions on Berkshire, I refer the hon. Member to the answer given on 21 March 1995 to my hon. Friend the Member for Eastbourne (Mr. Waterson), *Official Report*, columns *123-28*.

**Mr. Berry:** To ask the Secretary of State for the Environment how many representatives he has received *(a)* in support of and *(b)* against his proposals to establish six unitary local authorities in Berkshire. [20796]

**Mr. Curry:** Prior to our announcement on the future local government structure in Berkshire we received some 5,400 letters, two petitions totalling some 14,300 signatures and 135 pro-forma leaflets. Many of the opinions expressed did not directly relate to our proposal for a six unitary structure. Since the announcement on 21 March, we have received 13 letters, three of which are in favour of the proposal and 10 against.

### Electoral Registration Officers

**Dr. Wright:** To ask the Secretary of State for the Environment if he will list *(a)* the budget available to and *(b)* the actual expenditure by electoral registration officers in each individual council area, for the most recent year for which figures are available. [20489]

**Mr. Robert B. Jones:** I have placed the available information in the Library of the House.

### Capital Expenditure (Housing)

**Mrs. Maddock:** To ask the Secretary of State for the Environment what was the sum total in constant prices of allocated housing capital expenditure, including housing investment programme allocation, approved development programme allocation, additional credit approvals, specified capital grants and expenditure on housing within the single regeneration budget, and any equivalent schemes and allocations which have previously existed, for *(a)* 1978–79, *(b)* 1994–95 and *(c)* 1995–96 in (i) each region and (ii) each housing authority area in England. [19887]

**Mr. Robert B. Jones:** Information on housing investment programme allocations for 1978–79 for each local authority in England is available in the Library.

For housing investment programme and approved development programme allocations in England in 1994–95 and 1995–96 I refer the hon. Member to my answer to her question on Thursday 16 February 1995, *Official Report*, column *799*.

For the housing partnership fund, the cash incentive scheme and the flats over shops scheme allocations for 1994–95, I refer the hon. Member to my answer to her question on Thursday 16 February 1995, *Official Report*, column *799*.

Allocations for the housing partnership fund and the cash incentive scheme for 1995–96 have now been made and I have placed in the Library copies of the Department's press notices which announced allocations by English local authority area for these schemes in 1995–96.

The GDP market price deflator given in the table can be used to exclude the effect of general inflation.

| | *GDP deflator 1978–79 = 100* |
|---|---|
| 1978–79 | 100.0 |
| 1994–95 | 292.3 |
| 1995–96 | 301.8 |

The single regeneration budget challenge fund promotes an integrated approach to local regeneration and it is not possible to identify separately the resources directed at housing. However, we estimate that about 70 of the schemes approved in the first round have a significant housing content and these schemes are expected to receive about £80 million of SRB resources in 1995–96. In addition, the SRB also provides resources for continuing commitments under the estate action programmes and for housing action trusts.

Local authorities also fund capital expenditure on housing from usable capital receipts and revenue contributions to capital. A number of the programmes lever in additional resources from the private sector.

### Environmentally Sensitive Areas

**Mr. Macdonald:** To ask the Secretary of State for the Environment what amount of environmentally sensitive area grant budget for 1994–95 is still uncommitted *(a)* in cash and *(b)* as a percentage of the budget; and if he will make a statement on underspending in environmentally sensitive areas budget for 1993–94 and 1994–95. [19965]

**Mr. Jack:** I have been asked to reply.

Expenditure in 1994–95 on payments to farmers in English ESAs was, provisionally, £20.1 million, which represents 65 per cent. of the total provision of £31 million.

Six new ESAs were launched in 1993 and a further six in 1994, in respect of which first payments will be made in 1995–96. This brings the total in England to 22. Participation is voluntary and interest in the new schemes is growing as farmers become more familiar with the requirements.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for the Environment which of the executive non-departmental public bodies sponsored by his department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and (e) registers of members' interests; and whether in each case this is (i) under a statutory requirement or (ii) voluntary. [20496]

**Sir Paul Beresford:** Details of the executive non-departmental public bodies sponsored by my department are listed in the Cabinet Office publication "Public Bodies 1994". A copy is available in the House of Commons Library. In addition to the bodies listed in that publication the Department now sponsors two further executive non-departmental public bodies. These are:

Stonebridge housing action trust, Brent
The National Forest Company

Each of these organisations produces and publishes an annual report and accounts. Production of the annual report is a statutory requirement except for the Letchworth Garden City corporation and the UK Eco-Labelling Board. Production of the annual accounts is a statutory requirement in all cases.

Housing action trusts voluntarily make the agendas and minutes for their meetings, except for confidential items, available to the public. Letchworth Garden City corporation voluntarily provides summary minutes available to the public. The minutes and agenda of meetings of the National Rivers Authority statutory committees—the flood defence, rivers advisory and fisheries advisory committees—are open to inspection by members of the public who attend meetings of these committees.

From 1995, registers of members' interests will voluntarily be made available for public inspection by all of the listed organisations with the exception of Letchworth Garden City corporation, the London residuary body, the Joint Nature Conservation Committee and the British Board of Agrement.

**Dr Wright:** To ask the Secretary of State for the Environment if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators, and *(f)* provisions under the citizens charter. [20656]

**Sir. Paul Beresford:** Details of the executive non-departmental public bodies sponsored by my department are listed in the Cabinet Office publication "Public Bodies 1994". A copy is available in the House of Commons Library. In addition to the bodies listed in that publication the Department now sponsors two further executive non-departmental public bodies. These are:

Stonebridge housing action trust, Brent
The National Forest Company

All these 33 organisations are subject to investigation by the Parliamentary Commissioner with the exception of the Audit Commission, the British Board of Agrement, Letchworth Garden City corporation, the National Forest Company, the six housing action trusts and the London Pensions Fund Authority. The six housing action trusts and the London Pensions Fund Authority are subject to investigation by the Commission for Local Administration.

The London Pensions Fund Authority and the London residuary body are subject to scrutiny by the Audit Commission.

All the organisations can be subjected to scrutiny by the National Audit Office.

All the Departments' executive non-departmental public bodies are expected to adopt the Department's code of practice on open government or adopt a similar code of their own. This is not a statutory code. They are all expected to have key performance measures and targets, information on which is reported in their annual reports; and to abide by the citizens charter.

## EMPLOYMENT

### Parliamentary Questions

**Mrs. Ann Taylor:** To ask the Secretary of State for Employment how many parliamentary questions to his Department in each year since 1979–80 requesting a priority written answer or answer on a named day, were answered within three days; how many received a holding reply; and how many of those which received a holding reply then received a substantive answer within a further five, 10, 15, 20 days or longer. [18542]

**Miss Widdecombe:** The information requested is available only from 12 November 1990 and is detailed in the following table:

| *Total number of priority and named day questions answered* | *Total number of questions answered within 3 days* | *Questions answered (where a holding reply has been sent) within (working days):* 5 | 10 | 15 | 20 | 20+ |
|---|---|---|---|---|---|---|
| [1]3,439 | 3,037 | 361 | 17 | 9 | 9 | 6 |

[1] Information provided up to and including 31 March 1995.

**Mrs. Ann Taylor:** To ask the Secretary of State for Employment how many times in each year since 1979–80 his Department has written to a right hon. or hon. Member correcting an answer to a parliamentary question. [18544]

**Miss Widdecombe:** The information requested is available only from 1 January 1992. The Department has written to right hon. or hon Members on 12 occasions to correct answers to parliamentary questions. The information is detailed in the following table:

| Year | Number of replies issued correcting an answer to a parliamentary question |
|---|---|
| 1992 | 1 |
| 1993 | 6 |
| 1994 | 3 |
| 1995[1] | 2 |

[1]Information provided up to and including 6 April 1995.

### Jobseeker's Allowance

**Ms Short:** To ask the Secretary of State for Employment, pursuant to his answer of 22 March, *Official Report*, column *247*, what will be the maximum number of hours unemployed people receiving the jobseeker's allowance will be able to undertake on training and education courses provided by those independent European social fund courses not directly funded by the Further Education Council; and if he will make a statement. [19724]

**Miss Widdecombe:** People claiming jobseeker's allowance will be able to undertake part-time courses, provided they remain available for and actively seek employment. That carries forward existing arrangements. The rules will, however, be updated to reflect changes in education definitions. Until recently, further education courses were classed by colleges as full or part time, with a threshold of 21 hours per week of supervised study, which could include some private study. Each case was looked at on its merits. This system has now changed, however, and courses funded by the Further Education Funding Council are organised on the basis of guided learning hours. The JSA rules will take account of this change and claimants will be able to undertake FEFC–funded courses of up to 16 guided learning hours per week. Jobseekers will be able to undertake private study in addition to this, as long as they remain available for work and are actively seeking employment. This is designed to allow the same number of claimants to undertake courses as do so under the current arrangements. There will be no such change for courses that are not funded by the FEFC, including any funded by the European social fund. For these, the upper limit will generally continue to be 21 hours per week, with, as now, each case being decided on its merits.

### Health and Safety Executive

**Mr. Steen:** To ask the Secretary of State for Employment what advice he will give to the Health and Safety Executive in light of its recommendation that the production of refractory ceramic fibre should cease. [20015]

**Mr. Oppenheim:** The Health and Safety Executive has not recommended that the production of refractory ceramic fibres should cease. The European Commission is preparing a proposal for the classification of refractory ceramic fibres which would require an appropriate hazard warning label to be used when those materials are supplied.

### Safety Reports

**Mr. Llew Smith:** To ask the Secretary of State for Employment what considerations have led to full safety reports prepared pursuant to the requirements of the Control of Industrial Major Accident Hazards Regulations 1984, S.I.,1984, No. 1902, as amended, for the Health and Safety Executive not being made publicly available on request. [20381]

**Mr. Oppenheim:** Safety reports are relevant information for the purposes of section 28 of the Health and Safety at Work, etc., Act 1974, whose disclosure is permitted only in specified circumstances.

Relevant information may be disclosed with the consent of the person who supplied it or for use in court proceedings or where its disclosure would be for the purposes of the Health and Safety Executive's functions. None of these would allow the general public availability of these reports.

Any environmental information in a safety report will be made available on request under the Environmental Information Regulations 1992, subject to the excepted categories of information in those regulations.

### Seveso Directive

**Mr. Llew Smith:** To ask the Secretary of State for Employment what information Her Majesty's Government have received from the European Commission in regard to the recent submission by Friends of the Earth United Kingdom to the Commission requesting that the United Kingdom be prosecuted for non–compliance with the Seveso directive, 80/501/EEC. [20400]

**Mr. Oppenheim:** None.

### Pay Increases (Engineering Industry)

**Mr. Sheerman:** To ask the Secretary of State for Employment what has been the average percentage increase in real pay of workers in the engineering industry since 1979. [20560]

**Mr. Oppenheim:** The average percentage increase in real pay for mechanical engineering, since 1979, is 44 per cent.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Employment if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20655]

**Miss Widdecombe:** The following executive non-departmental public bodies are sponsored by the Department:

Advisory, Conciliation and Arbitration Service
Commissioner for the Rights of Trade Union Members
Commissioner for Protection Against Unlawful Trade Union Action
Construction Industry Training Board
Engineering Construction Industry Training Board
Equal Opportunities Commission (EOC)
Health and Safety Commission and Executive (HSC/E)
National Council for Vocational Qualifications (NCVQ)
Remploy Ltd.
Investors in People UK (IiP)

All the organisations listed, except for Remploy, are subject to investigation by the Parliamentary

Commissioner. EOC and NCVQ are subject to scrutiny by the Audit Commission.

All the organisations listed are subject to scrutiny by the National Audit Office. All except for Remploy and IiP UK are subject to statutory provisions for open government in one form or another. HSC/E, EOC, Remploy and IiP UK are subject to performance indicators. All the organisations listed have published citizens charter service standards with the exception of the EOC, which intends to do so, NCVQ and Remploy.

**Dr. Wright:** To ask the Secretary of State for Employment which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether in each case this is (i) under a statutory requirement or (ii) voluntary. [20495]

**Miss Widdecombe:** The following executive non-departmental public bodies are sponsored by the Department:

Advisory, Conciliation and Arbitration Service
Commissioner for the Rights of Trade Union Members
Commissioner for Protection Against Unlawful Trade Union Action
Construction Industry Training Board
Engineering Construction Industrial Training Board
Equal Opportunities Commission
Health and Safety Commission and Executive
National Council for Vocational Qualifications
Remploy Ltd.
Investors in People (IiP) UK

All the organisations listed, except for Remploy and IiP UK, are required by statute to publish annual reports and accounts and Remploy and IiP UK also do so. None of the organisations listed publishes the agendas and minutes of meetings. Remploy voluntarily produces a register of directors' interests which can be inspected at its registered office.

## Fines

**Dr. Strang:** To ask the Secretary of State for Employment what was the average level of magistrates court fines for breaches of the Health and Safety at Work, etc. Act 1974 in *(a)* the agricultural and *(b)* the non-agricultural sectors in each of the last 10 years. [19812]

**Mr. Oppenheim** *[holding answer 24 April 1995]:* The average level of fines in the lower courts for breaches of the Health and Safety at Work, etc. Act 1974 and relevant statutory provisions in each of the past six years is shown in the table:

| Year | [1]Average fine per conviction Agricultural sectors £ | Non-agricultural sectors £ |
|---|---|---|
| 1988–89 | 259 | 518 |
| 1989–90 | 250 | 614 |
| 1990–91 | 297 | 651 |
| 1991–92 | 287 | 629 |
| 1992–93 | 340 | 1,038 |
| 1993–94[2] | 627 | 2,063 |

[1]Figures are for Great Britain: magistrates courts in England and Wales; sheriff courts in Scotland.
[2]Provisional.
Figures are not available for previous years.

**Dr. Strang:** To ask the Secretary of State for Employment what was the average level of magistrates court fines for breaches of the Health and Safety at Work, etc. Act 1974 in *(a)* rural and *(b)* urban areas in each of the last 10 years. [19813]

**Mr. Oppenheim** *[holding answer 24 April 1995]:* Figures are not available separately for rural and urban areas or for the years before 1988–89. The average level of fines in the lower courts for breaches of the Health and Safety at Work, etc. Act 1974 and relevant statutory provisions in each of the last six years is shown in the table:

| Year | [1]Average level of fine £ |
|---|---|
| 1988–89 | 485 |
| 1989–90 | 567 |
| 1990–91 | 599 |
| 1991–92 | 587 |
| 1992–93 | 944 |
| 1993–94[2] | 1,842 |

[1]Figures are for Great Britain: magistrates courts in England and Wales; sheriff courts in Scotland.
[2]Provisional.

**Dr. Strang:** To ask the Secretary of State for Employment what was the average level of magistrates court fines for breaches of the Health and Safety at Work, etc. Act 1974 relating to pesticides in *(a)* rural and *(b)* urban areas in each of the last 10 years. [19814]

**Mr. Oppenheim** *[holding answer 24 April 1995]:* The information is not available in the form requested. The average level of fines in the lower courts for breaches of the Control of Pesticides Regulations 1986, made under the Food and Environment Protection Act 1985 in each of the last six years is shown in the table:

| Year | [1]Average fine per conviction £ |
|---|---|
| 1988–89 | 330 |
| 1989–90 | 338 |
| 1990–91 | 305 |
| 1991–92 | 142 |
| 1992–93 | 213 |
| 1993–94[2] | 286 |

[1]Figures are for Great Britain: magistrates courts in England and Wales; sheriff courts in Scotland.
[2]Provisional.

# EDUCATION

## Adult Education

13. **Mr. Hain:** To ask the Secretary of State for Education what representations she has received regarding local authorities' provision of adult education in 1995–96. [19180]

**Mr. Boswell:** My right hon. Friend has received a number of such representations.

## Parental Choice

14. **Mr. Evennett:** To ask the Secretary of State for Education what steps she is taking to promote parental choice; and if she will make a statement. [19181]

**Mr. Forth:** Parental choice is promoted by the publication of information in comparative performance tables and school prospectuses, by giving parents the right to express a preference for their choice of school and to vote for their school to become grant-maintained, by the establishment of city technology colleges, by enabling schools to become specialist technology and language colleges, by greater diversity in admission arrangements, and by the assisted places scheme.

### Administration Expenditure (Local Authorities)

15. **Sir Roger Moate:** To ask the Secretary of State for Education what assessment she has made of the adequacy of her powers to control expenditure on administration by local education authorities. [19183]

**Mr. Robin Squire:** It is for individual local education authorities to determine their own spending priorities within the resources available to them. It is to the local electorate that they must justify their decisions. I expect, however, that they will choose to give priority to front-line services, including schools.

### Further Education Colleges

16. **Mr. Luff:** To ask the Secretary of State for Education if she will make a statement on the funding of sixth form colleges and other colleges of further education. [19184]

**Mr. Boswell:** The funding available for FE colleges in 1995–96 will increase by 4 per cent. compared with 1994–95.

### Pupil Exclusions

17. **Mr. Congdon:** To ask the Secretary of State for Education if she will make a statement on the level of permanent exclusions from schools. [19185]

**Mr. Forth:** The Department has recently commissioned a survey to look at how local education authorities are discharging their new duty to provide education for pupils out of school by reason of exclusion or otherwise. This survey will also collect figures for permanent exclusions for the academic year 1993–94 and the period September to December 1994. The results should be available within the next month.

### School Performance

18. **Mr. Merchant:** To ask the Secretary of State for Education what assessments he has made of the comparative performance of grant-maintained schools and local education authority schools. [19186]

**Mr. Robin Squire:** On average, grant-maintained primary schools achieve better results at key stage 1 than LEA primary schools, and grant-maintained comprehensive schools achieve better GCSE results and higher attendance rates than their LEA counterparts. These comparisons remain true even when socio-economic differences in the schools' intakes are discounted.

### Older Students Allowance

19. **Mr. Tipping:** To ask the Secretary of State for Education how many students are currently entitled to the older students allowance. [19187]

**Mr. Boswell:** About 32,000 students were eligible for the allowance as a part of a mandatory award in 1992–93, the latest year for which figures are available.

24. **Ms Corston:** To ask the Secretary of State for Education what representations she has received regarding the withdrawal of the older students allowance. [19192]

**Mr. Boswell:** My right hon. Friend has received a number of representations, including those from university administrators and student unions.

**Mrs. Anne Campbell:** To ask the Secretary of State for Education how many mature students were allocated the full amount of the mature students grant. [20791]

**Mr. Boswell:** Provisional figures for the academic year 1993–94 show that local education authorities in England and Wales made 40,000 older students' allowances as part of mandatory awards to students domiciled in their areas. The older students' allowance forms part of the mandatory award for eligible students, but because the award is means-tested it is not possible to identify how many students received the full value of the allowance within the payable award.

### Technical and Mathematical Education

20. **Mr. Dalyell:** To ask the Secretary of State for Education what representations she has received from Japan about technical and mathematical education in the United Kingdom; what response she is making; and if she will make a statement. [19188]

**Mr. Forth:** We have received no formal representations from Japan about technical and mathematical education.

### Student Financial Support

21. **Mr. Canavan:** To ask the Secretary of State for Education what recent representations she has received about financial support for students; and if she will make a statement. [19189]

**Mr. Boswell:** My right hon. Friend has received a number of representations about financial support for students.

**Mr. Welsh:** To ask the Secretary of State for Education if she will list the level of grant available to students in *(a)* further and *(b)* higher education in each European Union member state for each year since 1990; and what percentage increase or decrease this represents compared to the previous year; [21007]

(2) what information she has on the projected level of grant available to students in *(a)* further and *(b)* higher education for each of the five years for each of the European Union member states; and what percentage increase or decrease this represents relative to projection for the previous year. [20869]

**Mr. Boswell:** Systems of financial support for students undertaking further and higher education courses vary widely across the EU, and the information requested is not available in a comparable form. The guide "The Main Systems of Financial Assistance for Students in Higher Education in the European Community", published by EURYDICE, provides a useful summary of the system in each member state. Copies were placed in the Library last year.

**Mrs. Anne Campbell:** To ask the Secretary of State for Education what sources of funding are available to students who undertake degree courses as mature students. [20792]

**Mr. Boswell:** Mandatory awards and student loans are available as of right to personally eligible mature students on most full-time higher education courses. There are also various postgraduate bursary schemes. Local education authorities can make discretionary awards to mature students who are not personally eligible for mandatory awards. Access funds are available for full-time mature students and certain students have retained eligibility for some benefits.

### Education, Derbyshire

22. **Mr. Barnes:** To ask the Secretary of State for Education what representations she has received this year concerning education in Derbyshire; and if she will make a statement. [19190]

**Mr. Robin Squire:** Ministers have received a number of letters, covering various topics, both from the hon. Members representing Derbyshire and their constituents. In recent weeks, I have met separate delegations about capital funding for the authority's schools, one led by my hon. Friend the Member for Erewash (Mrs. Knight) and the other led by the hon. Member for Bolsover (Mr. Skinner).

### School Standards

25. **Mr. Amess:** To ask the Secretary of State for Education what measures she is taking to boost overall standards in schools. [19193]

**Mr. Robin Squire:** One of the most important forces for improving standards and raising expectations is the national curriculum and its assessment. The independent schools inspectorate has confirmed that both are already helping to raise standards. The revisions to the national curriculum approved by my right hon. Friend, which come into effect from this autumn, will continue our drive for further improvement.

Other Government policies are also aimed at higher standards, including the regular inspection of publicly funded schools, the promotion of choice for parents and of greater diversity among schools, the publication in performance tables of more information about schools' attainments, and a wider-ranging programme to raise teacher training standards.

### Grant-maintained Schools, East Sussex

26. **Mr. Waterson:** To ask the Secretary of State for Education how many grant-maintained schools there are in East Sussex. [19194]

**Mr. Robin Squire:** None. More than 98 per cent. of parents in East Sussex have not yet had the opportunity to vote in a ballot on GM status for their children's schools.

### School Funding

27. **Mr. Rendel:** To ask the Secretary of State for Education what plans she has to safeguard the funding of schools in the new unitary authorities. [19195]

**Mr. Robin Squire:** Each new authority will receive its fair share of the national standard spending assessment totals. It will be for the new authorities themselves to decide priorities between different services within the total resources available. The Department will be ensuring that these authorities are adequately briefed on their education responsibilities, including local management of schools.

### School Places

28. **Mr. Cyril D. Townsend:** To ask the Secretary of State for Education what plans she has to amend the regulations governing the priority to be given to proximity and local authority area in the allocation of school places. [19196]

**Mr. Robin Squire:** Circular 6/93 advises that admission arrangements should be fair and objective, and must of course respect any judgments of the courts. The criteria that may be used in the event of oversubscription are not the subject of regulation.

### Class Sizes

29. **Mr. Raynsford:** To ask the Secretary of State for Education what is the average class size in *(a)* private schools and *(b)* schools run by local education authorities for (i) primary schools and (ii) secondary schools in England. [19197]

**Mr. Robin Squire:** In January 1994 the average sizes of single-teacher classes in primary and secondary schools in England maintained by local education authorities were 26.9 and 21.5 respectively. These figures do not include grant-maintained schools.

Information on class sizes in independent schools is not collected centrally.

### Schools' Financial Forecasts

**Mr. Harry Greenway:** To ask the Secretary of State for Education what steps she is taking to ascertain the validity of individual schools' predicted deficits or surpluses for the coming year: and if she will make a statement. [19505]

**Mr. Robin Squire:** The Department collects no information on individual schools' forecasts, as distinct from actual surpluses and deficits.

### Higher Education Review

**Mr. Beith:** To ask the Secretary of State for Education how many submissions she has received to her Department for review of higher education; if she will list the organisations and individuals who have submitted evidence; and if she will publish this evidence. [19991]

**Mr. Boswell:** My right hon. Friend has received almost 100 submissions to her review of higher education, including copies of comments submitted to my right hon. Friends the Secretaries of State for Scotland and for Wales. A list of the organisations and individuals who have commented is being placed in the Library. Subject to their agreement, we intend shortly to make their submissions publicly available.

### Publications

**Mr. Tipping:** To ask the Secretary of State for Education if she will list the publications she has sent to *(a)* primary, *(b)* secondary and *(c)* grant-maintained schools in 1994–95. [20405]

**Mr. Robin Squire:** During the financial year 1994–95, the DFE sent the following publications to schools.

| *Title* | *Primary* | *Secondary* | *Grant-maintained* |
|---|---|---|---|
| *Competitiveness:* Helping Business to Win | * | * | * |
| *Education Means Business:* Private Finance in Education | * | * | * |
| *Governors' Guides to the Law:* GM Schools | — | — | * |
| Voluntary Aided Schools | * | * | — |
| County Controlled and Special Agreement Schools | * | * | — |
| GM Bulletin (2 editions) | — | — | * |
| *GM Schools:* 1994/95 Funding Worksheet | * | * | * |
| *GM Schools:* Appeal Committee Information Pack | — | — | * |
| How To Become a GM School | * | * | * |
| *National School Tests in 1995:* A Guide for Parents | * | * | * |
| Revised National Curriculum Subject Orders | * | * | * |
| School and College Performance Tables 1994 | — | * | * |
| School Teachers' Review Body–Fourth Report | * | * | * |
| Schools Update (Termly Newsletter for teachers and governors) | * | * | * |
| Secondary School Performance Tables 1994 | * | * | * |
| *Special Educational Needs:* A Guide for Parents | * | * | * |
| *Special Educational Needs:* A Guide to the Tribunal | * | * | * |
| *Special Educational Needs:* Code of Practice | * | * | * |
| Teachers' Pay and Conditions Document (1994) | * | * | * |
| Testing 7 year olds Results (1994) | * | — | * |
| Testing 14 year olds Results (1994) | — | * | * |
| Updated Parent's Charter (1994) | * | * | * |

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Education which of the executive non-departmental public bodies sponsored by her Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meeting and *(e)* registers of members' interests; and whether in each case this is (i) under a statutory requirement or (ii) voluntary. [20491]

**Mr. Boswell:** The information requested is shown in the table.

| *Name of Body* | *Annual Reports* | *Annual Accounts* | *Minutes of Meetings* | *Agendas of Meetings* | *Registers of Members' interests* |
|---|---|---|---|---|---|
| Centre for Information on Language Teaching and Research (CILT) | yes | yes | no | no | no |
| Education Assets Board (EAB) | no | [1]yes | no | no | no |
| Funding Agency for Schools (FAS) | yes | [1]yes | no | no | no |
| Further Education Funding Council (FEFC) | yes | [1]yes | no | no | no |
| Higher Education Funding Council for England (HEFCE) | yes | [1]yes | no | no | no |
| National Council for Educational Technology (NCET) | yes | [1]yes | no | no | no |
| National Youth Agency (NYA) | yes | yes | no | no | no |
| School Curriculum and Assessment Authority (SCAA) | yes | yes | no | no | no |
| Teacher Training Agency (TTA) | [1]yes | [1]yes | no | no | no |

[1] Statutory requirements.

**Dr. Wright:** To ask the Secretary of State for Education if she will list the executive non-departmental public bodies sponsored by her department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20654]

**Mr. Boswell:** The information requested is being collected. I shall write to the hon. Member as soon as possible.

### Foreign Language Teaching

**Mr. Welsh:** To ask the Secretary of State for Education what provision is currently available in each European Union member state for the teaching of foreign languages to children under 12 years of age. [21003]

**Mr. Forth:** My Department does not collect information about the teaching of foreign languages in other European Union countries. I understand that relevant information can be found in the EURYDICE publication "The teaching of modern foreign languages in primary and secondary education in the European Community", which is available from the Eurydice Unit London, National Foundation for Educational Research, The Mere, Upton Park, Slough, Berkshire, SL1 2DQ.

In England and Wales, the national curriculum requires that all children must learn a modern foreign language from the first year of secondary education, that is, when the majority of pupils are 11 years old. Primary schools in England and Wales are not required to teach modern foreign languages and my Department does not collect information on the matter.

The hon. Gentleman may be interested to know, however, that the Centre for Information on Language Teaching and Research recently carried out a survey, "Modern Foreign Languages in Primary Schools", which covered England, Wales, Northern Ireland, the Channel Islands and the Isle of Man. Fifty-three out of 125 local education authorities responded. The results showed that some 1,919 primary schools, or 22 per cent. of those in the sample, provided some foreign language tuition.

Questions about educational provision in Scotland and Northern Ireland should be addressed to the Secretaries of State for Scotland and for Northern Ireland.

### North Yorkshire Council Education Department

**Mr. Robert Banks:** To ask the Secretary of State for Education what is the numbers of full-time and part-time staff employed in the education department of the North Yorkshire county council for each of the last 10 years. [20831]

**Mr. Robin Squire:** The information is not available. Information on staff employed by local authorities is collected in a survey conducted by the Local Government Management Board, but the survey does not distinguish between staff employed in schools and those employed elsewhere.

### Student Loans

**Mr. Kilfoyle:** To ask the Secretary of State for Education what percentage of student loan borrowers whose payments have been deferred on grounds of level of income earn *(a)* one half of national average earnings or less and *(b)* two thirds of national average earnings or less; and what percentage of those borrowers are unemployed. [20828]

**Mr. Boswell:** This information is not collected centrally or held by the Student Loans Company.

### Pupil-teacher Ratios

**Mr. David Martin:** To ask the Secretary of State for Education what was the pupil-teacher ratio in *(a)* primary and *(b)* secondary schools in Hampshire in 1979; and what are the current figures. [20789]

**Mr. Robin Squire:** The information requested is shown in the table.

*Pupil-teacher ratios in maintained primary and secondary schools in Hampshire local education authority area in 1979 and 1994*
*Position in January each year*

| | Primary schools | Secondary schools |
|---|---|---|
| 1979 | 24.6 | 17.4 |
| 1994 | 22.4 | 16.4 |

**Sir Ralph Howell:** To ask the Secretary of State for Education if she will state *(a)* the pupil-teacher ratio and *(b)* the average class size in (i) 1965, (ii) 1975, (iii) 1985 and (iv) 1995. [20393]

**Mr. Robin Squire:** Available information on pupil-teacher ratios and classes sizes is shown in the table. Provisional information for 1995 will be available in July.

*Pupil: teacher ratios and average class sizes in maintained primary and secondary schools in England*

*Position in January each year*

| | Pupil: teacher ratios | | [1]Average size of single teacher classes | |
|---|---|---|---|---|
| | Primary | Secondary[2] | Primary | Secondary[2] |
| 1965 | 28.6 | 18.7 | [3]— | [3]— |
| 1975 | 24.2 | 17.2 | [3]— | 21.7 |
| 1985 | 22.2 | 16.2 | 24.9 | 20.6 |
| 1994[4] | 22.7 | 16.4 | 26.4 | 21.4 |

[1] Classes as taught during a single selected period on the census day.
[2] Figures shown for 1985 exclude sixth form colleges which ceased to be classified as schools in April 1993. Data which excludes sixth form colleges for years 1965 and 1975 are not readily available.
[3] Comparable information not available.
[4] The latest year for which information is available.

### Youth Credits

**Mr. Thurnham:** To ask the Secretary of State for Education what guidance has been issued to colleges regarding the national implementation of youth credits. [20777]

**Mr. Boswell:** Earlier this month, the Further Education Funding Council circulated a letter to colleges clarifying the position of young people already on courses at colleges. The Department for Education, the Employment Department, the TEC National Council and the Further Education Funding Council are currently finalising a joint note containing more extensive guidance which will be circulated to colleges shortly.

### University Careers Service

**Mr. Sheerman:** To ask the Secretary of State for Education what is the cost to her Department of the University Careers Service. [20559]

**Mr. Boswell:** This information is not collected centrally. Individual universities decide what careers advice services to provide for their students from within their overall resources.

### National Vocational Qualifications

**Mr. Colvin:** To ask the Secretary of State for Education if she will make a statement on the relative merits and successes of general national vocational qualifications and national vocational qualifications. [20575]

**Mr. Boswell:** General national vocational qualifications provide a broad vocational education, as a preparation for employment, further training or higher education. They are proving a great success, with over 160,000 new registrations this year. Evidence from Ofsted and the Further Education Funding Council inspectorate shows that GNVQs are motivating students of all abilities to achieve and succeed. The Government are making available an additional £29 million over the next three years to develop and improve the qualifications further, and to ensure that they are rigorous enough to claim parity of esteem with more familiar qualifications.

Substantial progress has also been made with NVQs, which are the responsibility of my right hon. Friend the Secretary of State for Employment: 86 per cent. of the employed population is now covered by NVQs and almost 765,000 have been awarded. The Government are determined that all NVQs should be of consistently high quality; to that end, a survey of the top 100 NVQs is being carried out this year, with all NVQs being reviewed by March 1998.

## DEFENCE

### BMARC

**Mr. Wilson:** To ask the Secretary of State for Defence what information he has on the export of arms to *(a)* Iran and *(b)* Iraq by BMARC between 1988 and 1991. [19081]

**Mr. Freeman:** No licences were granted for the export of defence equipment from BMARC to Iran between 1988 and 1991. The question of the export of defence equipment to Iraq between 1984 and 1990 is being considered by Sir Richard Scott's inquiry and it would be inappropriate for me to comment until Sir Richard has reported. A trade and economic embargo against Iraq prohibited the export of such equipment from 8 August 1990.

**Mr. Wilson:** To ask the Secretary of State for Defence when his Department was first informed of allegations that Singapore was a conduit for arms exported by the company BMARC to Iran. [19078]

**Mr. Freeman:** As far as can be ascertained, the Ministry of Defence first became aware of these allegations during evidence given to the Trade and Industry Select Committee, HC 86-x 1991-9.

### Porton Down Experiments

**Dr. David Clark:** To ask the Secretary of State for Defence on what occasions his Department has paid financial compensation to individuals as a consequence of experiments carried out at Porton Down, which experiments resulted in the payment of compensation; and how much compensation was paid. [20848]

**Mr. Freeman:** None. In no case over the past 40 years has injury or illness been shown to have resulted from participation in studies at Porton Down.

**Dr. David Clark:** To ask the Secretary of State for Defence if he will specify the total number of people who have been used in *(a)* radiological, *(b)* chemical and *(c)* biological experiments by his Department in each of the last 30 years. [20850]

**Mr. Freeman:** A small number of volunteers have taken part in ethically supervised studies, involving the low intake of short-lived radio-isotopes, over many years. The total number involved is not held centrally. The number of volunteers participating in experiments at the Chemical and Biological Defence Establishment in each of the last 30 years was set out in the answer given to the hon. Member for Leeds, Central (Mr. Fatchett) on 20 March, *Official Report*, column 77.

### Nuclear Weapons

**Dr. David Clark:** To ask the Secretary of State for Defence what experiments his Department have undertaken to determine the extent and effect of a nuclear attack on a British city. [20972]

**Mr. Freeman:** Studies have been conducted over many years to assess the effects of nuclear weapons.

### Official Service Residences

**Dr. David Clark:** To ask the Secretary of State for Defence if he will list the number of overnight guests staying at each of his Department's official service residences during the last five years. [20849]

**Mr. Freeman:** The number of overnight guests staying at official service residences are shown in the table, but information is available only for the periods shown in the table. A number of OSRs, particularly those in London, are not large enough to accommodate guests. In addition, the number of overnight stays may be understated in some cases because records have not always been retained, particularly where a change of occupancy has occurred.

| *Residence* | *Period* | *Number of Guests* |
|---|---|---|
| 1 | September 1992–July 1994 | 0 |
| 2 | September 1992–July 1994 | 6 |
| 3 | July 1994–February 1995 | 32 |
| 4 | June 1993–August 1994 | 6 |
| 5 | January 1993–September 1994 | 36 |
| 6 | January 1993–June 1994 | 11 |
| 7 | December 1993–July 1994 | 30 |
| 8 | July 1992–September 1994 | 28 |
| 9 | March 1994–July 1994 | 3 |
| 10 | August 1992–July 1994 | 16 |
| 11 | November 1992–July 1994 | 16 |
| 12 | September 1992–July 1994 | 0 |
| 13 | September 1992–July 1994 | Note 1 |
| 14 | October 1993–July 1994 | Note 1 |
| 15 | October 1992–September 1994 | 84 |
| 16 | September 1992–August 1994 | 106 |
| 17 | September 1992–July 1994 | 20 |
| 18 | September 1992–August 1994 | 210 |
| 19 | September 1992–July 1994 | 9 |
| 20 | September 1993–July 1994 | 41 |
| 21 | November 1992–August 1994 | 123 |
| 22 | April 1993–July 1994 | 7 |
| 23 | August 1992–July 1994 | 28 |
| 24 | September 1992–July 1994 | 8 |
| 25 | September 1992–July 1994 | Note 1 |
| 26 | Note 2 | 0 |
| 27 | September 1992–October 1994 | 0 |
| 28 | August 1992–July 1994 | 17 |
| 29 | May 1994–September 1994 | 2 |
| 30 | September 1992–July 1994 | Note 1 |
| 31 | September 1992–July 1994 | 54 |
| 32 | September 1993–April 1994 | Note 1 |
| 33 | September 1992–July 1994 | Note 1 |
| 34 | September 1992–July 1994 | 9 |
| 35 | August 1992–July 1994 | 70 |
| 36 | May 1993–July 1994 | 64 |
| 37 | September 1992–July 1994 | 56 |
| 38 | April 1994–February 1995 | 12 |
| 39 | April 1993–June 1994 | 30 |
| 40 | June 1993–October 1994 | Note 1 |
| 41 | January 1994–September 1994 | 7 |
| 42 | January 1994–February 1995 | 14 |
| 43 | October 1993–August 1994 | Note 1 |
| 44 | March 1993–July 1994 | Note 1 |
| 45 | February 1993–July 1994 | 25 |
| 46 | August 1993–August 1994 | 73 |
| 47 | October 1992–March 1994 | Note 1 |
| 48 | November 1991–May 1994 | 30 |
| 49 | October 1992–June 1994 | 81 |
| 50 | August 1992–July 1994 | 19 |
| 51 | April 1993–April 1994 | 57 |
| 52 | February 1993–July 1994 | Note 1 |
| 53 | February 1993–July 1994 | Note 1 |
| 54 | April 1993–August 1994 | 51 |
| 55 | September 1992–September 1994 | 34 |
| 56 | April 1993–June 1994 | 0 |
| 57 | August 1992–July 1994 | 109 |
| 58 | Note 2 | 0 |
| 59 | August 1992–July 1994 | 72 |
| 60 | April 1994–August 1994 | 2 |
| 61 | December 1993–July 1994 | 5 |
| 62 | July 1993–July 1994 | 78 |
| 63 | September 1992–July 1994 | 40 |
| 64 | August 1992–July 1994 | 40 |
| 65 | August 1992–July 1994 | 52 |
| 66 | September 1992–July 1994 | 26 |
| 67 | August 1992–July 1994 | 38 |
| 68 | August 1992–July 1994 | 16 |
| 69 | April 1994–August 1994 | 13 |
| 70 | February 1994–August 1994 | 14 |
| 71 | August 1992–August 1994 | 91 |
| 72 | August 1992–July 1994 | 41 |
| 73 | September 1992–July 1994 | 63 |
| 74 | August 1992–July 1994 | 116 |
| 75 | August 1992–July 1994 | 91 |

Residence numbers relate to those provided in the written answer given to the hon. Member for Wallsend (Mr. Byers) by the Minister of State for the Armed Forces on 20 March, *Official Report*, column *80*.

*Notes:*

1 Records not readily available.

2 New OSR—overnight stays yet recorded.

### Arms Industry

**Mr. Jim Cunningham:** To ask the Secretary of State for Defence what growth targets for the European arms industry he has discussed with his European colleagues. [19444]

**Mr. Freeman:** Although the Departments takes an interest in the overall size and shape of the defence industry, the setting of growth targets is a matter for industry itself.

### Household Cavalry

**Mr. Meale:** To ask the Secretary of State for Defence what equestrian winter training activities are conducted by the Household Cavalry. [19541]

**Mr. Freeman:** The Household Cavalry Mounted Regiment's equestrian winter training activities which are required to maintained the standards of equitation necessary for their ceremonial duties, consist of cross-country riding, hacking, indoor and outdoor schooling, jumping hunting and drag hunting.

### Overseas Posts

**Mr. Fatchett:** To ask the Secretary of State for Defence, pursuant to his answer of 20 March, *Official Report*, columns *75-76*, (1) if he will list the other allowances currently at the disposal of service attachés and defence advisers in each overseas post, giving the value in each case; and if he will make a statement; [19274]

(2) if he will list the number and location of British defence liaison staff employed overseas; if he will set out the current official entertainment allowance to which each post holder is entitled; if he will give the total cost of each posting for the last financial year for which information is available; and if he will make a statement; [19162]

(3) if he will make a statement on the role and function of British defence liaison staff employed overseas. [19163]

**Mr. Freeman:** British defence liaison staff is a term which is used in some cases to describe the office of the British defence attaché or adviser and their numbers are not identified separately from lists of attachés and advisers. In addition to those cost of living and related allowances which are received by all service men and civil servants deployed abroad, service and defence attachés and advisers are eligible for the following allowances, which are calculated, monitored and revised by the Foreign Office.

*Plowden allowances—£*
*(per capita rates for defence attachés/advisers)*

| *Post* | [1]*Rep Sup* | [2]*RAA* | [3]*AIRS/DGH* | [4]*Babysitting* | [5]*Local Nanny* | [6]*UK Nanny* |
|---|---|---|---|---|---|---|
| Abu Dhabi | 1,902 | 3,203 | 1,821 | 1,687 | — | — |
| Accra | 1,633 | 2,256 | 2,520 | 469 | — | — |
| Algiers | 1,784 | 3,203 | 598 | 1,911 | 3,030 | — |
| Amman | 2,751 | 3,203 | 2,895 | 2,282 | — | — |
| Ankara | 2,419 | 3,203 | 475 | 779 | — | — |
| Athens | 3,115 | 3,203 | 4,986 | 1,507 | — | — |
| Bangkok | 2,442 | 3,203 | 3,063 | 721 | — | — |
| Beirut | 2,355 | 2,256 | 2,329 | 615 | — | — |
| Belgrade | 1,212 | 3,203 | 2,533 | 1,533 | — | — |
| Berne | 3,502 | 2,256 | 5,410 | 6,155 | — | — |
| Bogota | 4,448 | 2,256 | 1,162 | 2,056 | — | — |
| Bonn | 2,471 | 3,203 | 9,365 | 2,579 | — | — |
| Brasilia | 2,493 | 3,203 | 2,299 | 1,950 | 5,093 | — |
| Bratislava | 1,536 | 2,256 | 930 | 666 | — | — |
| Bridgetown | 2,037 | 3,203 | 2,571 | 3,634 | — | — |
| Brussels | 2,204 | 3,203 | 3,204 | 3,255 | — | — |
| Bucharest | 1,903 | 2,256 | 426 | 1,327 | — | — |
| Budapest | 1,886 | 3,203 | 3,649 | 1,396 | 6,423 | — |
| Buenos Aires | 3,922 | 3,203 | 1,747 | 5,059 | 11,699 | — |
| Cairo | 2,249 | 3,203 | 6,156 | 1,559 | — | — |
| Canberra | 2,373 | 4,656 | 9,522 | 3,120 | — | — |
| Caracas | 2,066 | 3,203 | 1,024 | 501 | 3,007 | — |
| Copenhagen | 4,295 | 2,256 | 4,920 | 2,550 | — | — |
| Damascus | 1,970 | 3,203 | 1,859 | 1,706 | — | — |
| Dhaka | 1,880 | 3,203 | 1,692 | — | — | — |
| Dublin | 2,564 | 3,203 | 3,520 | 2,251 | — | — |
| Guatemala City | 1,888 | 3,203 | 728 | 275 | — | — |
| The Hague | 3,125 | 3,203 | 3,049 | 1,631 | — | — |
| Harare | 1,752 | 3,203 | 1,400 | 487 | — | — |
| Helsinki | 3,130 | 2,256 | 956 | 2,133 | — | — |
| Islamabad | 1,927 | 3,203 | 2,494 | — | 1,308 | 6,470 |
| Jakarta | 1,656 | 3,203 | 655 | 326 | — | — |
| Kampala | 1,923 | 2,256 | 1,493 | 525 | — | — |
| Kathmandu | 1,359 | 3,203 | 1,159 | 351 | — | — |
| Kiev | 3,806 | 3,203 | 1,710 | 105 | — | — |
| Kingston | 1,804 | 3,203 | 1,145 | 583 | — | — |
| Kuala Lumpur | 2,000 | 3,203 | 3,291 | 1,610 | — | — |
| Kuwait City | 2,083 | 3,203 | 1,912 | 1,263 | — | — |
| Lagos | 2,913 | 3,203 | 1,260 | 671 | 2,266 | — |
| Lisbon | 2,629 | 2,256 | 6,045 | 1,853 | 5,676 | — |
| Madrid | 1,415 | 3,203 | 4,052 | 2,141 | — | 4,697 |
| Mexico City | 2,076 | 3,203 | 4,820 | 2,365 | — | — |
| Moscow | 1,745 | 3,203 | 4,893 | 2,493 | — | 10,483 |
| Muscat | 2,408 | 3,203 | 2,721 | 1,329 | — | — |
| Nairobi | 2,248 | 3,203 | 832 | 517 | — | — |
| New Delhi | 2,016 | 3,203 | 2,339 | 489 | 1,622 | — |
| Nicosia | 2,257 | 3,203 | 7,923 | 2,930 | 5,571 | — |
| Oslo | 2,836 | 2,256 | 1,345 | 3,146 | — | — |
| Ottawa | 2,929 | 3,203 | 7,693 | 2,696 | — | — |
| Paris | 3,576 | 3,203 | 11,813 | 3,129 | 9,895 | — |
| Peking | 4,137 | 3,203 | 1,710 | 904 | — | 9,778 |
| Prague | 1,908 | 3,203 | 4,650 | 1,318 | — | — |
| Pretoria | 2,211 | 3,203 | 3,890 | 981 | — | — |
| Rabat | 1,847 | 2,256 | — | 594 | 2,311 | — |
| Riga | 1,399 | 3,203 | 211 | 1,367 | — | 5,715 |
| Riyadh | 2,469 | 3,203 | 9,108 | 2,439 | 5,128 | — |
| Rome | 3,647 | 3,203 | 5,613 | 3,581 | — | 5,433 |
| Santiago | 2,661 | 3,203 | 3,296 | 1,282 | 2,280 | — |
| Seoul | 2,967 | 3,203 | 8,643 | 2,175 | — | — |

*Plowden allowances—£*
*(per capita rates for defence attachés/advisers)*

| *Post* | [1]*Rep Sup* | [2]*RAA* | [3]*AIRS/DGH* | [4]*Babysitting* | [5]*Local Nanny* | [6]*UK Nanny* |
|---|---|---|---|---|---|---|
| Singapore | 3,435 | 3,203 | 4,638 | 1,955 | — | — |
| Sofia | 1,905 | 2,256 | 924 | 380 | — | — |
| Stockholm | 3,577 | 3,203 | 2,730 | 2,750 | — | — |
| Tel Aviv | 2,455 | 3,203 | 5,621 | 3,519 | — | — |
| Tokyo | 4,035 | 3,203 | 15,705 | 5,671 | — | — |
| Vienna | 1,892 | 2,256 | 5,069 | 2,254 | — | — |
| Warsaw | 3,152 | 3,203 | 1,983 | 1,212 | — | — |
| Washington (7) | 10,936 | 2,223 | 16,601 | — | — | — |
| Wellington | 2,526 | 3,203 | 3,246 | 1,262 | — | — |
| Zagreb | 1,526 | 2,256 | 463 | 1,016 | — | — |

*Plowden allowances—£*
*(per capita rates for service attachés/advisers)*

| *Post* | [1]*Rep Sup* | [2]*RAA* | [3]*AIRS/DGH* | [4]*Babysitting* | [5]*Local Nanny* | [6]*UK Nanny* |
|---|---|---|---|---|---|---|
| Abu Dhabi AA | 1,902 | 2,256 | 1,821 | — | — | — |
| Amman AA | 2,751 | 2,256 | 2,895 | 2,282 | — | — |
| Ankara AA | 2,419 | 2,256 | 475 | 779 | — | — |
| Athens NA/AA | 3,115 | 3,203 | 4,986 | 1,507 | — | — |
| Bonn NA | 2,903 | 3,203 | 9,365 | 2,579 | — | — |
| Bonn AA | 2,903 | 3,203 | 9,365 | 2,579 | — | — |
| Bonn ADA | 1,246 | 1,689 | 7,004 | 2,579 | — | — |
| Brasilia NA | 2,493 | 3,203 | 2,299 | 1,950 | 5,093 | — |
| Buenos Aires AA | 2,586 | 3,203 | Nil | 4,216 | 11,699 | — |
| Cairo NA/AA | 2,249 | 2,256 | 6,156 | 1,559 | — | — |
| Canberra MA | 2,756 | 3,203 | 8,141 | 3,120 | — | — |
| Canberra AA | 2,756 | 3,203 | 8,141 | 3,120 | — | — |
| The Hague MA/AA | 3,125 | 2,256 | 3,049 | 1,631 | — | — |
| Islamabad NA/AA | 2,000 | 3,203 | 2,494 | — | 1,308 | 6,470 |
| Kuala Lumpur ADA | 1,232 | 1,689 | 1,764 | 1,610 | — | — |
| Madrid MA/AA | 1,415 | 3,203 | 4,052 | 2,141 | — | 4,497 |
| Moscow NA | 1,744 | 3,203 | 4,893 | 2,493 | — | 10,483 |
| Moscow MA | 1,744 | 3,203 | 4,893 | 2,493 | — | 10,483 |
| Moscow ANA | 2,167 | 1,689 | 1,435 | 2,493 | — | 10,483 |
| Moscow AMA | 2,167 | 1,689 | 1,435 | 2,493 | — | 10,483 |
| Moscow AAA | 2,167 | 1,689 | 1,435 | 2,493 | — | 10,483 |
| Muscat NA/AA | 2,377 | 2,256 | 2,721 | 1,329 | — | — |
| New Delhi NA | 1,507 | 3,203 | 1,573 | 489 | 1,622 | — |
| New Delhi AA | 1,507 | 3,203 | 1,573 | 489 | 1,622 | — |
| Oslo MA/AA | 2,114 | 2,256 | 808 | 2,622 | — | — |
| Paris NA | 3,274 | 3,203 | 8,012 | 3,129 | 9,895 | — |
| Paris MA | 3,274 | 3,203 | 8,012 | 3,129 | 9,895 | — |
| Paris AAA | 3,835 | 1,689 | 2,690 | 1,564 | 9,895 | — |
| Peking NA | 4,137 | 3,203 | 1,710 | 904 | — | 9,778 |
| Pretoria NA | 1,623 | 2,256 | 1,373 | 981 | — | — |
| Riyadh NA/AA | 1,686 | 2,256 | 1,947 | 1,524 | 5,128 | — |
| Rome NA | 3,647 | 3,203 | 5,613 | 3,581 | — | 5,433 |
| Rome AA | 3,647 | 3,203 | 5,613 | 3,581 | — | 5,433 |
| Seoul NA/AA | 2,967 | 3,203 | 8,643 | 2,175 | — | — |
| Singapore AA | 2,148 | 1,689 | 1,016 | 1,955 | — | — |
| Stockholm NA/MA | 2,946 | 2,256 | 2,067 | 2,750 | — | — |
| Tel Aviv NA/AA | 1,830 | 2,256 | 4,001 | 2,815 | — | — |
| Tokyo MA/AA | 4,035 | 3,203 | 15,705 | 5,671 | — | — |
| Washington NA | — | 3,186 | 11,283 | — | — | — |
| Washington MA | — | 3,186 | 11,283 | — | — | — |
| Washington AA | — | 3,186 | 11,283 | — | — | — |
| Washington ANA | — | 2,223 | 3,166 | — | — | — |
| Washington AMA | — | 2,223 | 3,166 | 2,522 | — | — |
| Washington AAA | — | 2,223 | 3,166 | 2,522 | — | — |
| Warsaw NA/MA | 2,152 | 2,256 | 1,983 | 1,212 | — | — |

*Explanatory Notes:*

[1]REP SUP—Representational supplement. To meet the cost of maintaining an official residence for representational purposes.

[2]RAA—Representational attachment allowance. Based on half diplomatic service allowance which is paid to FCO personnel only. Paid to compensate service personnel for additional expenditure incurred while performing a representational job which is outside the normal duties of a service career.

[3]AIRS/DGH—Accountable indirect representational supplement/domestic and gardening help. Specifically to assist the attaché/adviser with his representational functions and commitments only.

[4,5,6] AIRS/CC—Accountable indirect representational supplement/child care. Costs are divided into the three categories specified—only *one* allowance may be claimed, depending on circumstances, for children aged under 13.

[7] These figures include the head of the British defence staff—the defence attaché—the head of British defence intelligence liaison staff, and nine civilians accredited as attachés.

### Allowances

**Mr. David Shaw:** To ask the Secretary of State for Defence if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19665]

**Mr. Freeman:** The information requested is as follows:

| | *Year* | *£ million* |
|---|---|---|
| *(a)* | 1992–93 | 16.740 |
| | 1993–94 | 21.479 |
| | 1994–95 | 15.000 |

[1] The figures for 1994–95 is an estimate since figures for this period are not yet complete.

(b) This information is not readily available and could be provided only at disproportionate cost.

(c) Although information is not available is not in the form requested, the average cost of a move of home at public expense is:

| *Year* | *£* |
|---|---|
| 1992–93 | 25,000 |
| 1993–94 | 38,000 |
| 1994–95 | 30,000 |

### Advisers

**Ms Eagle:** To ask the Secretary of State for Defence how many advisers his Department employs broken down to show *(a)* political advisers and *(b)* economic advisers; at what grade and salary they are employed; and what are their minimum working hours in each case. [19428]

**Mr. Freeman:** My Department employs one political adviser. Salaries and conditions of work for political advisers are negotiated individually in relation to their previous earnings, and are confidential. Economic advice is obtained from career civil servants. My Department employs the following numbers by grade, all of whom are full time.

Grade 5: 1
Grade 7: 1
Senior economic assistant: 1

### Sock Tendering

**Mr. Hoon:** To ask the Secretary of State for Defence if he will give details of the organisation that won tender No. 4964A for the supply of men's wool/nylon black socks to his Department. [19441]

**Mr. Freeman:** Tender No. 4964A cannot be identified. However, a contract for men's wool/nylon black socks was recently let following a competitive tender. The winning tenderer was HG Sock Group Ltd. and the contract was placed on 16 February 1995.

### Departmental Dwellings

**Mr. Denham:** To ask the Secretary of State for Defence what is the number and location of *(a)* dwellings and *(b)* vacant dwellings owned by his Department in (i) each district of Hampshire and (ii) Hampshire.

**Mr. Freeman:** As at 31 March, my Department owned the following dwellings and vacant dwellings in Hampshire:

| | *Total Number owned* | *Number vacant* |
|---|---|---|
| Basingstoke | 21 | 1 |
| Portsmouth and Gosport | 3,546 | 462 |
| Petersfield | 137 | 13 |
| Middle Wallop | 536 | 42 |
| Winchester | 441 | 119 |
| Marchwood | 296 | 51 |
| Bordon | 707 | 114 |
| Aldershot | 2,293 | 271 |
| Odiham | 734 | 82 |
| Farnborough | 77 | 6 |
| Oakhanger | 92 | 0 |
| New Forest | 1 | 1 |

Statistics on Ministry of Defence dwellings are not maintained by local authority districts and such information could be obtained only at disproportionate cost. The locations listed are those of the service units, but the married quarters attached to those units may not necessarily be at the same location.

A large number of the vacant dwellings were undergoing or awaiting major maintenance, held for future deployments or formed part of the management margin needed to ensure that accommodation is available for entitled service families.

### Consultants

**Mr. Bayley:** To ask the Secretary of State for Defence, pursuant to his answer of 9 March, *Official Report*, column *349*, how much in total was spent by his Department on central consultancy contracts in 1993–94; and if he will list the 10 most valuable central consultancy contracts issued that year, indicating the nature of the work undertaken, the body awarded the contract and the fee paid, in each case. [19997]

**Mr. Freeman:** The number and value of consultancy contracts are not recorded centrally; thus the information could be provided only at disproportionate cost.

### Trident

**Mr. Home Robertson:** To ask the Secretary of State for Defence (1) how many Trident D5 II missiles have been procured; and how many more he intends to procure; [19107]

(2) how many MK6 guidance systems for Trident missiles are to be procured for the United Kingdom. [19109]

**Mr. Freeman:** The UK has procured 44 Trident D5 missiles to date. Final decisions have yet to be taken on how many more missiles are to be procured. The intention is to procure sufficient guidance sytems to support the eventual number of UK missiles.

**Mr. Home Robertson:** To ask the Secretaryof State for Defence if the United States authorities have made any increase in the price of D5 missiles due to reductions in the overall rate of manufacture of these missiles; and if he will make a statement. [19108]

**Mr. Freeman:** Price negotiated for the next order of Tirdent D5 missiles will not be finalised until late this

year, following the annual US authorisation and appropriations process.

**Mr. Home Robertson:** To ask the Secretary of State for Defence how many spare MK6 guidance systems are to be deployed in each United Kingdom Trident submarine. [19110]

**Mr. Freeman:** Each UK Trident submarine will generally carry one spare MK6 guidance system per four missiles.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Defence which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether in each case this is (i) under a statutory requirement or (ii) voluntary. [20492]

**Mr. Freeman:** The information requested in respect of MOD's executive non-departmental public bodies is as follows:

*(a)* and *(b)* there is a statutory right for the public to inspect the annual accounts for all the service museums, held by the Charities Commission; and for the annual report and accounts in respect of the Services Sound and Vision Corporation, held at Companies House and the Oil and Pipelines Agency. The OPA's annual report and accounts are also laid before each House of Parliament.

*(c)* and *(d)* the public do not have a statutory right to attend board meetings or to inspect the minutes of meetings of any of MOD's executive NDPBs.

*(e)* appointees for the OPA and SSVC are required to declare any personal interests and records are maintained. In the case of the SSVC any director's disclosures are also registered at Companies House.

**Dr. Wright:** To ask the Secretary of State for Defence if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20653]

**Mr. Freeman:** Although none of my Department's executive non-departmental public bodies are subject to *(a)* or *(b)*, they are all subject to the remaining provisions.

### University Air Squadrons

**Mr. Byers:** To ask the Secretary of State for Defence how many undergraduates are currently flying members of each university air squadron in 1994–95. [20846]

**Mr. Freeman:** The number of undergraduates who were flying members of each university air squadron on 1 March is as follows:

| | |
|---|---|
| Aberdeen, Dundee and St. Andrews | 42 |
| Birmingham | 47 |
| Bristol | 51 |
| Cambridge | 45 |
| East Lowlands | 47 |
| East Midlands | 53 |
| Glasgow and Strathclyde | 36 |
| Liverpool | 43 |
| London | 88 |
| Manchester and Salford | 47 |
| Northumbrian | 48 |
| Oxford | 54 |
| Queen's | 46 |
| Southampton | 57 |
| Wales | 43 |
| Yorkshire | 54 |

Squadron commanders are encouraged to recruit slightly in excess of the student pilot establishment at the start of each academic year to allow for those who subsequently drop out from training.

### RAF Valley

**Mr. Morgan:** To ask the Secretary of State for Defence what representations he has received with respect to the decision not to submit an in-house bid in the market-testing exercise for the support services at RAF Valley during the current financial year. [20863]

**Mr. Freeman:** The proposal for contractorisation of support services at RAF Valley without an in-house bid is currently the subject of national consultation. Consultation started on 20 April 1995 and ends on 5 June 1995. No representations have yet been received.

### Market Testing

**Mr. Morgan:** To ask the Secretary of State for Defence in what proportion of market-testing exercises under his Department's rubric in *(a)* 1993–94 and *(b)* 1994–95 have not been accompanied by in-house bids; what is the anticipated proportion of market-testing exercises without in-house bids during 1995–96. [20865]

**Mr. Freeman:** Market testing is an integral part of the wider "Competing for Quality" process, and involves testing the efficiency of an in-house service by exposing it to competition with commercial bidders.

In the 12-month period from 1 October 1993 to 30 September 1994, 42 defence support activities were subjected to the "Competing for Quality" process, of which five were market-tested and two were won by the in-house bid.

From 1 October 1994 to date, of the 23 activities examined only one has been subject to a market test. This was won by a commercial bidder.

It is not known what the anticipated proportion of market-testing exercises will be in 1995–96. This will depend on the outcome of feasibility studies which determine how best activities can be exposed to competition from the private sector.

**Mr. Morgan:** To ask the Secretary of State for Defence what guidelines he has issued to the Royal Air Force with respect to the circumstances in which the Air Force *(a)* will and *(b)* will not submit in-house bids in market-testing exercises for support services at RAF stations. [20864]

**Mr. Freeman:** No guidelines have been issued to the Royal Air Force with respect to the submission of in-house bids in market-testing exercises for support services at RAF stations. The circumstances of each activity or function will differ and each is looked at individually under the "Competing for Quality" procedures. Market testing is encouraged wherever it is the appropriate way forward.

**Mr. Morgan:** To ask the Secretary of State of Defence what target has been set for out-of-house successes in bids under market-testing procedures undertaken during the present financial year. [20866]

**Mr. Freeman:** No targets are set for out-of-house successes in bids under market-testing procedures in any financial year. The outcome of a market test is based solely on the merits and value for money and quality of service demonstrated by competing bidders.

### Aircraft Leases

**Dr. David Clark:** To ask the Secretary of State for Defence how many aircraft have been leased overseas in each of the last 10 years; and if he will specify the type of aircraft leased. [18296]

**Mr. Freeman** *[holding answer 4 April 1995]:* The only lease of MOD aircraft in the last 10 years to 31 March 1995 for which records can be found was of VC10 K3 tanker aircraft to the Italian air force on one occasion in 1987 and twice in 1988.

## TRANSPORT

### Foreign-registered Ships

**Mr. Flynn:** To ask the Secretary of State for Transport how many British-owned ships, excluding ferries, are registered under foreign flags; and under which flags they are registered. [19295]

**Mr. Norris:** The information requested is as follows:

*United Kingdom owned vessels[1] registered under foreign flags[2] at 31 December 1994*

| | *Number of vessels of 100 gross tons and over* | | |
|---|---|---|---|
| | *Trading vessels* | *Other vessels[3]* | *All vessels* |
| *Other registries* | | | |
| Australia | 3 | 1 | 4 |
| Bahamas | 91 | 11 | 102 |
| Barbados | 3 | 7 | 10 |
| Belize | 0 | 1 | 1 |
| Canada | 0 | 1 | 1 |
| Croatia | 1 | 0 | 1 |
| Denmark | 0 | 1 | 1 |
| France | 1 | 0 | 1 |
| French Antarctic Territory | 1 | 0 | 1 |
| Honduras | 3 | 1 | 4 |
| India | 1 | 0 | 1 |
| Irish Republic | 9 | 1 | 10 |
| Liberia | 12 | 1 | 13 |
| Nigeria | 1 | 2 | 3 |
| Norway (NIS) | 18 | 0 | 18 |
| Netherlands | 0 | 1 | 1 |
| Panama | 13 | 23 | 36 |
| Poland | 2 | 0 | 2 |
| St. Vincent and Grenadines | 11 | 19 | 30 |
| Vanuatu | 1 | 4 | 5 |
| Unknown | 3 | 7 | 10 |
| Total non-UK registries | 174 | 81 | 255 |

[1] Excluding ro-ro cargo and ro-ro passenger vessels.
[2] This is excluding ships registered in the UK, Crown dependencies, and dependent territories.
[3] Such as fishing vessels, tugs and offshore support vessels, together with passenger or cargo vessels deemed to be non-trading because of their current use.

**Mr. Flynn:** To ask the Secretary of State for Transport how many ferries operating from British ports are registered under foreign flags; and under which flags they are registered. [19297]

**Mr. Norris:** This is an operational matter for the Marine Safety Agency. I have asked the chief executive to write to the hon. Member.

*Letter from R. M. Bradley to Mr. Paul Flynn, dated 25 April 1995:*

The Secretary of State for Transport has asked me to reply to your Question about the number of foreign flagged ferries operating from ports in the United Kingdom.

As of 6 April 1995, there were 42 foreign registered ferries sailing from ports in the UK under the following flags:-

Bahamas
Belgium
Cyprus
Denmark
Eire
Faeroes
France
Greece
Netherlands
Norway
Sweden

### Shipping Safety

**Mr. Flynn:** To ask the Secretary of State for Transport what plans he has to delegate to classification societies *(a)* hull and machinery surveys on ferries and *(b)* any other inspections currently carried out by the Marine Safety Agency. [19296]

**Mr. Norris:** Regulations to allow the delegation of hull and machinery surveys on passenger ships are expected to be laid before Parliament shortly. These will not include delegation of hull and machinery surveys for roll-on roll-off ferries which will continue to be conducted by surveyors from the Marine Safety Agency. Pending the completion of work on ferry safety currently being undertaken in the International Maritime Organisation following the loss of the Estonia, it has been decided not to delegate these surveys to the originally planned timescale. There are no plans to delegate inspections currently carried out by the Marine Safety Agency.

**Mr. Flynn:** To ask the Secretary of State for Transport how many ships, excluding ferries, have been prevented from sailing by the Marine Safety Agency because they have not met safety standards over the last two years; which flags they were sailing under; and in which respects they failed to meet the standards. [19298]

**Mr. Norris:** This is an operational matter for the Marine Safety Agency. I have asked the chief executive to write to the hon. Member.

*Letter from R. M. Bradley to Mr. Paul Flynn, dated 25 April 1995:*

The Secretary of State for Transport has asked me to reply to your Question about the number of foreign flagged ships, excluding ferries, which have been prevented from sailing by the Marine Safety Agency (MSA) over the last two years.

Between January and December 1993 the Surveyor General's Organisation (as the MSA then was) detained 174 foreign flagged ships. Over the same period in 1994, the MSA detained 224 vessels. The ships were registered with the following states.

*Flag state*
Antilles Netherlands
Antigua and Barbuda

Azerbaijan
Bahamas
Belize
Bulgaria
Union of Myanmar
People's Republic of China
Cyprus
Denmark
France
Germany
Greece
Guinea-Bissau
Honduras
Iceland
India
Ireland
Italy
Latvia
Lebanon
Liberia
Lithuania
Luxemburg
Malta
Mexico
Morocco
Netherlands
Nigeria
Norway
Pakistan
Panama
Peru
Philippines
Poland
Portugal
Romania
Russia
Spain
St. Vincent and Grenadines
Sweden
Syria
Taiwan
Tunisia
Turkey
Ukraine
Vanuatu
Venezuela

In general, vessels were detained for failure to meet the standards for life saving, fire detection and fire fighting equipment, contravention of the load line provisions, deficiencies in radio installation, navigational equipment and the ship's structure. Detention was also imposed for failure to meet manning requirements and poor operational procedures. A summary of the defects which led to the detention of a ship can be found in the list of ships under detention in UK ports which has been published by the MSA each month since June 1994.

**Mr. Flynn:** To ask the Secretary of State for Transport how many ferries have been prevented from sailing by the Marine Safety Agency because they have not met safety standards over the last two years; which flags they were flying under; and in which respects they failed to meet the standards. [19299]

**Mr. Norris:** This is an operational matter for the Marine Safety Agency. I have asked the chief executive to write to the hon. Member.

*Letter from R. M. Bradley to Mr. Paul Flynn, dated 25 April 1995:*

The Secretary of State for Transport has asked me to reply to your Question about the number of ferries prevented from sailing by the Marine Safety Agency (MSA) over the last two years.

One ferry has been detained by the MSA in the last two years. In October 1994, during the inspection campaign conducted by the MSA after the loss of the ESTONIA, the Danish registered WINSTON CHURCHILL was detained when her stern door was found to be leaking after a hose test, due to failure of the rubber seal.

### Marine Safety Agency

**Mr. Flynn:** To ask the Secretary of State for Transport what was the budget of the Marine Safety Agency for the last two years; and what are the estimated budgets for this year and the next two years. [19300]

**Mr. Norris:** The gross budgets for the Marine Safety Agency for the financial years 1993–94 to 1997–98 are as follows:

| | *£ million* |
|---|---|
| 1993–94 | [1]28.5 |
| 1994–95 | 31.7 |
| 1995–96 | 30.8 |
| 1996–97 | 30.0 |
| 1997–98 | 30.0 |

[1] The Marine Safety Agency was not launched until 1 April 1994. The figure given for 1993–94 relates to the part of the Department of Transport which preceded the agency.

**Mr. Flynn:** To ask the Secretary of State for Transport what controls the Marine Safety Agency has over ships sailing in British waters which do not dock in British ports. [19301]

**Mr. Norris:** International law limits the right of coastal states to interfere with foreign-flagged ships exercising the right of innocent passage through territorial waters or transit passage through straits used in international navigation. Only if the ship has been involved in an accident or poses a threat of pollution or threatens the peace or security of the coastal state can the coastal state intervene.

The position of foreign-flagged ships anchored or operating in territorial waters, and not on innocent or transit passage, is different, and Lord Donaldson's report, "Safer Ships, Cleaner Seas", recommended that we should extend our powers in respect of such ships to the maximum extent allowed under international law. The Department will shortly issue a consultation paper on how this can be achieved. The consultation paper will take account of changes stemming from the recent adoption of an EC directive on port state control which provides for the inspection and, if appropriate, detention of foreign-flagged vessels anchored near a port or offshore installation.

### Ferries (Evacuation Procedures)

**Mr. Paul Flynn:** To ask the Secretary of State how many ferries operating out of British ports do not have facilities for 100 per cent. dry shod evacuation. [19302]

**Mr. Norris:** This is an operational matter for the Marine Safety Agency. I have asked the chief executive to write to the hon. Member.

*Letter from R. M. Bradley to Mr. Paul Flynn, dated 25 April 1995:*

The Secretary of State for Transport has asked me to reply to your question about the number of ferries operating with facilities for 100% dry-shod evacuation.

At present there are 49 vessels of British registry operating out of United Kingdom ports and of these 45 have 100% dry-shod evacuation capability.

With regard to the 45 foreign vessels the information requested is not available but the vessels must comply with the International Convention for the Safety of Life at Sea (SOLAS). Under that convention those constructed since 1 July 1986 will have the facility for over 100% dry-shod evacuation. As older ships are replaced the number with less than 100% dry shod evacuation will reduce.

## Herald of Free Enterprise Report

**Mr. Flynn:** To ask the Secretary of State for Transport which of the long-term recommendations of the Herald of Free Enterprise report have not yet been implemented; and when he expects these to be implemented. [19303]

**Mr. Norris:** All of the recommendations of the court of inquiry into the loss of the Herald of Free Enterprise have been taken forward. Of the long-term recommendations, after consultation and consideration, two were considered unnecessary and two others were addressed in alternative ways.

The Government believe that there are no recommendations left to be implemented. All have been considered and action taken where appropriate.

**Ms Walley:** To ask the Secretary of State for Transport if he will list the recommendations of the report into the Herald of Free Enterprise which to date have not been implemented and the target dates for implementation. [19388]

**Mr. Norris:** All the recommendations of the court of inquiry into the loss of the Herald of Free Enterprise have been taken forward. After consultation and consideration, one recommendation was not supported at the time and some others were not developed further in the light of subsequent technical appraisal, or were taken forward in ways different to those recommended by the inquiry for reasons of technical practicality or because of international developments.

The Government believe that there are no recommendations left to be implemented. All have been considered and action taken where appropriate.

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for Transport which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether this in each case is (i) under a statutory requirement or (ii) voluntary. [20506]

**Mr. Norris:** The information is as follows:

(a) The London Regional Passengers Committee and Traffic Director for London, each under a statutory requirement.

(b) The Traffic Director for London publishes annual accounts under a statutory requirement. My right hon. Friend is required by statute to lay before Parliament the accounts of the general lighthouse fund which consolidate the accounts of the general lighthouse authorities; the Corporation of Trinity House, the Commissioners of Northern Lighthouses and the Commissioners of Irish Lights. On a voluntary basis, the LRPC's accounts will, for the first time, be published in the annual report for 1994–95.

(c) Minutes of LRPC meetings are voluntarily circulated to interested organisations and made available to members of the public who attend meetings and to anyone else on request. As a statutory requirement, the LRPC sends minutes of meetings to my right hon. Friend, the Rail Regulator and the Central Rail Users Consultative Committee.

(d) The LRPC voluntarily circulates agendas of meetings to the press, local authorities and transport user groups and makes them available to members of the public on request.

(e) None.

**Dr. Wright:** To ask the Secretary of State for Transport if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20666]

**Mr. Norris:** The information is as follows:

(a) Traffic Director for London
Northern Lighthouse Board
Trinity House
London Regional Passengers Committee.

(b) and (c) Information on audit arrangements for all four bodies in (a), except the London Regional Passengers Committee, is set out in "Public Bodies 1994". From 1994–95 the LRPC is to be subject to NAO scrutiny.

(d) As for (a), where this is regarded as meaning compliance with the code of practice on open government.

(e) Performance indicators have been set for the Traffic Director for London. The London Regional Passengers Committee sets its own performance targets. A system of indicators for the general lighthouse authorities is under discussion.

(f) All bodies are encouraged to follow the principles of the citizens charter.

## Road Accidents (Over-60s)

**Mr. Burden:** To ask the Secretary of State for Transport what were the quarterly figures for deaths in road accidents for people aged 60 years and over in Birmingham for 1990 to 1994; and what were *(a)* the national figures for 1990 to 1994 and *(b)* the figures for his Department's baseline years of 1991 to 1985. [20800]

**Mr. Norris:** The information requested is shown in the following table. Data for 1994 are not yet available.

*Road accidents fatalities to people aged 60 and over: Birmingham metropolitan district council and Great Britain 1990–1993*

*Fatalities*

| *Calendar year* | *Quarter* | *Birmingham MDC* | *Great Britain* |
|---|---|---|---|
| 1990 | Quarter 1 | 3 | 387 |
| | Quarter 2 | 12 | 310 |
| | Quarter 3 | 4 | 291 |
| | Quarter 4 | 12 | 441 |
| 1991 | Quarter 1 | 6 | 286 |
| | Quarter 2 | 5 | 244 |
| | Quarter 3 | 4 | 308 |
| | Quarter 4 | 9 | 416 |
| 1992 | Quarter 1 | 7 | 280 |
| | Quarter 2 | 5 | 236 |
| | Quarter 3 | 3 | 294 |
| | Quarter 4 | 6 | 346 |
| 1993 | Quarter 1 | 3 | 278 |

*Road accidents fatalities to people aged 60 and over: Birmingham metropolitan district council and Great Britain 1990–1993*

*Fatalities*

| *Calendar year* | *Quarter* | *Birmingham MDC* | *Great Britain* |
|---|---|---|---|
| | Quarter 2 | 2 | 221 |
| | Quarter 3 | 5 | 224 |
| | Quarter 4 | 8 | 388 |
| Baseline average (1981–85) | Quarter 1 | | 350 |
| | Quarter 2 | | 304 |
| | Quarter 3 | | 341 |
| | Quarter 4 | | 475 |
| 1981–85 annual average | | | 1,470 |

### Transport Security Report

**Mr. Hawkins:** To ask the Secretary of State for Transport when he will publish the 1993–94 annual report of the Director and Co-ordinator of Transport Security. [21195]

**Mr. Norris:** I am today placing copies of this report in the Library of the House.

### Agency Job Losses

**Mr. Macdonald:** To ask the Secretary of State for Transport if he will give the number and location of Coastguard, Driver and Vehicle Licensing Agency, Driving Standards Agency, Highways Agency, Marine Safety Agency, Transport Research Laboratory, Vehicle Certification Agency and Vehicle Inspectorate offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as a result of agency work transferring to Scotland from the rest of the UK over the same period. [20298]

**Mr. Norris:** No Coastguard, Driver and Vehicle Licensing Agency, Driving Standards Agency, Highways Agency, Marine Safety Agency, Transport Research Laboratory, Vehicle Certification Agency and Vehicle Inspectorate offices have been closed or jobs lost or transferred from Scotland as a result of agency work transferring to the rest of the UK over the past five years; and no offices have been opened or jobs gained in Scotland as a result of agency work transferring to Scotland over the same period. Changes in the organisation of the Driving Standards Agency's work led to a reduction of 7.5 posts in the Department's traffic area office in Edinburgh and an increase of five posts in the agency's Newcastle office.

### Transport Research Laboratory

**Mr. Sheerman:** To ask the secretary of State for Transport, how many jobs he estimates will be lost as a consequence of the sale of the Transport Research Laboratory. [20562]

**Mr. Norris:** No jobs will be lost as a consequence of the sale of the Transport Research Laboratory. Staffing levels at the laboratory will continue to reflect management's view of the skills and resources required to meet the future demand for its services.

**Mr. Gerrard:** To ask the Secretary of State for Transport if it is his intention to make the information memorandum on the sale of the Transport Research Laboratory publicly available; and what are the reasons for his decision on this matter. [20585]

**Mr. Norris:** It is not my right hon. Friend's intention to make the information memorandum on the sale of the Transport Research Laboratory publicly available, because it will contain commercially confidential information, the disclosure of which would be prejudicial to the sale process and the laboratory's competitive position.

**Mr. Gerrard:** To ask the Secretary of State for Transport, pursuant to his statement on the privatisation of the Transport Research Laboratory, what is the nature and duration of the guarantees of future work. [20584]

**Mr. Norris:** The Government intend to offer the Transport Research Laboratory contracts for future research work, subject to the delivery of high-quality, independent and impartial research at competitive prices. Details of the proposed guarantees will be included in the information memorandum which is expected to be available to interested parties by the end of June.

### Metropolitan Railway Grant

**Mr. Matthew Banks:** To ask the Secretary of State for Transport what steps he is taking to ensure that the former metropolitan railway grant, now to form part of standard spending assessments, will be transparent. [29484]

**Mr. Watts:** My right hon. Friend proposes to replace the current temporary arrangements with an enhancement of the standard spending assessment "bolt on" grant, with effect from 1996–97. That proposal has been set out in a consultation paper, which was circulated to the passenger transport executives in March.

The final formula for the distribution of the "bolt on" between individual PTEs will be made available to the passenger transport authorities and the constituent metropolitan district councils. The "bolt on" allocated for each PTE will be published in the local government finance report. The allocation of the "bolt on" for each PTE to constituent metropolitan district councils will continue to be on the basis of total resident population. The Department will also be prepared to write to any individual constituent metropolitan district council to confirm its allocation of the "bolt on", and to state that it has resulted in a corresponding increase in its SSA, and therefore a corresponding increase in revenue support grant for that authority.

### Bull Bars

**Mr. David Atkinson:** To ask the Secretary of State for Transport what is his Department's estimate of the additional deaths and serious injuries a year caused to pedestrians by crash bars fitted to vehicles; and if he will make a statement. [20469]

**Mr. Norris:** Experimental research has suggested that the increased fitting of bull bars could lead to 35 additional deaths and 350 additional serious injuries in the United Kingdom each year by 1996. We do not, however, yet have any accident-based evidence. Pedestrian injury accidents involving bull bars are currently being identified by the police for investigation by the Transport Research Laboratory. We will have a fuller picture when the reports

of these accidents have been analysed towards the end of this year.

### London City Airport

**Mr. Timms:** To ask the Secretary of State for Transport if he will include London city airport within the scope of the study that he announced recently on rail links between London's airports. [20485]

**Mr. Norris:** Yes.

### Stansted Airport

**Mr. Haselhurst:** To ask the Secretary of State for Transport what advice he has received from the Civil Aviation Authority regarding the earliest possible year under all conventional scenarios which they are now forecasting for Stansted airport to reach a passenger throughput of 8 million passengers per annum. [20820]

**Mr. Norris:** The last detailed advice produced by the CAA was CAP 570 which was published in 1990. This indicated that Stansted airport was likely to reach a throughput of 8 million passengers per annum some time between 1995 and 2000. The report of—RUCATSE—the runway capacity to serve the south-east working group, which was published in 1993 and in which the CAA played a major role, forecast that Stansted would reach a throughput of 8 million passengers per annum soon after the year 2000.

### Comparative Safety Assessments

**Mr. Flynn:** To ask the Secretary of State for Transport what assessments he had made, prior to the accident in the Channel Islands on 17 April, of the comparative safety of *(a)* roll-on roll-off vessels, *(b)* catamarans and *(c)* the channel tunnel. [20023]

**Mr. Norris** *[holding answer 21 April 1995]:* The safety of each mode of transport is assessed separately. While safety regimes take various forms, their common aim is to provide the highest practicable level of safety.

## AGRICULTURE, FISHERIES AND FOOD

### New Forest Buckhounds

**Mr. Denham:** To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the relationship between the staff of the New Forest Buckhounds and of the Forestry Commission; and what guidelines apply in respect of Forestry Commission staff accepting awards from hunt organisations. [19290]

**Mr. Jack:** All Forestry Commission staff are subject to the civil service rules of conduct.

**Mr. Denham:** To ask the Minister of Agriculture, Fisheries and Food if he will review urgently the current policy where Forestry Commission staff, acting as harbourers for the New Forest Buckhounds, choose the deer to be hunted. [19289]

**Mr. Jack:** No. The commission's keeper chooses a deer which would otherwise have been culled as part of the commission's deer management programme.

**Mr. Denham:** To ask the minister of Agriculture, Fisheries and Food if he will suspend the licence given to the New Forest Buckhounds to hunt deer pending an investigation into its activities and the involvement of Forestry Commission staff. [19291]

**Mr. Jack:** No.

**Mr. Denham:** To ask the Minister of Agriculture, Fisheries and Food what action he intends to take regarding the incident in the New Forest on 10 March where a deer was killed by the New Forest Buckhounds and regarding a further incident on the same day where eye witnesses saw a deer attacked and bitten by hounds before its death. [19288]

**Mr. Jack:** The Forestry Commission investigated this incident, concluded that the New Forest Buckhounds had failed to maintain the high standards required by its licence to hunt, and penalised it accordingly.

### Surplus Milk

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food if he will list, by county, the amount of surplus milk thrown away in each month since January 1992. [19823]

**Mr. Jack:** The information requested is not available.

### Executive Agencies

**Mr. Macdonald:** To ask the Minister of Agriculture, Fisheries and Food if he will give the number and location of Agricultural Development Advisory Service, Central Science Laboratory, Central Veterinary Laboratory, Intervention Board, Pesticides Safety Directorate and Veterinary Medicines Directorate offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [20300]

**Mr. Waldegrave:** ADAS, the Intervention Board, Pesticides Safety Directorate and the Veterinary Medicines Directorate have not operated from Scotland during the last five years. In this period, there have been no changes in office or job numbers at the Central Veterinary Laboratory and Central Science Laboratory sites in Scotland as a result of agency work transferring between Scotland and the rest of the United Kingdom.

### Environmentally Sensitive Area Payments

**Mr. Macdonald:** To ask the Minister of Agriculture, Fisheries and Food how many farmers in England received environmentally sensitive area payments greater than *(a)* £100,000, *(b)* £50,000, *(c)* £10,000, *(d)* £5,000 or *(e)* £1,000 in the last year for which figures are available. [19999]

**Mr. Jack:** In 1994–95 English environmentally sensitive area payments to farmers in each band were as follows:

| | *Number* |
|---|---|
| Greater than £100,000 | 0 |
| Greater than £50,000 | 15 |
| Greater than £10,000 | 382 |
| Greater than £5,000 | 1,035 |
| Greater than £1,000 | 3,382 |

The figures in each band are accumulative of those in the higher payment bands.

In addition, 824 scheme participants received payments of less than £1,000.

### Lame Dairy Cows

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the level of lameness in the dairy herd, showing the number and proportion of dairy cows that were lame in *(a)* 1970, *(b)* 1975, *(c)* 1980 and *(d)* each year since 1990. [20035]

**Mrs. Browning:** The information, in the form requested, is not available.

### Public Bodies

**Dr. Wright:** To ask the Minister of Agriculture, Fisheries and Food which of the non-departmental public bodies sponsored by his department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agenda of meetings and *(e)* a register of members' interests; and if in each case this is (i) under a statutory requirement or (ii) voluntary. [20494]

**Mr. Jack:** The annual reports and accounts of the following executive non-departmental public bodies, for which my right hon. Friend is responsible, are published:

Apple and Pear Research Council
Food from Britain
Home-Grown Cereals Authority
Horticultural Development Council
Horticultural Research International
Meat and Livestock Commission
Royal Botanic Gardens (Kew)
Sea Fish Industry Authority
Wine Standards Board of the Vinters' Company

Legislation requires, in each case, that the annual report and accounts are published.

Minutes and agendas of executive non-departmental bodies meetings are not published. There is no statutory requirement to do so.

None of the executive non-departmental public bodies publishes a register of members' interests. There is no statutory requirement for such a register. However, details of those filling many posts are published, or are available at the time of appointment.

### Veal Exports

**Dr. Wright:** To ask the Minister of Agriculture, Fisheries and Food what advice he has received on the legal entitlement of the Government to ban the veal export trade; when that advice was received and by whom it was supplied; and if he will publish that advice under the open government provisions.

**Mrs. Browning:** My right hon. Friend the Minister has written to all members with a summary of the conclusions that emerge from the legal advice available to him. We believe that this is the most helpful way in which to explain the legal position. It is not usual for the details of legal advice to the Government to be made public.

### Mahogany

**Mr. Matthew Taylor:** To ask the Minister of Agriculture, Fisheries and Food how many metres of mahogany or products containing it his Department has brought in the last five years; and if he will list the purposes and the costs. [19840]

**Mr. Jack** *[holding answer 19 April 1995]:* From records held centrally, it is not possible to calculate how many metres of mahogany or products containing it the Department has brought in the last five years, its purposes and costs. The information could be provided only at disproportionate cost.

## WALES

### Breast Test Wales

**Mr. Morgan:** To ask the Secretary of State for Wales, pursuant to his oral statement to the Welsh Grand Committee on 4 April *Official Report*, Welsh Grand Committee, column 3, in relation to the placing of Breast Test Wales and the artificial limb and appliance service, Wales into health trusts, if he will place a copy of the consultation process documentation in the Library. [19221]

**Mr. Redwood:** I have arranged for copies of the responses to consultation on DGM(95)4 and copies of DGM(95)51 which announced my decision to be placed in the Library of the House. I also refer the hon. Member to the reply I gave him on 16 February, *Official Report*, column *765*, placing a copy of the response from the British Limbless Ex-Servicemen's Association in the Library of the House.

### Local Government Finance

**Mr. Barry Jones:** To ask the Secretary of State for Wales what plans he has to visit shire hall, Clwyd, to discuss *(a)* the county's budget and *(b)* the council's local education, authority budget; and if he will make a statement. [20340]

**Mr. Redwood:** None. The Under-Secretary, my hon. Friend the Member for Clwyd, North-West (Mr. Richards), met representatives of Clwyd county council on 21 February. The county council is responsible for setting its budget.

**Mr. Barry Jones:** To ask the Secretary of State for Wales what plans he has to visit the offices of Alyn and Deeside district council to discuss the authority's budget. [20341]

**Mr. Redwood:** None. The district council is responsible for setting its budget.

### Community Health Services

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales if he will publish the information for Wales corresponding to that contained in table 20 on page 52 of the Department of Health's departmental report, column 2812—March 1995. [19919]

**Mr. Richards:** The available information is given in the following table. Information on clinical psychology, dietetics, occupational therapy, physiotherapy and speech therapy activity is not collected centrally.

*Community health services activity statistics*

*(Thousands)*

| Number of first contacts [1] [2] | 1988–89 | 1989–90 | 1990–91 | 1991–92 | 1992–93 | 1993–94 |
|---|---|---|---|---|---|---|
| Health visiting | n/a | n/a | 420 | 423 | 394 | 375 |
| Community nursing services (total) | n/a | n/a | 196 | 188 | 178 | 190 |
| District nursing | n/a | n/a | 154 | 147 | 131 | 142 |
| Community psychiatric nursing | n/a | n/a | 25 | 24 | 26 | 24 |
| Community mental handicap nursing | n/a | n/a | 3 | 3 | 3 | 4 |
| Other community nursing | n/a | n/a | 14 | 15 | 18 | 19 |
| Chiropody services | 142 | 153 | 172 | 164 | 170 | 165 |
| Community dental services | n/a | n/a | n/a | 61 | 77 | 77 |

[1] Number of persons seen at least once in the year. This definition is different to that used in the Department of Health table which gave the number of episodes of care started in the year.
[2] Figures may be subject to revision following a data quality audit exercise currently under way.
n/a Not available.

## Railway Expenditure

**Mr. Llwyd:** To ask the Secretary of State for Wales if he will list projects on railways for which spending has been made by *(a)* the Development Board for Rural Wales and *(b)* the Welsh Development Agency for each of the last three available years, indicating the amount of spending and the totals for each agency; and if he will make a statement. [18908]

*Development Board for Rural Wales*

| | 1992–93 £ | 1993–94 £ | 1994–95 £ |
|---|---|---|---|
| Refurbishment of Machynlleth station | 25,000 | — | — |
| Talybont station | 25,000 | — | — |
| Aberystwyth to Shrewsbury infrastructure improvements | 75,000 | — | — |
| Bus parking spaces at Machynlleth station | — | 10,000 | — |
| Preparation of a strategy for railways in mid-Wales after privatisation | — | — | 14,345 |
| Cambrian Lines (Marketing Campaign) | — | — | 5,000 |
| Feasibility study on line speed improvements between Shrewsbury and Wolverhampton | — | — | 1,000 |
| Total | 125,000 | 10,000 | 20,345 |
| | | | 155,345 |

*Welsh Development Agency*

| | 1992–93 | 1993–94 | 1994–95 |
|---|---|---|---|
| Treforest station—Phase II | 35,000 | — | — |
| Tirphil station | 10,000 | — | — |
| Merthyr Tydfil (relocation of signal box) | 157,000 | — | — |
| Llanelli station (environmental improvements) | 3,000 | 204,000 | 79,000 |
| Templeton station (feasibility study) | — | 6,400 | — |
| Pensarn station | — | 15,930 | 2,650 |
| "Gateway Cardiff" (landscaping Queen Street) | — | 14,325 | 39,625 |

*Welsh Development Agency*

| | 1992–93 | 1993–94 | 1994–95 |
|---|---|---|---|
| "Gateway Wales" (landscaping—Cardiff Central) | — | 5,525 | 9,670 |
| Rhyl Station (refurbishment)[1] | — | 94,000 | 875,000 |
| Caerphilly bus and rail station (feasibility study and design)[1] | — | 400,000 | 3,000 |
| Pontypool Station | — | 23,910 | 11,940 |
| Marketing campaigns (Cambrian and Conwy Valley lines) | — | 10,000 | — |
| Conwy Valley railway (environmental improvements)[1] | — | — | 34,465 |
| Holyhead station improvement[1] | — | — | 31,000 |
| Whitland station (survey and design) | — | — | 10,750 |
| Merthyr Tydfil (station relocation) | — | — | 600,000 |
| Railfreight studies (South Wales) | — | — | 64,915 |
| Total | 205,000 | 774,090 | 1,762,015 |
| | | | 2,741,105 |

[1] On-going projects.

Most of these projects have been carried out jointly with other bodies.

## Surplus Milk

**Mr. Morley:** To ask the Secretary of State for Wales if he will list, by county, the amounts of surplus milk thrown away in each month since January 1992. [19820]

**Mr. Gwilym Jones:** This information is not available.

## Local Authority Councillors

**Mr. John Morris:** To ask the Secretary of State for Wales what were the total numbers of councillors originally proposed by his Office for the whole of Wales following local government reorganisation; to what number this was subsequently increased and for what reasons; and what number he now proposes for the whole of Wales and for what reasons. [20372]

**Mr. Gwilym Jones:** Welsh Office officials had informal consultations with the local authority associations in summer 1993 on the basis of proposals for between 1,085 and 1,137 members to be elected at the first elections to the new authorities.

My right hon. Friend decided to increase this number to 1,273, on the basis of a methodology devised by the Council of Welsh Districts which sought to preserve as much as possible of the existing district ward structure and levels of representation to provide an element of continuity for electors during the first years of the new authorities.

My right hon. Friend has proposed no total figure for Wales in subsequent elections; it will be for the Local Government Boundary Commission for Wales to make proposals for optimum council sizes with regard to the directions which my right hon. Friend will issue to it in due course.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Wales which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether in each case this is (i) under a statutory requirement or (ii) voluntary. [20490]

**Mr. Redwood:** The answers to each point are as follows:

(a) All—under statute, charter or other controlling documents. The report of work by the agricultural wages committees is included in the annual report of the agricultural wages board;

(b) All except the Royal Commission on the ancient and historical monuments of Wales and the agricultural wages committees—under statute or charter;

(c) None;

(d) None;

(e) At present the majority do not publish a register of members' interests. All are, however, in the process of adopting a code of practice based on the code of best practice for board members of public bodies published by Her Majesty's Treasury in June 1994, and will then publish or make available such a register.

**Dr. Wright:** To ask the Secretary of State for Wales if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20668]

**Mr. Redwood:** The answers to each point are as follows:

(a) The agricultural wages committees, the Arts Council of Wales, the Cardiff Bay development coporation; the Countryside Council of Wales; the Development Board for Rural Wales; except for housing functions; Housing for Wales; the local government residuary body; the Sports Council for Wales; the Wales tourist board; and the Welsh Language Board. Jurisdiction extends to other NDPBs when their administrative actions are undertaken on behalf of the Welsh Office or another Government Department;

(b) The residuary body for Wales;

(c) The Comptroller and Auditor General is the external auditor of al Welsh executive NDPBs except the Wales Youth Agency, the residuary body for Wales, Housing for Wales and the Cardiff Bay development corporation, to whose books and papers he nevertheless has access *a)* under the National Audit Act 1983 for the purpose of carrying out examinations on value for money, and *b)* by agreement, and subject to prior consultation in each case with the Welsh Office, for the purpose of examining questions of regularity and propriety;

(d) All are encouraged to adopt procedures under the code of access to government information;

(e) All are required to identify, publish and report on progress against key performance measures in their annual report;

(f) All are subject to the provisions of the citizens charter.

### Atmospheric Emissions

**Mr. Ainger:** To ask the Secretary of State for Wales how many installations in Wales require consents from Her Majesty's inspectorate of pollution for atmospheric emissions; and if he will list them. [20840]

**Mr. Gwilym Jones:** I will write to the hon. Member with this information as soon as possible and place a copy of my reply in the Library of the House.

### Marine Discharges

**Mr. Ainger:** To ask the Secretary of State for Wales how many installations in Wales require consents for marine discharges; and if he will list them. [20842]

**Mr. Gwilym Jones:** All discharges into the marine environment require consents. Public registers of consents are maintained under part VIII of the Water Resources Act 1991; part II of the Environmental ProtectionAct 1990; part II of the Food and Environment Protection Act 1985; and section 39 of the Radioactive Substances Act 1993 and are available for inspection.

### Health Purchasing Authorities

**Mr. Morgan:** To ask the Secretary of State for Wales if he will place in the Library a copy of the guidance note to NHS health purchasing authorities requiring them to have regard to the financial viability of the trusts from which they purchase services. [20868]

**Mr. Redwood:** No such guidance has been issued, as it is standard practice for health authorities to take account of the financial viability of their main providers when making decisions on the purchase of services.

### Large Combustion Plant Directive

**Mr. Ainger:** To ask the Secretary of State for Wales how many installations in Wales are covered by the large combustion plant directive; and if he will list them. [20839]

**Mr. Gwilym Jones:** There are 13 installations subject to the large combustion plant directive in Wales. These are as follows:

British Steel plc—Llanwern works
British Steel plc—Shotton works, Clwyd
British Steel plc—Port Talbot works
Elf Oil Ltd.—Milford Haven refinery
Gulf Oil Refining Ltd.—Milford Haven, Dyfed
Monsanto plc—Newport, Gwent
Monsanto plc—Ruabon works, Clwyd
National Power plc—Usk power station

National Power plc—Aberthaw power station
National Power plc—Pembroke Power Station
Shotton Paper Co. Ltd.—Shotton, Clwyd
St. Regis Paper Co. Ltd.—Sudbrook, Gwent
Texaco Ltd.—Pembroke plant

## LORD CHANCELLOR'S DEPARTMENT

### Public Bodies

**Dr. Wright:** To ask the Parliamentary Secretary, Lord Chancellor's Department which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether this in each case is (i) under a statutory requirement or (ii) voluntary. [20500]

**Mr. John M. Taylor:** The Lord Chancellor's Department sponsors two such bodies: the Legal Aid Board and the Authorised Conveyancing Practitioners Board. However, the latter has been inactive since March 1992 when the Lord Chancellor announced his decision to postpone implementation of the authorised practitioners scheme.

The Legal Aid Board publishes annual reports which are laid before Parliament. Annual accounts are included in that report, as is information about the background of board members. The board does not publish the agendas or minutes of meetings of the board or its committees. There are statutory requirements for the board to publish information as to the discharge of its functions in relation to legal aid and for the Lord Chancellor to lay before each House of Parliament a copy of every statement of accounts and report of the auditors sent to him in accordance with requirements under the Legal Aid Act 1988.

**Dr. Wright:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open govnerment, *(e)* performance indicators and *(f)* provisions under the citizens charter. [10660]

**Mr. John M. Taylor:** The Lord Chancellor's Department sponsors two such bodies: the Legal Aid Board and the Authorised Conveyancing Practitioners Board. However, the latter has been inactive since March 1992 when the Lord Chancellor announced his decision to postpone implementation of the authorised practitioners scheme.

The Legal Aid Board is not subject to scrutiny by the Audit Commission, but *(a)* and *(c)* to *(f)* all apply to the board.

### Morpeth County Court

**Mr. Beith:** To ask the Parliamentary Secretary, Lord Chancellor's Department what plans there are to close the district offices of the Morpeth county court at Alnwick and Berwick. [19086]

**Mr. John M. Taylor:** The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

*Letter from M. D. Huebner to Mr. A. J. Beith, dated 24 April 1995:*

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your question about any plans to close the court offices at Alnwick and Berwick.

As you may know, the Circuit Administrator and his Courts Administrators have responsibility for assessing the changing needs of users of the Court Service. One way of doing this is to conduct a survey of the customers who call at court offices. On the North Eastern Circuit, a survey of callers at Berwick, Alnwick and Blyth County Courts began in March and will continue for a period of two months. The survey is intended to identify the reason for attending the court office and the place from which the customer has travelled. The results of the survey will be analysed by the Courts Administrator's Office.

I should explain that surveys of this type do not necessarily lead to a case being put to the Lord Chancellor for the closure of a court. Indeed, a similar survey conducted in these courts six years ago resulted in no further action being taken. However, where the results of such a survey indicate that consideration should be given to closing a court, the approval of the Lord Chancellor must be obtained for full public consultation to take place before a final decision is made by him. Careful account is, of course, taken of any representations made during the public consultation process. Closure is only considered where the Lord Chancellor is satisfied that neighbouring courts can offer an appropriate standard of service which meets the needs of court users.

### Pensions Appeal Tribunals

**Ms Walley:** To ask the Parliamentary Secretary, Lord Chancellor's Department what resources he currently allocates to pensions appeal tribunal units. [19076]

**Mr. John M. Taylor:** The expenditure on the pensions appeal tribunals in the financial year 1995–96 is expected to be approximately £1.6 million. This figure includes the fees of judicial members and the salaries of the administrative staff, as well as other administrative costs.

At present, there are 19 staff in post, and the following part-time judicial members:

Legal Chairmen: 11
Medical Members: 29
Service Members: 25

**Ms Walley:** To ask the Parliamentary Secretary, Lord Chancellor's Department what is the average waiting time for war pension appeals to be heard; what action he will take to reduce the delay period, and if he will make a statement. [19077]

**Mr. John M. Taylor:** At present, once the parties have indicated readiness to proceed, the pensions appeal tribunals are able to arrange a hearing, on average, within eight to nine months.

Additional staff have been recruited for the pensions appeal tribunals to give administrative support. Also, extra judicial members have been appointed and additional tribunal sittings have been arranged to help reduce waiting times.

### Overtime

**Mr. David Shaw:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list for each

agency and central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19681]

**Mr. John M. Taylor:** The Lord Chancellor has responsibility for four agencies: the Court Service, HM Land Registry, the Public Record Office and the Public Trust Office. As the question concerns a specific operational matter, I have asked the chief executives of HM Land Registry and the Public Record Office to reply direct. However, as the Public Trust Office and the Court Service are only recently established agencies, it has been agreed that the Department should take the lead in this answer. It has not been possible to separate information in relation to each area.

The total hours of overtime worked for the 1992–93 financial year was 336,995 hours; for 1993–94 it was 222,821 hours; and for 1994–95 it was 219,947 hours.

The total amount paid in overtime was £1,916,111, £1,376,050 and £1,352,297 respectively.

The total time in days lost through sickness in 1992 was 132,855.5 days; and in 1993 was 153,966.4 days. No figures are available for 1994–95. It would be impossible to rely upon the accuracy of calculating the monetary equivalent of the total number of days lost to sickness as there are too many variables.

*Letter from Duncan Simpson to Mr. David Shaw, dated 25 April 1995:*

In the absence of the Chief Executive on leave I have been asked by the Lord Chancellor's Parliamentary Secretary to reply to your following three questions, notified on 5 April 1995.

*Number 237*

(a) The total hours of overtime worked for which payment has been made in each of the last three years is:

1992–93: 21,427 hours

1993–94: 23,412 hours

1994–95: 20,678 hours

(b) The total amounts paid in overtime in each of the last three years is:

1992–93: £120,796.97

1993–94: £138,637.12

1994–95: £116,378.17

(c) The total number of days lost through sick absence in each of the last three years is:

1992: 6021

1993: 5278

1994: This figure is not yet available

It is impossible to rely on the accuracy of calculating the monetary equivalent of the total days lost to sickness as there are too many variables.

*Number 239*

The Public Record Office has paid the following total amounts in subsistence allowances for travel in each of the last three years:

| | *(a) Within the United Kingdom* | *(b) Outside the United Kingdom* |
|---|---|---|
| 1992–93 | £63,519 | £8,961 |
| 1993–94 | £72,848 | £7,712 |
| 1994–95 | £75,192 | £3,484 |

*Number 240*

The Public Record Office has not paid any removal costs and associated expenses in the last three years.

*Letter from John Manthorpe to Mr. David Shaw, dated 25 April 1995:*

I have been asked by the Parliamentary Secretary, Lord Chancellor's Department, to reply to your recent question concerning, over the last three years, the total hours worked and the amount paid in overtime by HM Land Registry and the total time and its monetary equivalent lost through sickness. I can provide the following information:

| | *1992* | *1993* | *1994* |
|---|---|---|---|
| (a) Total hours of overtime worked | 46,803 | 16,299 | 18,112 |
| (b) Total amount paid in overtime | £683,000 | £220,000 | £340,000 |
| (c) Total time in days lost through sickness | 117,727 | 114,427 | [1]— |

[1]The data on staff sickness is derived from the statistics compiled centrally by the HM Treasury and the Occupational Health Service Agency. The data for 1994 is not yet available. No figure has been supplied for the monetary equivalent of days lost as the number of variables involved in this calculation are too many to enable any reliance to be placed on its accuracy.

There is no relationship between overtime worked and sickness absence in the Land Registry. It may nevertheless be helpful to relate the data provided above to the staffing levels for the Land Registry, indicated below:

| | *1992* | *1993* | *1994* |
|---|---|---|---|
| Average staff in post | 9,648 | 9,141 | 8,717 |
| Equivalent in days | 2,450,592 | 2,312,673 | 2,196,684 |

I do hope that this answers the points raised with the Parliamentary Secretary but please contact me if I can be of any further assistance.

## Allowances

**Mr. David Shaw:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19559]

**Mr. John M. Taylor:** The Lord Chancellor has responsibility for four agencies: the Court Service, Her Majesty's Land Registry, the Public Record Office and the Public Trust Office. As the question concerns a specific operational matter, I have asked the chief executives of the Land Registry, the Public Record Office and the Public Trust Office to reply direct. However, as the Court Service's inception as an agency did not take effect until 3 April this year, this answer deals with expenditure in the Court Service and the central Department.

As departmental financial management systems do not distinguish between expenditure on travel and expenditure on subsistence or travel within and outside the United Kingdom, only overall expenditure figures can be given. Total expenditure on travel and subsistence in the 1992–93 financial year was £7,669,575; in 1993–94, £7,142,412. Final figures for 1994–95 are not yet available, but spend to end of February 1995 was £6,283,198.

*Letter from Duncan Simpson to Mr. David Shaw, dated 25 April 1995:*

In the absence of the Chief Executive on leave I have been asked by the Lord Chancellor's Parliamentary Secretary to reply to your following three questions, notified on 5 April 1995.

*Number 237*

(a) The total hours of overtime worked for which payment has been made in each of the last three years is:

1992–93: 21,427 hours

1993–94: 23,412 hours

1994–95: 20,678 hours

(b) The total amounts paid in overtime in each of the last three years is:

1992–93: £120,796.97

1993–94: £138,637.12

1994–95: £116,378.17

(c) The total number of days lost through sick absence in each of the last three years is:

1992: 6021

1993: 5278

1994: This figure is not yet available

It is impossible to rely on the accuracy of calculating the monetary equivalent of the total days lost to sickness as there are too many variables.

*Number 239*

The Public Record Office has paid the following total amounts in subsistence allowances for travel in each of the last three years:

| | *(a) Within the United Kingdom* | *(b) Outside the United Kingdom* |
|---|---|---|
| 1992–93 | £63,519 | £8,961 |
| 1993–94 | £72,848 | £7,712 |
| 1994–95 | £75,192 | £3,484 |

*Number 240*

The Public Record Office has not paid any removal costs and associated expenses in the last three years.

*Letter from Julia Lomas to Mr. David Shaw, dated 25 April 1995:*

The Parliamentary Secretary of the Lord Chancellor's Department has asked me to reply to you as part of the Lord Chancellor's Department's response to your Parliamentary question, listed on 5 April 1995, regarding subsistence allowances for travel in the last three years *(a)* within the United Kingdom and *(b)* outside the United Kingdom.

The figures you require are as follows:

| | *(a) United Kingdom* £ | *(b) Outside the United Kingdom* £ |
|---|---|---|
| 1992–93 | 16,744.01 | 493.99 |
| 1993–94 | 18,753.40 | 629.60 |
| 1994–95 | 20,601.53 | nil |

*Letter from John Manthorpe to Mr. David Shaw, dated 25 April 1995:*

I have been asked by the Parliamentary Secretary, Lord Chancellor's Department, to reply to your recent question concerning the total amount paid by HM Land Registry in subsistence allowances for travel within and outside the United Kingdom for the last three years. I can provide the following information:

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| a) Travel within the UK | 521,159 | 405,385 | 445,926 |
| b) Travel outside the UK | 6,726 | 3,780 | 5,383 |

These statistics include the cost of travel as well as subsistence. The two can only be separated at disproportionate cost.

I do hope that this answers the point raised with the Parliamentary Secretary but please contact me if I can be of any further assistance.

**Mr. David Shaw:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment *(b)* the amount of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19656]

**Mr. John Taylor:** The Lord Chancellor has responsibility for four agencies: the Court Service, HM Land Registry, the Public Record Office and the Public Trust Office. As the question concerns a specific operational matter, I have asked the chief executives of HM Land Registry and the Public Record Office to reply direct. However, as records of relocation expenses are kept centrally for staff of the central Department, the Public Trust Office and the Court Service, it has been agreed that the Department should take the lead in this answer. It has not been possible to separate this information in relation to each area.

Total expenditure on cases where staff moved their homes for 1993–94 was £641,520; the average cost of payments in each case was £5,832. The three highest costs incurred in individual cases settled in this year, including payments made in previous years, were £89,130, £88,994 and £84,324. No information is available in relation to expenditure in 1992–93. In 1994–95, total expenditure was £384,656; the average cost of payments in each case was £3,495. the three highest costs involved in individual cases settled in this year, including payments in previous years, were £38,034, £30,540 and £30,103.

There are also allowances payable with salary to staff who have been required to relocate to assist with increased travel and housing costs. No figures are available for these costs.

*Letter from Duncan Simpson to Mr. David Shaw, dated 25 April 1995:*

In the absence of the Chief Executive on leave I have been asked by the Lord Chancellor's Parliamentary Secretary to reply to your following three questions, notified on 5 April 1995.

*Number 237*

(a) The total hours of overtime worked for which payment has been made in each of the last three years is:

1992–93: 21,427 hours

1993–94: 23,412 hours

1994–95: 20,678 hours

(b) The total amounts paid in overtime in each of the last three years is:

1992–93: £120,796.97

1993–94: £138,637.12

1994–95: £116,378.17

(c) The total number of days lost through sick absence in each of the last three years is:

1992: 6021

1993: 5278

1994: This figure is not yet available

It is impossible to rely on the accuracy of calculating the monetary equivalent of the total days lost to sickness as there are too many variables.

*Number 239*

The Public Record Office has paid the following total amounts in subsistence allowances for travel in each of the last three years:

| | *(a) Within the United Kingdom* | *(b) Outside the United Kingdom* |
|---|---|---|
| 1992–93 | £63,519 | £8,961 |
| 1993–94 | £72,848 | £7,712 |
| 1994–95 | £75,192 | £3,484 |

*Number 240*

The Public Record Office has not paid any removal costs and associated expenses in the last three years.

*Letter from John Manthorpe to Mr. David Shaw, dated 25 April 1995:*

I have been asked by the Parliamentary Secretary, Lord Chancellor's Department, to reply to your recent question concerning the total amount of removal costs and associated expenses reimbursed to officials in HM Land Registry during the last three years. I can provide the following information:

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| a) Total amount of removal costs and associated expenses reimbursed to officials | 1,464,919 | 908,573 | 510,278 |
| b) Highest claims in each year | 148,265 | 122,971 | 114,455 |
| c) Average claim | 27,411 | 42,367 | 40,144 |

The period from 1992 to 1994 includes a number of exceptional cases arising from the difficulties encountered by staff transferring on compulsory terms to a new location just at the time of the sharp reduction in house prices and property activity following the peak price and activity of 1988–89. This created protracted problems in selling in a declining market.

I do hope that this answers the points raised with the Parliamentary Secretary but please contact me if I can be of any further assistance.

## Criminal Appeals

**Mr. Gerrard:** To ask the Parliamentary Secretary, Lord Chancellor's Department how many appeals in each of the past five years for which statistics are available against conviction for criminal offences in England and Wales have *(a)* been upheld, *(b)* been dismissed and *(c)* led to direction for a retrial; and, in the case of those appeals upheld, what information he has concerning the reasons for which the appeals were upheld. [19521]

**Mr. John M. Taylor:** The question concerns a specific operational matter on which the chief executive of the Court Service is best placed to provide an answer and I have accordingly asked the chief executive to reply direct.

*Letter from M. D. Huebner to Mr. Neil Gerrard, dated 24 April 1995:*

The Parliamentary Secretary, Lord Chancellor's Department, has asked me to reply to your question about the number of appeals against convictions for the past five years.

The following table provides statistics on the number of appeals against conviction in the Crown Court since 1990 which have been granted, dismissed or which led to a re-trial:

| | *1990* | *1991* | *1992* | *1993* | *1994* |
|---|---|---|---|---|---|
| Granted | 256 | 269 | 299 | 402 | 351 |
| Dismissed | 337 | 308 | 370 | 524 | 577 |
| Re-trials | 3 | 15 | 12 | 20 | 51 |

The reasons for which the appeals were granted are not available and could be obtained only at disproportionate cost.

## Magistrates Courts

**Mr. Sheerman:** To ask the Parliamentary Secretary, Lord Chancellor's Department what guidelines his Department has issued to magistrates courts committee regarding mergers of magistrates courts. [19734]

**Mr. John M. Taylor:** Guidance on the objectives which underlie amalgamation of magistrates courts committees is contained in the Lord Chancellor's speech of 10 February to the Magistrates Association, a copy of which has been placed in the Library of both Houses. My officials are discussing the mechanics of amalgamation individually with those committees currently contemplating amalgamation.

**Mr. Sheerman:** To ask the Parliamentary Secretary, Lord Chancellor's Department what steps he is taking to promote the delivery of local justice and the traditional role of magistrates courts. [19735]

**Mr. John M. Taylor:** The Police and Magistrates' Courts Act 1994 strengthens and enhances the magistrates courts through its commitment to efficient and effective administration. For the first time, the powers and responsibilities of the various components of the administration of the magistrates courts are clearly enshrined in statute and the Department is working in partnership with the courts in the development of training specific to the needs of the magistracy and court staff. The role of the independent inspectorate in improving performance and disseminating good practice, and in assisting in raising service standards in line with the citizens charter cannot be underplayed. The courts will continue to be locally based and reflect the local community.

**Mr. Sheerman:** To ask the Parliamentary Secretary, Lord Chancellor's Department what representations he has received about proposals to merge magistrates courts. [19736]

**Mr. John M. Taylor:** The Lord Chancellor is currently considering a formal request, under section 69 of the Police and Magistrates' Courts Act 1994, to amalgamate two magistrates courts committees on a voluntary basis. Informal discussions have also taken place with representatives of several magistrates courts committees. Those discussions have explored both the question of amalgamation and alternatives to it which achieve the

same objectives. These discussions are continuing, and in order to pay proper respect to local sensitivities I do not propose to publicise those discussions until formal decisions have been made.

**Mr. Sheerman:** To ask the Parliamentary Secretary, Lord Chancellor's Department what assessment he has made of the effects of magistrates courts committee mergers on the independence of the magistracy. [19737]

**Mr. John M. Taylor:** The amalgamation of magistrates courts committees will have no effect on the independence of the magistracy. The day-to-day administration of the magistrates courts in an amalgamated area will remain in the hands of a committee made up mostly, if not entirely, of magistrates. Section 30A of the Justice of the Peace Act 1979 provides added protection of the independence of justices' clerks and the staff of committees in relation to legal functions.

# Written Answers to Questions

*Wednesday 26 April 1995*

## TREASURY

### Adult Placement Carers

**Mr. Hinchcliffe:** To ask the Chancellor of the Exchequer what is his policy in respect of income tax contributions by adult placement carers. [21041]

**Sir George Young:** Income received by adult placement carers is subject to the normal taxation rules, which are generally those applicable to the self-employed. Carers are liable to income tax on any profits from caring to the extent that income received exceeds allowable expenditure incurred, and any general income tax allowances available to set against the net income. Relief may also be available under the rent-a-room scheme. Within these rules, it is the Inland Revenue's policy to treat carers sympathetically and, as with other very small businesses, to establish any profits with the minimum of fuss.

### National Insurance Numbers

**Mr. Cohen:** To ask the Chancellor of the Exchequer if he will give the Data Protection Registrar an undertaking that the national insurance number will not be used for purposes unconnected with the tax and benefits system; and if he will make a statement. [20037]

**Sir George Young:** I refer the hon. Member to the answer given by my hon. Friend the Minister of Social Security on 25 April. The policy of the Inland Revenue is in accordance with that of the Department of Social Security.

### Smuggling

**Mrs. Lait:** To ask the Chancellor of the Exchequer what is the scale of value of diamond smuggling into the United Kingdom; and how many Customs and Excise staff are involved in its prevention; and what are the corresponding estimated figures for tobacco, alcohol and drugs. [19529]

**Mr. Heathcoat-Amory:** Information on the value of diamonds seized is not immediately available and could be provided only at a disproportionate cost.

Information on the value of drugs prevented from entering the United Kingdom and the number of seizures made is contained in the Customs and Excise annual report. Information for 1993–94 is that drugs to the value of £1,979 million were prevented from entering. A total of 8,510 seizures were made.

For single market excise-related offences the number and value of seizures of tobacco and alcohol products for the year to December 1994 are as follows:

| | *Number of seizures* | *Value (revenue) £* |
|---|---|---|
| Tobacco | 1,850 | 3,195,353 |
| Alcohol | 898 | 1,832,879 |

Customs staff employed at ports and airports are responsible for preventing the illegal importation of a wide range of prohibited and restricted goods and for the collection of revenue. They are not assigned to the prevention of smuggling of particular goods.

### Income tax

**Mr. Denzil Davies:** To ask the Chancellor of the Exchequer what is his estimate of the total cost in a full year of *(a)* an increase in the lower rate band of income tax to £3,500, *(b)* an increase in the basic rate band of income tax to £30,000 and *(c)* a reduction in the basic rate of income tax to 24 per cent.

**Sir George Young:** Estimates are as follows:

| | *1995–96[1] Full year revenue cost £ million* |
|---|---|
| (a) Increase in the lower rate band from £3,200 to £3,500 | 310 |
| (b) Increase in the basic rate limit from £24,300 to £30,000 | 1,670 |
| (c) Reduction in the basic rate of income tax to 24 per cent. | 1,900 |

[1] The figures include consequential effects on the yield of capital gains tax. Each option has been costed separately; the combined cost of the three options may be different from the sum of the figures for the individual options.

### Privatisation

**Mr. Hain:** To ask the Chancellor of the Exchequer if he will list the debts written off by the Government for each industry privatised since 1979 and the total. [19972]

**Sir George Young:** It is common practice for capital restructuring to be undertaken where necessary before privatisation. For some privatisations debt is written off; for others debt is injected. The table shows the debt written off—and the type of debt concerned—and debt injected for each company privatised where either occurred. Debts shown as written off include all debt written off since 1979 in companies subsequently privatised. Receipts from privatisation have amounted to £60 billion over the past 15 years.

*Debt written off and debt injected prior to privatisation*

| *Industry* | *Debt written off* | | *Debt injected* | | |
|---|---|---|---|---|---|
| | *Year* | *£ million* | *Type of debt* | *Year* | *£ million* |
| British Steel | 1980–81 | 509.3 | National Loans Fund | — | — |
| British Aerospace | 1980–81 | 60.0 | Public Dividend Capital | — | — |
| National Freight Corporation[1] | 1980–81 | 100.0 | National Loans Fund | — | — |
| British Airways | 1980–81 | 160.0 | Public Dividend Capital | — | — |

*Debt written off and debt injected prior to privatisation*

| *Industry* | *Debt written off* | | *Debt injected* | | |
|---|---|---|---|---|---|
| | *Year* | *£ million* | *Type of debt* | *Year* | *£ million* |
| British Transport Docks Board[2] | 1982–83 | 81.3 | National Loans Fund | 1982–83 | 25 |
| British Telecommunications | 1984–85 | 2,789.9 | National Loans Fund | 1984–85 | 3,500 |
| British Gas | — | — | — | 1986–87 | 2,500 |
| BAA | 1986–87 | 43.5 | National Loans Fund | — | — |
| British Steel | 1988–89 | 500.0 | Public Dividend Capital | — | — |
| British Steel | 1988–89 | 3,480.0 | Borrowing under Iron and Steel Act 1982 | — | — |
| Harland and Wolff | 1989–90 | 422.5 | Assistance under Aircraft & Shipbuilding Industries (Northern Ireland) Order 1979 | — | — |
| Short Brothers | 1989–90 | 390.0 | Loan by DED | — | — |
| Water companies | 1989–90 | 4,973.3 | National Loans Fund | 1989–90 | 72.9 |
| Water companies | 1989–90 | 55.0 | Public Works Loan Board | — | — |
| Electricity (England and Wales) | — | — | — | 1990–91 | 3,583 |
| Electricity (Scotland)[1] | 1991–92 | 1,043.6 | National Loans Fund | 1991–92 | 625.9 |
| NTL | — | — | — | 1991–92 | 22 |
| Northern Ireland Electricity | — | — | — | 1993–94 | 70.3 |
| Belfast Airport | — | — | — | 1994–95 | 15.2 |
| British Coal | 1994–95 | 1,633.4 | Voted Loans | — | — |
| Total | — | 16,241.8 | — | — | 10,414.3 |

*Notes:*
[1] Privatised as National Freight Consortium (now NFC).
[2] Privatised as Associated British Ports Holdings.
[3] Prior to privatisation, National Loans Fund Debt due to the South of Scotland Electricity Board nuclear programme of £1,368.4 million was transferred to Scottish Nuclear Ltd. and subsequently written off.

### Agencies

**Mr. Macdonald:** To ask the Chancellor of the Exchequer if he will list the number and location of Central Statistical Office, Paymaster and Royal Mint offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of the offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [19964]

**Mr. Nelson:** There have been no offices opened or closed in Scotland by the Central Statistical Office, Paymaster or Royal Mint in the last five years.

### Beer

**Sir Ivan Lawrence:** To ask the Chancellor of the Exchequer what is his estimate of the cost to the Exchequer of lowering the excise duty on beer to the level obtaining in France and Germany. [20976]

**Mr. Heathcoat-Amory:** Cutting United Kingdom beer rates to French or German levels would reduce revenue by about £2 billion.

### Public Bodies

**Dr. Wright:** To ask the Chancellor of the Exchequer (1) which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether this in each case is (i) under a statutory requirement or (ii) voluntary; [20507]

(2) if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20667]

(3) which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20877]

**Mr. Nelson:** There are no executive non-departmental public bodies sponsored by the Chancellor's departments.

### Income Tax

**Mr. Milburn:** To ask the Chancellor of the Exchequer, pursuant to his answer of 25 November 1994, *Official Report*, column *463*, if he will provide equivalent figures for 1993–94 on top rate taxpayers. [20476]

**Sir George Young** *[holding answer 24 April 1995]:* Currently available data were given in my reply of 25 November 1994.

### House Buyers

**Mr. Bill Michie:** To ask the Chancellor of the Exchequer what is his latest estimate of the additional cost which house buyers will have to meet this year as the result of the interest rate rises, the cut in MIRAS and the costs of private insurance to cover the withdrawal of income support. [17920]

**Mr. Nelson** *[holding answer 19 April 1995]:* Housing costs have fallen substantially in recent years. For the average existing homeowner, even after taking into account the recent interest rate rises and the reduction in MIRAS, housing costs will still be over £1,550 per annum lower than in late 1990.

The combined effect of the recent increase in interest rates and the reduction of MIRAS from 20 to 15 per cent.

will be to increase housing costs for the average existing home owner by about £270 per annum.

Without knowing what proportion of house buyers will insure themselves following the changes in income support, it is impossible to estimate what, if any, additional costs house buyers will incur.

## PRIME MINISTER

### Kashmir

**Mr. Cox:** To ask the Prime Minister what dicussions he proposes to hold with the Prime Minister of India as to what action India will be taking on the future of direct rule in the indian occupied area of Kashmir from 18 July; and if he will make a statement. [21101]

**The Prime Minister:** I have no plans to discuss the question of President's rule in Kashmir with the Indian Prime Minister. Any decision to extend President's rule in Kashmir after 17 July is for the Indian Government.

## LORD CHANCELLOR'S DEPARTMENT

### Public Bodies

**Dr Wright:** To ask the Parliamentary Secretary, Lord Chancellor's Department which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20884]

**Mr. John M. Taylor:** The Lord Chancellor's Department sponsors two such bodies: the Legal Aid Board and the Authorised Conveyancing Practitioners Board. However, the latter has been inactive since March 1992 when the Lord Chancellor announced his decision to postpone implementation of the authorised practioners scheme.

The Legal Aid Board has no statutory requirement to admit members of the public to meetings or to hold open meetings.

### Legal Aid

**Mr. Fabricant:** To ask the Parliamentary Secretary, Lord Chancellor's Department what action he proposes to take in the light of the responses to the consultation paper, "Legal Aid for the Apparently Wealthy". [21310]

**Mr. John M. Taylor:** Fifty responses to the consultation paper were received. The Lord Chancellor and I are grateful to all these who expressed views. As a result of the consultation exercise, the Lord Chancellor is planning to take the following action:

(1) The Lord Chancellor intends that a special investigations unit should be established to handle means assessments in both civil and criminal cases where the applicant's financial circumstances are unusually complex. The Lord Chancellor has invited the Legal Aid Board to advise him on the feasibility of establishing such a unit, and on the practical arrangements necessary to establish and run it.

(2) The Lord Chancellor intends to amend the legal aid regulations to provide those assessing the means of applicants for legal aid with a discretionary power to include in the means assessment the assets of friends, relatives and children where these appear to be providing, a significant material advantage to the applicant.

(3) The Lord Chancellor intends to examine further the practical implications of allowing the trial judge in criminal cases to release details of the statement of means of an applicant for legal aid in specified circumstances.

(4) The Lord Chancellor intends to take powers to require applicants for legal aid to transfer ownership of any assets that they fail to declare in their application to the legal aid authorities so that the money disbursed in legal aid can be recovered from those assets.

(5) The Lord Chancellor intends to amend the legal aid regulations to provide that there shall be a limit of £100,000 on the amount of equity value in a house that is ignored in the legal aid means assessment. He also intends to limit the maximum amount of mortgage that can be offset against the equity value of a house to £100,000, and to limit the amount of mortgage repayment allowable against income to the amount due on a £100,000 mortgage.

The Lord Chancellor was persuaded by the weight of the responses that the other proposals in the consultation paper should not be pursued.

The overwhelming weight of the responses supported the view expressed in the consultation paper that it would not be right to impose nationality restrictions on the availability of either criminal or civil legal aid. The Lord Chancellor therefore proposes to make no change in the present arrangements on this point. Assets held abroad by those applying for legal aid in this country will continue to be taken into account in the means assessment process.

## DUCHY OF LANCASTER

### Public Bodies

**Dr. Wright:** To ask the Chancellor of the Duchy of Lancaster which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20871]

**Mr. Horam:** None.

## ENVIRONMENT

### Derelict Land Grant

**Mr. William Powell:** To ask the Secretary of State for the Environment how much was paid by way of derelict land grant to the Corby district borough council in each year since 1979. [20269]

**Sir Paul Beresford:** The amount of derelict land grant paid to Corby district council since 1979 is as follows:

| *Year* | *Grant Paid (£m)* |
|---|---|
| 1979–80 | nil |
| 1980–81 | nil |
| 1981–82 | 1,260,937 |

| Year | Grant Paid (£m) |
|---|---|
| 1982–83 | 1,241,666 |
| 1983–84 | 2,906,929 |
| 1984–85 | 1,818,038 |
| 1985–86 | 3,667,586 |
| 1986–87 | 1,287,455 |
| 1987–88 | 3,817,553 |
| 1988–89 | 3,529,020 |
| 1989–90 | 2,866,205 |
| 1990–91 | 2,486,167 |
| 1991–92 | 2,730,477 |
| 1992–93 | 3,819,479 |
| 1993–94 | 1,873,663 |
| 1994–95 | 2,487,319 |
| Total | 35,792,494 |

Since 1 April 1994 payments of derelict land grant have been made by English Partnerships on behalf of the Secretary of State.

### Dry Stone Walls

**Mr. Gordon Prentice:** To ask the Secretary of State for the Environment what estimate he has made of the length of dry stone walls that *(a)* have collapsed and *(b)* are in need of substantial repair (i) in the national parks and (ii) elsewhere in England and Wales. [20397]

**Mr. Atkins:** The Secretary of State commissioned a comprehensive survey of countryside features in 1990—the countryside survey 1990. The survey included the length and condition of dry stone walls in Great Britain. The main results of the survey were published by the Department in 1993. There are an estimated 107,000 km of stone walls in England and Wales. This total includes walls which are derelict or collapsed. No further breakdown of the results, by condition of walls or designated areas, is currently available.

### Local Government Reorganisation

**Mr. David Atkinson:** To ask the Secretary of State for the Environment, pursuant to his statement to the House on 21 March, *Official Report,* column 146, when he expects election to the new unitary authority of Bournemouth to take place; and what will be the period of service of those elected. [20819]

**Mr. Robert B. Jones:** Subject to Parliament approving the relevant order, the existing authority for Bournemouth will continue but with unitary powers from 1 April 1997. There will be elections on 2 May 1996 to elect a council with a fresh mandate; those elected will serve for three years until May 1999 when the normal four-year cycle will resume.

**Mr. Berry:** To ask the Secretary of State for the Environment how many county councils there are in England; and how many he proposes to abolish in his reorganisation of local government structures. [20795]

**Mr. Curry** *[holding answer 25 April 1995]:* There are at present 39 county councils in England. We have accepted the Local Government Commission's recommendations for four of these to be abolished—the county councils of Avon, Berkshire, Cleveland and Humberside.

### Secondary Liquid Fuel

**Mrs. Anne Campbell:** To ask the Secretary of State for the Environment if he will list the periods of the trials which have been carried out at Barrington cement works into the burning of secondary liquid fuel; what was the effect, during the trials, on the levels of dioxin and particulate matter which were permitted whilst the cement kilns were burning secondary liquid fuel; what criteria were used to determine whether future trials will be permitted; and what is the percentage of dioxin in the secondary liquid fuel and the percentage of dioxin in the emissions. [20072]

**Mr. Atkins:** The trials that have been carried out are as follows:

Trial 1: Secondary Liquid Fuel (SLF) burnt from 9/11/93 to 22/12/93.

Trial 2: SLF burnt 1/3/94–31/5/94 and 1/7/94–31/8/94.

Trial 3: SLF burnt 26/9/94–16/12/94.

Trial 4: Started 24/1/95, ongoing.

The effect of burning SLF on the levels of dioxins and particulates was insignificant. Dioxins were below the limits set for chemical waste incinerators, and particulates were below the level set in the authorisation.

The criteria used to determine whether further trials would be permitted were based on a comparison of the emissions and their environmental effect and on the conditions set out in my written reply to my hon. Friend the Member for Rutland and Melton (Mr. Duncan) on 23 June 1994, *Official Report*, columns *259-60*. The operator was required to demonstrate that burning of SLF will not result in a net adverse effect on the environment.

The level of dioxins in the secondary liquid fuel is below the limit of detection. The amount of dioxins as a percentage of exhaust gas weight is approximately $5 \times 10^{-11}$.

**Mrs. Anne Campbell:** To ask the Secretary of State for the Environment (1) whether secondary liquid fuel is classified as waste by the European Union; [20073]

(2) what legal action is outstanding by the European Union against the United Kingdom in respect of the classification of secondary liquid fuel; [20074]

(3) which commercial companies producing waste allow their waste to be blended into fuels. [20075]

**Mr. Atkins:** The definition of waste in article 1(a) of Council directive 75/442/EEC, as amended by Council directive 91/156/EEC, has been transposed into national legislation in the Waste Management Licensing Regulations 1994. Whether or not a substance is waste within the meaning of article 1(a) depends on the facts of each case; and interpretation of the law is a matter for the courts. Guidance on the definition of waste is provided in annexe 2 to DOE circular 11/94.

There is no outstanding legal action by the European Commission against the United Kingdom in relation to the definition of waste and the classification of secondary liquid fuel.

No information is held centrally on commercial companies which allow waste which they have produced to be blended into fuels. All commercial companies producing waste are subject to the duty of care under section 34 of the Environmental Protection Act 1990; and each waste regulation authority is required to maintain a public register containing the information prescribed by regulation 10 of the 1994 regulations.

## Defective Housing

**Mr. Denham:** To ask the Secretary of State for the Environment how many Pre-cast reinforced concrete houses have been repaired using grants provided under the housing defects legislation; and what has been the total expenditure to date. [20537]

**Mr. Robert B. Jones:** Local authorities in England report that between 1 December 1984 and 31 March 1994, 10,346 defective houses were reinstated under the housing defects legislation. Over the period, it is estimated that local authorities spent £275.626 million on reinstatement grants to eligible owners.

**Mr. Denham:** To ask the Secretary of State for the Environment how many complaints have been received by Pre-cast Reinforced Concrete Homes Ltd. regarding the quality of repairs carried out using grants provided under the housing defects legislation. [20538]

**Mr. Robert B. Jones:** PRC Homes Ltd. receives a low level of complaints about various matters, and does not keep statistics on individual subjects.

**Mr. Denham:** To ask the Secretary of State for the Environment how many companies have been licensed to repair homes under the terms of the Housing Defects Act; and, in each case, how many homes they have been responsible for repairing. [20539]

**Mr. Robert B. Jones:** The table shows the number of repairs completed under each licensed scheme, as recorded by PRC Homes Ltd. between 1 January 1986 and 31 March 1995. Information is not readily available on the number of repairs carried out under each licence by each builder registered with PRC Homes Ltd.

*PRC Homes Ltd. Dwelling registrations from 1 January 1986 to 31 March 1995*

| *Licence number* | *Designer* | *House type* | *Completions 1 January 1986 to 31 March 1995* |
|---|---|---|---|
| 001 | Curtins Cons. Eng. | Cornish | 1,686 |
| 002 | Swan Developments | Cornish | 278 |
| 003 | Swan Developments | Orlit | 253 |
| 004 | Swan Developments | Stent | 342 |
| 005 | Curtins Cons. Eng. | Airey | 196 |
| 006 | Curtins Cons. Eng. | Woolaway | 335 |
| 009 | John Laing Const. | Cornish | 912 |
| 012 | Rok-Crete Units | Airey | 49 |
| 013 | Rok-Crete Units | Cornish | 32 |
| 014 | PRC Design Assocs. | Airey | 15 |
| 015 | Williams Davis Ltd. | Cornish | 61 |
| 016 | Michael Dyson Assocs. | Cornish | 962 |
| 017 | Michael Dyson Assocs. | Reema HP | 98 |
| 018 | Michael Dyson Assocs. | Airey | 338 |
| 019 | John Laing Const. | Unity | 862 |
| 020 | Curtins Cons. Eng. | Unity | 672 |
| 021 | Michael Dyson Assocs. | Unity | 523 |
| 022 | Swan Developments | Airey | 2 |
| 023 | Michael Dyson Assocs. | Wates | 1,03 |
| 024 | PRC Design Assocs. | Cornish | 541 |
| 025 | Michael Dyson Assocs. | Woolaway | 74 |
| 028 | Bristol City Council | Woolaway | 28 |
| 029 | PRC Design Assocs. | Unity | 198 |
| 032 | Kirkham Williams Lewis | Cornish | 228 |
| 033 | Leeds City Council | Airey | 290 |
| 035 | The Johns Partnership | Unity | 29 |
| 039 | J. R. Bacon | Unity | 72 |
| 041 | Broadway Const. Ltd. | Wates | 7 |
| 042 | Avebury Design Ass. | Parkinson | 1 |
| 043 | Swan Developments | Wates | 253 |
| 044 | Ove Arup and Ptnrs. | Woolaway | 3 |
| 045 | Curtins Cons. Eng. | Wates | 582 |
| 046 | Curtins Cons. Eng. | Reema HP | 74 |
| 048 | M. Dyson Assoc. | Tarran | 70 |
| 049 | Walsall MBC | Cornish | 13 |
| 050 | M. Dyson Assoc. | Parkinson | 2 |
| 051 | Curtins Cons. Eng. | Smith | 341 |
| 052 | Curtins Cons. Eng. | Orlit | 57 |

*PRC Homes Ltd. Dwelling registrations from 1 January 1986 to 31 March 1995*

| *Licence number* | *Designer* | *House type* | *Completions 1 January 1986 to 31 March 1995* |
|---|---|---|---|
| 054 | M. Dyson Assoc. | Boot | 58 |
| 056 | Curtins Cons. Eng. | Stent | 45 |
| 058 | John Laing Const. | Wates | 16 |
| 059 | Kier Ltd. | Wates | 33 |
| 060 | Dinardo and Ptnrs. | Dorran | 53 |
| 061 | Swan Developments | Unity | 65 |
| 063 | KPA Consulting Engs. | Reema HP | 21 |
| 064 | Curtins Cons. Eng. | Cornish | 45 |
| 065 | M. Dyson Assoc. | Sch/Hawks | 196 |
| 067 | Kirkham Williams Lewis | Unity | 32 |
| 070 | Kirkham Williams Lewis | Sch/Hawks | 130 |
| 071 | KPA Consulting Engs. | Parkinson | 18 |
| 072 | Curtins Cons. Eng. | Gregory | 19 |
| 074 | PRC Design Assocs. | Sch/Hawks | 68 |
| 075 | PRC Design Assocs. | Wates | 14 |

**Mr. Denham:** To ask the Secretary of State for the Environment how companies have had their licence to improve homes under the terms of the Housing Defects Act suspended; and what, in each case, was the date of the suspension, the duration of the suspension and the reason for the suspension. [20540]

**Mr. Robert B. Jones:** I understand that PRC Homes Ltd. has not suspended any repair licences.

**Mr. Denham:** To ask the Secretary of State for the Environment what assessment he has made of the willingness of mortgage lenders to provide mortgages on homes repaired under the provision of the Housing Defects Act. [20541]

**Mr. Robert B. Jones:** A survey of the largest building societies carried out in 1986 by the Building Societies Association suggested that almost all will consider, subject to normal conditions and valuation, an application for mortgage on a defective house repaired under the housing defects legislation. Generally this remains the position today. The structural condition of any property is one of a number of factors which lending institutions take into account when considering an application for mortgage.

## Sunspots

**Mr. Paul Flynn:** To ask the Secretary of State for the Environment what analysis he has made on the effects of sunspots on *(a)* global warming, *(b)* the trade cycles and *(c)* landslides. [20807]

**Mr. Atkins:** The Government have undertaken no such analyses. However on *(a)*, the 1994 report of the scientific assessment working group of the Intergovernmental Panel on Climate Change suggests that any influence of solar intensity varying on the 11-year cycle associated with sunspots is likely to be small. Longer term variation in solar intensity may have accounted for around 10 per cent. of the warming influence of additional greenhouse gases since 1850.

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for the Environment which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public

to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20875]

**Sir Paul Beresford:** None of the executive non-departmental public bodies sponsored by my Department has a statutory requirement to admit members of the public to all board or committee meetings, nor do any have a statutory requirement to hold open meetings for the public.

### Housing Association Rents

**Mr. Ainger:** To ask the Secretary of State for the Environment if he will list the average rent charged by English housing associations for *(a)* one-bedroom, *(b)* two bedroom and *(c)* three bedroom properties in each year since 1979. [21085]

**Mr. Robert B. Jones:** A full breakdown of housing association rents by bedroom size is available only for the last three years. The figures are published by the Housing Corporation in three annual volumes: Housing Associations in 1992, 1993 and 1994 which are held in the Library.

### Power Station Emissions

**Mr. Ainger:** To ask the Secretary of State for the Environment if he will list the annual emissions level from all large combustion plants in the United Kingdom for sulphur dioxide, nitrogen dioxide and particulates since 1983. [20843]

**Mr. Atkins** *[holding answer 25 April 1995]:* I refer the hon. Member to my written reply on 14 March 1995, *Official Report,* columns *536–38,* detailing the $SO_2$, NO, and particulate emissions from power stations in England and Wales for 1991, 1992 and 1993.

For the remaining large combustion plants, at present Her Majesty's inspectorate of pollution holds validated data only for 1992 and 1993. Data for the preceding years is not held in the form requested.

HMIP is responsible for large combustion plant within England and Wales only.

*Emissions from large combustion plant in England and Wales 1992 and 1993*

| *Company* | *1992 NOx/te* | *1992 SO₂/te* | *1993 NOx/te* | *1993 SO₂/te* | *1992 Particulates/te* | *1993 Particulates/te* |
|---|---|---|---|---|---|---|
| *BAA* | | | | | | |
| Heathrow | 133 | 30 | 128 | 22 | 0 | 0 |
| *BASF* | | | | | | |
| Seal Sands | 2,031 | 431 | 2,194 | 631 | n/a | 0 |
| *Bass* | | | | | | |
| Burton | 120 | 380 | 132 | 414 | 89 | 94 |
| *Boots* | | | | | | |
| Nottingham | 89 | 34 | 54 | 0 | 98 | 22 |
| *BP Chemicals* | | | | | | |
| Baglan Bay | 4,818 | 24,278 | 4,737 | 23,008 | — | — |
| Hull | 111 | 257 | 77 | 47 | 4 | 0 |
| *BPB* | | | | | | |
| Purfleet | 181 | 1,072 | 227 | 1,497 | n/a | n/a |
| *British Coal* | | | | | | |
| Nottingham | 13 | 57 | 33 | 191 | 10 | 21 |
| *BP Oil* | | | | | | |
| Llandarcy | 836 | 5,047 | 838 | 4,776 | n/a | n/a |
| *Bridgewater Paper* | | | | | | |
| Ellesmere Port | 1,110 | 3,325 | 1,144 | 3,702 | 500 | 307 |
| *British Alcan* | | | | | | |
| Lynemouth | 10,676 | 26,697 | 11,555 | 26,910 | 1,770 | 2,152 |
| *British Sugar* | | | | | | |
| Bardney | 223 | 998 | 190 | 1,304 | — | — |
| Bury St. Edmunds | 194 | 351 | 169 | 46 | — | — |
| Ipswich | 112 | 799 | 139 | 365 | — | — |
| Kings Lynn | 195 | 1,109 | 235 | 1,338 | — | — |
| Wissington | 106 | 0 | 112 | 3 | — | — |
| Newark | 113 | 533 | 190 | 1,112 | — | — |
| York | 53 | 0 | 61 | 1 | 175 | 639 |
| *British Steel* | | | | | | |
| Port Talbot | 799 | 4,859 | 842 | 4,458 | — | — |
| Llanwern | 438 | 1,306 | 350 | 874 | — | — |
| Scunthorpe | 457 | 1,642 | 373 | 1,195 | — | — |
| Redcar | 484 | 1,040 | 461 | 593 | 173 | 250 |

*Emissions from large combustion plant in England and Wales 1992 and 1993*

| Company | 1992 NOx/te | 1992 SO2/te | 1993 NOx/te | 1993 SO2/te | 1992 Particulates/te | 1993 Particulates/te |
|---|---|---|---|---|---|---|
| *Brunner Mond* | | | | | | |
| Lostock | 1,251 | 5,032 | 1,151 | 5,741 | — | — |
| Winnington | 1,952 | 6,829 | 1,880 | 9,574 | n/a | 1,054 |
| *Ciba Geigy* | | | | | | |
| Manchester | 240 | 576 | 174 | 494 | n/a | n/a |
| *Cleveland Power* | | | | | | |
| Redcar | 109 | 267 | 82 | 365 | n/a | n/a |
| *Coal Products* | | | | | | |
| Chesterfield | 48 | 236 | 0 | 0 | n/a | 0 |
| *Colthrop Board Mill* | | | | | | |
| Newbury | 89 | 126 | 73 | 0 | 0 | 0 |
| *Courage* | | | | | | |
| Reading | 80 | 175 | 114 | 370 | 10 | 23 |
| *Courtaulds* | | | | | | |
| Bridgwater | 345 | 799 | 236 | 0 | — | — |
| Coventry | 136 | 0 | 95 | 0 | — | — |
| Great Coates | 1,196 | 7,693 | 1,157 | 5,267 | — | — |
| Spondon | 658 | 2,683 | 607 | 2,689 | 2,502 | 1,613 |
| *Ford* | | | | | | |
| Dagenham | 668 | 1,620 | 291 | 1,288 | — | — |
| Halewood | 37 | 55 | 38 | 72 | 70 | 171 |
| *Forgemasters Steels* | | | | | | |
| Sheffield | 55 | 55 | 59 | 45 | n/a | 0 |
| *Glaxochem* | | | | | | |
| Ulverston | 138 | 43 | 137 | 169 | 0 | 0 |
| *Goodyear* | | | | | | |
| Wolverhampton | 163 | 28 | 159 | 0 | n/a | n/a |
| *Grovenhurst Energy* | | | | | | |
| Sittingbourne | 2,257 | 8,277 | 2,408 | 7,003 | 232 | 227 |
| *Guinness* | | | | | | |
| London | 174 | 556 | 176 | 387 | 35 | 63 |
| *Hickson and Welch* | | | | | | |
| Castleford | 142 | 78 | 130 | 1 | n/a | n/a |
| *Hydro Fertilizers* | | | | | | |
| Immingham | 25 | 1 | 0 | 0 | 0 | 0 |
| *ICI* | | | | | | |
| Hillhouse | 581 | 2,576 | 850 | 2,415 | — | — |
| North Tees | 552 | 3,255 | 610 | 3,743 | — | — |
| Runcorn | 802 | 951 | 1,321 | 1,192 | — | — |
| Wilton | 7,598 | 27,139 | 7,270 | 26,040 | — | — |
| Billingham | 65 | 1 | 57 | 0 | n/a | 649 |
| *Iggesund* | | | | | | |
| Workington | 222 | 9 | 219 | 0 | 0 | 0 |
| *Ind Coope* | | | | | | |
| Burton | 85 | 166 | 60 | 0 | 0 | 0 |
| *Kodak* | | | | | | |
| Harrow | 154 | 695 | 115 | 768 | 0 | 0 |
| *London Underground* | | | | | | |
| London | 1,066 | 47 | 473 | 25 | 0 | 2 |
| *Phillips Petroleum* | | | | | | |
| Seal Sands | 337 | 4 | 220 | 5 | n/a | n/a |

*Emissions from large combustion plant in England and Wales 1992 and 1993*

| Company | 1992 NOx/te | 1992 SO2/te | 1993 NOx/te | 1993 SO2/te | 1992 Particulates/te | 1993 Particulates/te |
|---|---|---|---|---|---|---|
| *SAPPI* | | | | | | |
| Hemel Hempstead | 120 | 798 | 121 | 773 | n/a | 6 |
| *SCA* | | | | | | |
| Aylesford | 705 | 2,006 | 766 | 1,801 | 165 | 0 |
| *Shell* | | | | | | |
| Stanlow | 185 | 792 | 209 | 74 | 1 | 0 |
| *Shotton Paper* | | | | | | |
| Shotton | 369 | 369 | 338 | 493 | n/a | n/a |
| *Slough Trading Est.* | | | | | | |
| Slough | 286 | 1,444 | 216 | 408 | 73 | 21 |
| *St. Regis Paper Co* | | | | | | |
| Darwen | 96 | 179 | 84 | 53 | — | — |
| Sudbrook | 198 | 1 | 50 | 0 | — | — |
| Watchet | 145 | 6 | 123 | 0 | 179 | 16 |
| *Tate and Lyle* | | | | | | |
| Silvertown | 404 | 1,706 | 170 | 609 | 33 | 72 |
| *Tioxide* | | | | | | |
| Grimsby | 237 | 1,335 | 240 | 1,380 | — | — |
| Hartlepool | 144 | 10 | 126 | 11 | n/a | 22 |
| *UCB Films* | | | | | | |
| Wigton | 135 | 1,020 | 375 | 833 | n/a | n/a |
| *UML* | | | | | | |
| Bromborough | 715 | 2,449 | 650 | 2,067 | 300 | 123 |
| *University of Leeds* | | | | | | |
| Leeds | 66 | 217 | 63 | 297 | n/a | n/a |
| *Zeneca* | | | | | | |
| Huddersfield | 672 | 3,390 | 233 | 1,054 | n/a | n/a |
| Sub Total | 50,178 | 161,456 | 47,810 | 149,991 | 751 | 262 |

All figures given in tonnes (te). n/a = information not available.

*New plant (within national plan)*

| Company | 1992 NOx/te | 1992 SO2/te | 1993 NOx/te | 1993 SO2/te | 1992 Particulates/te | 1993 Particulates/te |
|---|---|---|---|---|---|---|
| *Albright and Wilson* | 122 | 5 | 91 | 0 | n/a | n/a |
| *Glaxo* | | | | | | |
| Stevenage | 0 | 0 | 2 | 0 | n/a | n/a |
| *Slough Trading Estate* | | | | | | |
| Slough | 0 | 0 | 88 | 824 | 73 | 21 |
| *Toyota* | | | | | | |
| Burnaston | 0 | 0 | 1 | 0 | 0 | 0 |
| Sub total | 122 | 5 | 182 | 824 | 73 | 21 |

All figures given in tonnes (te). n/a = information not available.

*Refineries*

| Company | 1992 NO2/te | 1992 SO2/te | 1993 NO2/te | 1993 SO2/te | 1992 Particulates/te | 1993 Particulates/te |
|---|---|---|---|---|---|---|
| *BP Oil* | | | | | | |
| Llandarcy | 836 | 5,047 | 838 | 4,776 | n/a | 161 |
| *Conoco* | | | | | | |
| South Killingholme | 2,128 | 2,405 | 2,085 | 1,367 | n/a | n/a |

*Refineries*

| *Company* | *1992 NO$_x$/te* | *1992 SO$_x$/te* | *1993 NO$_x$/te* | *1993 SO$_x$/te* | *1992 Particulates/te* | *1993 Particulates/te* |
|---|---|---|---|---|---|---|
| *Elf* | | | | | | |
| Milford Haven | 1,003 | 297 | 971 | 543 | 230 | — |
| *Esso* | | | | | | |
| Fawley | 5,174 | 13,173 | 5,051 | 12,930 | 1,020 | 1,029 |
| *Gulf* | | | | | | |
| Milford Haven | 875 | 4,013 | 764 | 3,264 | n/a | n/a |
| *Lindsey* | | | | | | |
| Killingholme | 2,511 | 10,858 | 2,773 | 11,793 | n/a | n/a |
| *Mobil* | | | | | | |
| Coryton | 2,465 | 8,869 | 2,513 | 6,506 | n/a | n/a |
| *Pip* | | | | | | |
| North Tees | 515 | 330 | 299 | 315 | n/a | n/a |
| *Shell* | | | | | | |
| Shell Stanlow | 4,399 | 17,074 | 4,655 | 17,729 | n/a | n/a |
| Shell Haven | 1,373 | 3,314 | 1,728 | 5,353 | n/a | n/a |
| *Texaco* | | | | | | |
| Pembroke | 3,051 | 2,666 | 3,070 | 3,137 | 1,200 | 250 |
| Sub Total | 24,330 | 68,046 | 24,747 | 67,713 | 2,450 | 1,440 |

All figures given in tonnes (te). n/a = information not available.

There are further large combustion plants which are not regulated under the national plan for the reduction of emissions of sulphur dioxide and oxides of nitrogen. The total emissions from these plants were:

| | *1992 NOx/te* | *1992 SO$_x$/te* | *1993 NOx/te* | *1993 SO$_x$/te* | *1992 Particulates/te* | *1993 Particulates/te* |
|---|---|---|---|---|---|---|
| | 4,140 | 5,460 | 12,575 | 11,600 | 1,170 | 1,340 |
| Grand total | 78,770 | 234,967 | 85,314 | 230,128 | 4,444 | 3,063 |

All figures given in tonnes (te).

## AGRICULTURE, FISHERIES AND FOOD

### Allowances

**Mr. David Shaw:** To ask the Minister of Agriculture, Fisheries and Food if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19547]

**Mr. Waldegrave:** The costs incurred by my Department on subsistence for each of the last three years are as follows:

*£ pounds*

| | *1992–93* | *1993–94* | *1994–95 (provisional)* |
|---|---|---|---|
| (a) United Kingdom | 1,857,423 | 1,845,800 | 1,473,335 |
| (b) Overseas | 773,353 | 776,681 | 673,660 |

The figures for 1992–93 and 1993–94 include those for the pesticides safety and veterinary medicines directorates.

Responsibility for such matters within ADAS, the Central Science Laboratory, the Central Veterinary Laboratory and the pesticides safety and the veterinary medicines directorates has been delegated to the agency chief executives and I have asked them to reply to my hon. Friend direct.

*Letter from G. K. Bruce to Mr. David Shaw, dated 26 April 1995:*

The Minister of Agriculture, Fisheries and Food has asked me to reply, in respect of the Pesticides Safety Directorate (PSD), to your question about expenditure on subsistence allowances for travel in each of the last three years.

The Directorate was launched as an executive agency on 1 April 1993 and figures prior to this date have been included in the core—MAFF response and are not separately available. However, I am able to advise that subsistence allowances paid to staff for travel in the UK since the agency was launched have totalled £10,956 in 1993/94, and £20,787 in 1994/95. For travel outside the UK, subsistence allowances paid to PSD staff have totalled £38,516 and £32,611 in 1993/94 and 1994/95 respectively.

*Letter from Dr. J. M. Rutter to Mr. David Shaw, dated 26 April 1995:*

The Minister has asked me to reply to your question about the total amount of subsistence allowance paid by the Veterinary Medicines Directorate within and outside the United Kingdom for each of the last three years, as this is an operational matter for which I am responsible.

The information requested is as follows:

| *Subsistence payments* | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| Within UK | 8,052 | 4,049 | 3,956 |
| Outside UK | 46,868 | 48,483 | 34,444 |

Subsistence payments outside the UK include those incurred on inspections overseas of manufacturing premises for veterinary immunological medicines. These are recovered from the company concerned as part of the inspection fee.

*Letter from Dr. J. M. Walsh to Mr. David Shaw, dated 21 April 1995:*

The Minister of Agriculture has asked me to reply directly to you in answer to your Parliamentary Question number 1055.

In this you asked for the total amount paid by this Agency for travel within the United Kingdom and outside the United Kingdom in each of the last three years.

ADAS was formed in June 1992 as an Executive Agency, jointly owned by MAFF and the Welsh Office. The majority of expenditure on subsistence is spent by ADAS Consultants pursuing their commercial activities.

The costs incurred by ADAS on subsistence for each of the last three years are as follows:

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| (a) Within the UK | 843,138 | 814,520 | 757,214 |
| (b) Overseas | 45,259 | 73,919 | 87,612 |

*Letter from Dr. P. I. Stanley to Mr. David Shaw, dated 26 April 1995:*

Subsistence payments to staff of the Central Science Laboratory (CSL) in respect of travel within the UK for the past three financial years were:

| | *£000* |
|---|---|
| 1992–93 | 63.10 |
| 1993–94 | 87.64 |
| 1994–95 | 153.33 |

I should explain that in April 1994 CSL was re-launched as an enlarged Agency following its merger with the Food Science Laboratories at Norwich and Aberdeen. The merger meant that the number of staff employed by CSL rose from about 450 to 700 and the incidence of UK travel increased with the addition of two major distant sites. This accounts for last year's significant rise in subsistence payments.

Regarding subsistence payments for travel outside of the UK, such statistics are not recorded separately from travel and other associated expenses and the cost of obtaining them would be disproportionately high.

*Letter from Guy Stapleton to Mr. David Shaw, dated 26 April 1995:*

The Minister of Agriculture, Fisheries and Food has asked me to reply to your question about subsistence allowances paid by the Agency for travel within the United Kingdom and outside the United Kingdom for each of the last three years as the information for the Intervention Board is a matter within my operational responsibility.

The Intervention Board has spent the following sums on subsistence allowances since 1992–93:

| | *1992–93* £ | *1993–94* £ | *1994–95* £ |
|---|---|---|---|
| Subsistence on travel within the United Kingdom | 193,890 | 191,623 | 180,750 |
| Subsistence on travel outside the United Kingdom | 36,262 | 43,310 | 53,425 |

Subsistence is payable when an officer works away from their normal office and because they incur necessary expenses for accommodation or meals. The rates of subsistence are those currently indicated by Treasury. Approximately three-quarters of the Agency's subsistence for travel within the United Kingdom is paid to staff who regularly travel in their role as investigators, scrutineers and verifiers. Subsistence for trave outside the United Kingdom is incurred mainly by the attendance of Agency staff at meetings with European Commission and other officials in Brussels.

*Letter from T. W. A. Little to Mr. David Shaw, dated 26 April 1995:*

The Minister has asked me to reply to your question about subsistence allowance paid by CVL.

The total amounts paid over the last three years are:

| | *Within UK* £ | *Outside UK* £ |
|---|---|---|
| 1992–93 (Est) | 38,700 | 27,250 |
| 1993–94 | 24,676 | 24,382 |
| 1994–95 | 23,638 | 26,345 |

A word of explanation on the 1992–93 figures may be useful. CVL became an Executive Agency in 1990. Up to and including November 1992 our accounts were processed and produced by MAFF and it has only been possible to identify separately the subsistence allowances paid from 1 December 1992. The 1992–93 figure is derived from the amounts paid between 1 December and 31 March 1993.

## Pesticides

**Mr. Jim Cunningham:** To ask the Minister of Agriculture, Fisheries and Food if he will list the cases in which the Advisory committee on Pesticides has been consulted in each of the last five years, and what subsequent action was taken. [20065]

**Mrs. Browning:** Ministers are required by the Food and Environment Protection Act 1985 to consult the Advisory Committee on Pesticides on approvals they propose to give or revoke, on the conditions to be attached to approvals and on regulations to be made under the Act. Ministers also consult the committee on other current pesticides issues.

Consequently the committee has discussed many matters at its 28 meetings over the period 1990 to 1994. Details of these discussions and their outcomes are set out in the committee's annual reports, copies of which are in the House Library.

**Mr. Jim Cunningham:** To ask the Minister of Agriculture, Fisheries and Food what discussions he has had with the Secretary of State for Health regarding pesticides and animal treatments and their effect on the food chain, and what action resulted. [20066]

**Mrs. Browning:** My right hon. Friends the Minister and the Secretary of State for Health are among the Ministers responsible for the regulation of pesticides and have close contact on such matters. These contacts feed into decisions on individual applications for approval of pesticides and into the shaping of policy.

**Mr. Jim Cunningham:** To ask the Minister of Agriculture, Fisheries and Food what guidance Her Majesty's Government offer on the minimum level for pesticide usage for effective pest control, at what interval this level is reviewed; and what investigations are made to decide it. [20067]

**Mrs. Browning:** Guidance on minimising pesticide use is provided through the code of practice on the safe use of pesticides on farms and holdings through ADAS and other advisory services. The guidance promotes, in particular, the better targeting of pesticide applications and the use of reduced application rates in appropriate cases. A wide-ranging research programme supports the Government's pesticide minimisation policy. Guidance is kept under constant review in the light of results from the research programme.

**Mr. Jim Cunningham:** To ask the Minister of Agriculture, Fisheries and Food what is the European Union regime for regulating pesticides, and how this correlates with his Department's procedures. [20068]

**Mrs. Browning:** Directive 91/414/EEC provides a framework for the harmonisation of national regimes for agricultural pesticides; a framework directive for other pesticides is under negotiation. Under directive 91/414/EEC, active substances will be authorised, or not, by the Community as a whole. Products containing these active substances will be regulated by individual member states who will carry out their evaluations on the basis of agreed "Uniform Principles". Both the UK and EC systems place paramount importance upon human safety, and protecting the environment. Both base decisions on the evaluation of appropriate scientific data and the two systems are of comparable rigour in terms of the data required and the manner in which they are evaluated.

**Mr. Jim Cunningham:** To ask the Minister of Agriculture, Fisheries and Food what procedures are adopted to investigate the veracity of company data when submitted for approval of a pesticide. [20069]

**Mrs. Browning:** Companies are required to satisfy themselves of the veracity of their data before submitting them. It is an offence under the Food and Environment Protection Act 1985 knowingly or recklessly to provide false information or to withhold a material fact. Those evaluating pesticides are alert to inconsistencies in the data package provided or between the data submitted and those which might be expected based on experience with similar active substances or formulations. Experimental toxicity data to support submissions for approval of new pesticides must be generated in accordance with good laboratory practice—GLP. GLP involves regular internal checks and reviews and facilities operating to GLP are subject to independent inspection for compliance.

**Mr. Jim Cunningham:** To ask the Minister of Agriculture, Fisheries and Food what are the specific criteria used by his Department before approval of a pesticide. [20070]

**Mrs. Browning:** The key aims of the approvals system are that proper use of the pesticide carries no unacceptable risk to human health or to the environment and that the product is efficacious. The pursuit of these aims requires the examination of a number of issues including mammalian toxicity, operator exposure, pesticide chemistry, behaviour and toxicity in the environment and residue levels in food. Specific data relating to all relevant matters are required from the applicant company and evaluated according to best current standards and protocols.

**Mr. Jim Cunningham:** To ask the Minister of Agriculture, Fisheries and Food what plans he has to commission his Department to study the possible connections between the use of pesticides and allergies and other medical problems. [20071]

**Mrs. Browning:** Companies applying for pesticide approvals must provide fully researched data which addresses potential allergic and other medical effects in pesticide users and food consumers. These data are rigorously evaluated before any approval is given.

The chemical nature of pesticides and the fact that consumers are exposed only to very low levels mean that the risk of allergic reaction to pesticide residues is low compared with food allergens. Therefore, MAFF's continuing research concerned with allergies and intolerances will concentrate on foods rather than on pesticides.

There will, however, continue to be projects which examine allergic responses or other medical issues at a general level and which assist with the development of risk assessment techniques used in pesticide evaluation. MAFF will also continue to draw on public results of research carried out by other bodies throughout the world.

### Statutory Instruments

**Mr. Martyn Jones:** To ask the Minister of Agriculture, Fisheries and Food what is the percentage of statutory instruments introduced by his Ministry which implement EU directives in the latest available year. [19739]

**Mr. Jack:** In the 1994 calendar year 22 per cent. of statutory instruments made or laid by MAFF implemented EU directives.

**Mr. Martyn Jones:** To ask the Minister of Agriculture, Fisheries and Food what is the estimated cost *(a)* to his Ministry and *(b)* to the relevant industries of implementing statutory instruments introduced by his Ministry in (i) 1980, (ii) 1985, (iii) 1990 and (iv) 1994. [19739]

**Mr. Jack:** The cost to the Ministry of implementing statutory instruments for the years in question could be provided only at disproportionate cost. As far as costs to the industry are concerned, compliance cost assessments are prepared by the Department in line with Government policy. A list of all such CCAs issued between November 1993 and June 1994 was published in a command paper in December 1994, Cm 2769. Another command paper covering the period July to December 1994 will be published shortly. Copies of the CCAs prepared during these periods and since have been placed in the Library of the House. Details of compliance cost assessments for earlier periods cannot be obtained without disproportionate cost.

**Mr. Martyn Jones:** To ask the Minister of Agriculture, Fisheries and Food what is the total number of statutory instruments introduced by his Ministry in *(a)* 1980, *(b)* 1985, *(c)* 1990, *(d)* 1994 and *(e)* 1995, to date.

**Mr. Jack:** A total of 143 statutory instruments were made or laid by MAFF in the 1990 calendar year, 121 in 1994 and 55 in 1995 up to 21 April. Figures for the earlier years could be provided only at disproportionate cost.

## Tuberculosis

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food how many cases of TB in cattle were reported in each county in each year since 1985. [20554]

**Mrs. Browning:** Complete information in the form requested is not available and that information which is available for the years 1985 to 1987 could be provided only at disproportionate cost. However, the numbers of confirmed cattle tuberculosis breakdowns in each county of England in each of the years form 1988 to 1991 were as follows:

| | *Year(s) in which cases occurred* | *Number of herds* | *Number of confirmed reactors* |
|---|---|---|---|
| Avon | 1988 | 8 | 42 |
| | 1989 | 10 | 49 |
| | 1990 | 9 | 10 |
| | 1991 | 17 | 23 |
| Bedfordshire | 1988 | 1 | 1 |
| | 1990 | 1 | 1 |
| Cheshire | 1991 | 1 | 2 |
| Cornwall | 1988 | 18 | 42 |
| | 1989 | 45 | 110 |
| | 1990 | 33 | 50 |
| | 1991 | 47 | 107 |
| Derbyshire | 1988 | 6 | 7 |
| | 1989 | 2 | 3 |
| Devon | 1988 | 17 | 33 |
| | 1989 | 12 | 22 |
| | 1990 | 19 | 35 |
| | 1991 | 10 | 19 |
| Dorset | 1988 | 6 | 8 |
| | 1989 | 5 | 5 |
| | 1990 | 4 | 6 |
| | 1991 | 4 | 10 |
| Gloucestershire | 1988 | 11 | 33 |
| | 1989 | 13 | 31 |
| | 1990 | 15 | 22 |
| | 1991 | 36 | 47 |
| Hampshire | 1989 | 1 | 1 |
| | 1991 | 1 | 1 |
| Lancashire | 1990 | 1 | 1 |
| Leicestershire | 1989 | 1 | 1 |
| Lincolnshire | 1989 | 1 | 2 |
| Northamptonshire | 1990 | 1 | 1 |
| Northumberland | 1988 | 1 | 1 |
| | 1989 | 1 | 1 |
| | 1990 | 2 | 2 |
| Nottinghamshire | 1988 | 1 | 1 |
| Shropshire | 1990 | 1 | 1 |
| | 1991 | 1 | 1 |
| Somerset | 1988 | 2 | 2 |
| Suffolk | 1989 | 1 | 3 |
| Surrey | 1991 | 1 | 1 |
| Sussex east | 1989 | 1 | 5 |
| | 1991 | 2 | 2 |
| Sussex west | 1989 | 1 | 12 |
| | 1991 | 1 | 1 |
| Warwickshire | 1991 | 1 | 1 |
| Wiltshire | 1988 | 7 | 8 |
| | 1989 | 4 | 4 |
| | 1990 | 5 | 5 |
| | 1991 | 3 | 7 |
| Yorkshire north | 1991 | 2 | 2 |
| Yorkshire south | 1989 | 1 | 1 |
| | 1991 | 1 | 1 |

In the period 1992 to 1994 the numbers of confirmed cattle tuberculosis breakdowns in each of the Ministry's administrative areas of England were as follows:

| | *Year(s) in which cases occurred* | *Number of herds* | *Number of confirmed reactors* |
|---|---|---|---|
| Berkshire/Buckinghamshire/ Oxon | 1993 | 2 | 9 |
| | 1994 | 2 | 2 |
| Cheshire | 1994 | 1 | 1 |
| Cornwall | 1992 | 49 | 129 |
| | 1993 | 82 | 277 |
| | 1994 | 106 | 351 |
| Cumbria | 1992 | 3 | 12 |
| | 1993 | 1 | 1 |
| Derbyshire/Nottinghamshire | 1994 | 1 | 1 |
| Devon | 1992 | 20 | 102 |
| | 1993 | 46 | 99 |
| | 1994 | 75 | 189 |
| Dorset | 1992 | 3 | 5 |
| | 1993 | 8 | 21 |
| | 1994 | 2 | 19 |
| Durham/Tyne and Weir/ Cleveland/Northumbria | 1992 | 2 | 2 |
| | 1993 | 1 | 1 |
| | 1994 | 2 | 7 |
| Gloucestershire and Avon | 1992 | 37 | 120 |
| | 1993 | 64 | 175 |
| | 1994 | 63 | 214 |
| Hereford/Worcestershire | 1993 | 4 | 12 |
| | 1994 | 12 | 83 |
| Humberside | 1992 | 1 | 1 |
| Kent and east Sussex | 1994 | 1 | 3 |

| | Year(s) in which cases occurred | Number of herds | Number of confirmed reactors |
|---|---|---|---|
| Lancashire/Merseyside | 1992 | 1 | 1 |
| | 1993 | 1 | 1 |
| | 1994 | 1 | 1 |
| Leicestershire | 1992 | 2 | 2 |
| | 1993 | 1 | 1 |
| | 1994 | 1 | 1 |
| Lincolnshire | 1993 | 1 | 1 |
| Somerset | 1993 | 14 | 65 |
| | 1994 | 7 | 15 |
| Warwickshire and west Midlands | 1992 | 2 | 4 |
| | 1993 | 1 | 2 |
| Wiltshire | 1992 | 9 | 60 |
| | 1993 | 18 | 89 |
| | 1994 | 21 | 60 |
| North Yorkshire | 1992 | 4 | 4 |

### Smoking Restrictions

**Mr. Peter Griffiths:** To ask the Minister of Agriculture, Fisheries and Food what facilities are provided and arrangements made for the well-being and comfort of staff who *(a)* smoke and *(b)* do not wish to be affected by smoking at (i) the work station and (ii) rest, recreation and refreshment facilities at Whitehall place, London. [20457]

**Mr. Jack:** Smoking restrictions in the Ministry's London headquarters buildings were introduced on 1 July 1993. MAFF's smoking at work policy came into full force on 1 January 1994. From that date smoking was allowed on Ministry premises only in suitably equipped and ventilated smoking rooms. There are three designated smoking rooms in the Whitehall place complex.

Rest, recreation and refreshment facilities are available adjacent to one of the designated smoking areas.

### Sheep Scab

**Mrs. Lait:** To ask the Minister of Agriculture, Fisheries and Food what reports he has had from markets in the United Kingdom on the prevalence of sheep scab. [21033]

**Mrs. Browning:** Last spring, the state veterinary service launched a month-long surveillance exercise at sheep markets to identify the prevalence of sheep scab in the country and to establish a benchmark for further checks. The result indicated that sheep scab had increased from the levels recorded before deregulation.

To help reduce the spread of scab the Government announced a joint industry—Government publicity campaign together with a significant increase in the official veterinary presence at markets. Only 46 out of 2,809 market visits conducted between 1 September 1994 and 3 March 1995 resulted in the detection of sheep suspected of being affected with scab. In total, only 363 animals had to be withdrawn and treated for sheep scab; a further 107 suspect animals were sent direct to slaughter.

The SVS have just repeated last year's exercise and the findings will be compared against those for last year. The results are currently being collated and will be announced shortly. The provisional indications are, however, that the amount of scab found at markets has significantly decreased.

### Meat Inspectors

**Mr. Cox:** To ask the Minister of Agriculture, Fisheries and Food what plans he has to extend the rebate given on meat inspector costs. [21100]

**Mrs. Browning:** We have been considering how best to deploy the transitional assistance on meat hygiene service charges announced in the answer given by my right hon. Friend to my hon. Friend the Member for Hexham (Mr. Atkinson) on 29 March, *Official Report*, columns *653-54*, so as to assist the widest possible range of premises within the funds available. The MHS is now consulting plant operators on the following proposed reductions in its charges:

- Charges for Official Veterinary Surgeons' normal time to be capped at £35 per hour at all plants for this financial year
- Charges for Meat Inspectors' normal time to be reduced by £1 per hour at all plants for this financial year
- A rebate equivalent to £1 per hour off Meat Inspectors' normal time after the end of the first two quarters of 1995–96 (i.e. in July and October 1995) to all plants, subject to the need to observe the requirements of European legislation which prohibits the subsidisation of inspection charges below the level of the Community Standard charge in the case of slaughterhouses.

Final decisions on these proposed charges will not be taken until after the end of the statutory consultation process. The charges would be subject to review in consultation with the Industry Forum—the consultative body which the MHS has set up to discuss issues with the industry—after the first six months of this financial year to see whether there was any further flexibility within the funds available to make any other adjustments for the remainder of the year.

### Corncrake

**Ms. Quin:** To ask the Minister of Agriculture, Fisheries and Food what plans he has to encourage the return of the corncrake to its farmland habitat. [20243]

**Mr. Jack** *[holding answer 25 April 1995]:* The present UK population of corncrakes is confined almost entirely to the north and west of Scotland where the Government have contributed to schemes designed to increase their numbers. English Nature has advised that a reintroduction programme for England is not considered feasible at present given the lack of any substantial areas of suitable habitat. However, the corncrake is a candidate species under consideration by the biodiversity steering group for an individual action plan to improve its conservation status.

### North Sea (Aggregates)

**Sir Richard Body:** To ask the Minister of Agriculture, Fisheries and Food whether any sand or aggregates removed from the banks in the North sea off Lincolnshire is being exported abroad. [19747]

**Sir Paul Beresford:** I have been asked to reply.

Approximately 400,000 tonnes.

## HEALTH

### Alzheimer's Disease

**Mrs. Beckett:** To ask the Secretary of State for Health if she will list the drugs available on the NHS for the treatment of Alzheimer's disease. [19900]

**Mr. Sackville:** The national health service provides different types of treatment for Alzheimer's disease which may include tranquillisers, physiotherapy and educational activities.

There are, however, currently no licensed drugs available for the treatment of this serious condition, although the Medicines Control Agency is aware that the pharmaceutical industry has drugs under development.

### Organ Donor Register

**Mr. Pike:** To ask the Secretary of State for Health (1) how many registrations have been made on the national computerised registration system for kidney donors; [20516]

(2) what guidelines and information have been given to transplant co-ordinators regarding the national computerised registration system; [20517]

(3) what is the progress of the national computerised registration scheme for kidney donors by region; and if she will make a statement. [20519]

**Mr. Sackville:** Since the national health service organ donor register was launched on 6 October 1994 nearly 1,200,000[1] people have joined the register. A regional analysis is not available at present. The United Kingdom Transplant Co-ordinators Association is represented on the Health Departments' steering group for the NHS organ donor register. Transplant unit staff were informed about the register before it was launched and on 31 March 1995 the chief executive of the United Kingdom Transplant Support Service Authority sent transplant co-ordinators the procedure for using the register. A resources and information pack was recently sent to all transplant co-ordinators.

[1] Around 440,000 of these were transferred from the existing Lifeline Wales register.

**Mr. Pike:** To ask the Secretary of State for Health what efforts her Department has made to promote and advertise the national computerised registration system for kidney donors. [20518]

**Mr. Sackville:** We have produced a wide range of publicity material to support the NHS organ donor register since its launch in October 1994, at a cost of £1.53 million in 1994–95. This has included the delivery of leaflets, including registration forms, to over 19 million homes with local free newspapers or via the Royal Mail; national, regional and local newspaper advertisements; TV fillers; 25,000 posters; freepost and freephone facilities; displays in post offices; and distribution of leaflets and forms to all chemists and GPs.

### M.E. Funding

**Ms Lynne:** To ask the Secretary of State for Health what are the current and future plans for funding the national task force on CFS/PVFS/myalgic encephalomyelitis. [20557]

**Mr. Sackville:** The task force, which is autonomous of the Department of Health, has received £20,000 funding over the past two years under section 64 of the Health Services and Public Health Act 1968. A bid for further funding has been received from the charity Westcare, which provides the secretariat to the task force, and the Department is in discussion with Westcare regarding this application. The decision on future funding will be made known to Westcare as soon as possible.

### NHS Trust Boards

**Mr. Redmond:** To ask the Secretary of State for Health if persons with criminal records are eligible for appointment to NHS trusts as chairman or non-executive directors. [20698]

**Mr. Malone:** In accordance with the National Health Service Trusts (Membership and Procedure) Regulations 1990, a person is disqualified from appointment to an NHS trust as chairman or non-executive director if within the preceding five years he has been convicted in the United Kingdom of any offence resulting in a sentence of imprisonment of not less than three months.

### NHS Estates Agency

**Mr. Hendry:** To ask the Secretary of State for Health if she will publish the key tasks and targets for 1995–96 for the NHS Estates Agency. [21568]

**Mr. Sackville:** I have agreed the agency's key tasks and targets for 1995–96, and have placed copies in the Library.

### Temazepam

**Mrs. Beckett:** To ask the Secretary of State for Health how many deaths occurred from temazepam abuse in each age group in each of the last five years. [19824]

**Mr. Bowis:** This information is shown in the table.

The number of deaths certified as due to abuse of Temazepam [1](ICDs 304.1, 304.7, 304.8, 305.4, 305.9), alone or with other drugs, by five year age groups for the years 1989–1993 in England and Wales.

| | *1989* | *1990* | *1991* | *1992* | *1993* |
|---|---|---|---|---|---|
| 15–19 | 1 | 1 | 1 | 2 | 0 |
| 20–24 | 2 | 0 | 2 | 2 | 3 |
| 25–29 | 0 | 3 | 1 | 5 | 4 |
| 30–34 | 2 | 1 | 2 | 0 | 3 |
| 35–39 | 1 | 1 | 5 | 1 | 3 |
| 40–44 | 0 | 1 | 0 | 1 | 1 |
| 45–49 | 0 | 2 | 2 | 1 | 0 |
| 50–54 | 0 | 1 | 0 | 1 | 1 |
| 55–59 | 0 | 1 | 0 | 0 | 0 |
| 60–64 | 1 | 1 | 0 | 0 | 0 |
| 65–69 | 0 | 0 | 0 | 1 | 0 |
| 70–74 | 0 | 0 | 0 | 1 | 0 |

[1] International Classification of Disease 9th revision.

**Mrs. Beckett:** To ask the Secretary of State for Health what plans she has for the further control of temazepam capsules; and what indications there are for the use of temazepam capsules instead of temazepam pills. [19825]

**Mr. Bowis:** The abuse of temazepam capsules by drug misusers is of particular concern and we are keeping the position under review.

My Department, in consultation with other Departments, is considering the recommendation of the

Advisory Council on the Misuse of Drugs to tighten the control of the drug temazepam.

The licensed indications for temazepam capsules and tablets are the same, and include short-term use as a hypnotic and premedication before minor surgery.

### GP Recruitment

**Mrs. Beckett:** To ask the Secretary of State for Health if she will make a statement on the levels of recruitment of doctors to become general practitioners currently and five years ago. [19826]

**Mr. Malone:** In 1989–90 the number of general practitioners increased by 14—0.6 per cent.—in England. In 1993–94 the number increased by 278—1.0 per cent.—to an all-time high of 26,567.

### Residential Care

**Mr. Tim Smith:** To ask the Secretary of State for Health (1) what assessment she has made of the progress made by placing authorities in reviewing placements at Stoke Place and Stoke Green House, residential care homes operated by Longcare Ltd; [20600]

(2) what conclusions have been drawn by her Department from the investigation by Buckinghamshire county council social services department inspection unit conducted in the period November 1993 to June 1994 of Stoke Place and Stoke Green House; and what account has been taken of these conclusions in the formulation of a new circular to local authorities on the regulation of residential care homes under the Registered Homes Act 1984; [20602]

(3) if she will list the local authorities that have residents in Stoke Place and Stoke Green House; and if she will give the number of placements by each at 30 June 1994 and at present. [20601]

**Mr. Bowis:** The social services inspectorate is continuing to keep in close contact with Buckinghamshire social services department on developments in the care of residents placed in homes operated by Longcare Ltd. The assessment and placing of residents is a matter for the authorities concerned. Information is not collected centrally on the authorities in relation to which placements in specific homes are made. The social services inspectorate will shortly begin a routine formal inspection of Buckinghamshire's inspection unit to check on the unit's effectiveness.

### Learning Disabilities

**Mr. Hinchliffe:** To ask the Secretary of State for Health what is her current policy in respect of village communities for persons with learning disabilities; what factors led her to holding an evaluation of village communities for persons with learning disabilities; and what is the estimated cost of the exercise. [21040]

**Mr. Bowis:** Guidance on residential services for people with learning disabilities is given in LAC(92)15, copies of which are available in the Library. Local authorities can purchase or provide places in village or residential communities if that is what individuals and their families prefer and the communities meet the criteria set out in the guidance. The planned evaluation will involve comparison with the cost and outcomes of other forms of provision and will help authorities make the best use of resources in meeting the needs of individuals in their area. Precise details of the evaluation including its cost have yet to be finalised.

### Residential Care and Nursing Homes

**Mr. Hinchliffe:** To ask the Secretary of State for Health what is the purpose and scope of the review of registration and inspection of residential care and nursing homes; and when it will begin. [21039]

**Mr. Bowis:** In the consultative document, "Inspecting Social Services", issued in October 1992, the Government indicated that in 1995 they would review progress in implementing new arrangements for social services inspection and would consider what further steps might be necessary to achieve the essential objectives of effectiveness and independence. This review will begin later this year. Its precise scope is still under consideration.

### Mental Illness

**Mr. Flynn:** To ask the Secretary of State for Health what new policy proposals she has to reduce the number of inmates and remand prisons who are transferred to mental institutions shortly after their arrest. [20803]

**Mr. Bowis:** It is well-established Government policy that offenders suffering from mental disorder should, where necessary, receive care and treatment from the health and social services rather than in the criminal justice system. The transfer to hospital of prisoners requiring specialist psychiatric care plays an important part in this.

The development of services for mentally disordered offenders and others with similar needs is a high priority for the national health service. My Department is working closely with the Home Department in establishing initiatives, such as multi-agency working in courts and the provision of specialist training, to ensure that mentally disordered people who come into contact with the criminal justice system obtain the care they need at the earliest possible stage.

### Cannabis

**Mr. Flynn:** To ask the Secretary of State for Health what new proposals she has to legalise the therapeutic use of cannabis. [20806]

**Mr. Bowis:** Any consideration of the therapeutic use of cannabis would have to take account of the potential risks associated with short and long-term use. If, as a result of research, evidence became available that the quality, safety and efficacy of a cannabis-based preparation was suitable for the grant of a product licence under the Medicines Act 1968, the Misuse of Drugs Act controls, for which my right hon. and learned Friend the Home Secretary is responsible, could be modified to make such a medicine available to patients.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Health which of the executive non-departmental public bodies sponsored by her Department have *(a)* a statutory requirement to admit members of the public to all board

or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20886]

**Mr. Sackville:** None.

### Hospitals, London

**Mrs. Beckett:** To ask the Secretary of State for Health (1) when she received the South Thames regional health authority submission on changes to London hospitals; and approximately how many hours she spent studying it before 4 April; [21068]

(2) when she received the North Thames regional health authority submission on changes to London hospitals; and approximately how many hours she spent studying it before 4 April. [21069]

**Mr. Malone:** I refer the right hon. Member to the reply I gave her on 18 April at column *120*.

### St. Bartholomew's and London Chest Hospital

**Mrs. Beckett:** To ask the Secretary of State for Health what is the estimated land value of *(a)* the St. Bartholomew's hospital site and *(b)* the London chest hospital site. [21102]

**Mr. Malone:** The estimated land values of the St. Bartholomew's hospital site and the London chest hospital site are £65 million and £1.5 million respectively.

### Health Services, London

**Mrs. Beckett:** To ask the Secretary of State for Health what was the increased investment in primary care, revenue and capital, in London in 1992–93, 1993–94 and 1994–95; and what is planned for 1995–96 and 1996–97. [21103]

**Mr. Malone:** Total expenditure on primary care by family health services authorities in London in 1992–93 and 1993–94 together with increase over the previous year is shown in the table. Figures for 1994–95 are not yet available. No comparable planned figures are available for 1995–96 and 1996–97.

*£000*

| | *1992–93* | *1993–94* |
|---|---|---|
| Total expenditure | 859,482 | 926,820 |
| Increase over previous year | 101,848 | 67,338 |

*Notes:*

1. Source—Annual Accounts of FHSAs. Figures for 1993–94 are provisional, being subject to National Audit Office review.
2. Figures relate to all FHSAs in London.
3. The figures are for total FHSA expenditure (services and administration) excluding general practitioner fundholder expenditure on hospital services. Services expenditure is for both cash limited and non cash limited services, including general medical services, pharmaceutical services, optical services and dental services administered by FHSAs. Expenditure on dental services centrally administered by the Dental Practice Board is not included. Expenditure on administration is both revenue and capital expenditure. The accounting policy in respect of capital changed between the two years: in 1993–94 capital charges were introduced in respect of FHSAs.

### Survey Organisations

**Mr. Donohoe:** To ask the Secretary of State for Health (1) if she will list the polling or public survey organisations employed by her Department in the financial year 1990–91; what were the values of individual contracts with these organisations; and what were the purposes of the research undertaken; [18171]

(2) how much was spent by her Department on contracts with polling or public survey organisations in the financial year 1994–95; [18172]

(3) if she will list the polling or public survey organisations employed by her Department in the financial year 1994–95; what were the values of individual contracts with these organisations; and what were the purposes of the research undertaken; [18173]

(4) what was the total amount of money spent by her Department on contracts with polling or public survey organisations in each financial year since 1990–91; [18189]

(5) if she will list the polling or public survey organisations employed by her Department in the financial year 1993–94, the values of individual contracts with these organisations and the purposes of the research undertaken; [18180]

(6) if she will list the polling or public survey organisations employed by her Department in the financial year 1992–93, the value of individual contracts with these organisations and the purposes of the research undertaken. [18181]

(7) if she will list the polling or public survey organisations employed by her Department in the financial year 1991–92, the values of individual contracts with these organisations and the purposes of the research undertaken. [18182]

**Mr. Sackville** *[holding answer 5 April 1995]:* A list of research projects commissioned from polling or public survey organisations for the financial years 1990–91 to 1994–95 will be placed in the Library. The cost of each individual survey is a matter of commercial confidentiality. Total costs of surveys in each year since 1990–91 are estimated as follows:

| | *£ million* |
|---|---|
| 1990–91 | 2.5 |
| 1991–92 | 3.4 |
| 1992–93 | 5.5 |
| 1993–94 | 6.7 |
| 1994–95 | 5.3 |

## NATIONAL HERITAGE

### Relocation Costs

**Mr. David Shaw:** To ask the Secretary of State for National Heritage if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19655]

**Mr. Dorrell:** The Department of National Heritage was created in April 1992. It has two agencies—the Royal Parks Agency, created in April 1993 and the Historic Royal Palaces Agency, created in October 1989. The information requested is shown in the following table:

| | Total amount of removal costs (£) | Amounts of highest claims (£) | Average amount of each claim (£) |
|---|---|---|---|
| *DNH central department* | | | |
| 1992–93 | nil | n/a | n/a |
| 1993–94 | nil | n/a | n/a |
| 1994–95 | nil | n/a | n/a |
| *RPA* | | | |
| 1992–93 | n/a | n/a | n/a |
| 1993–94 | nil | n/a | n/a |
| 1994–95 | nil | n/a | n/a |
| *HRPA* | | | |
| 1992–93 | nil | — | — |
| 1993–94 | 2,521 | Two claims only: 2,021 and 500 | See data re actuals |
| 1994–95 | 6,682 | One claim only: 6,682 | See data re actuals |

## Overtime and Sickness

**Mr. David Shaw:** To ask the Secretary of State for National Heritage if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19680]

**Mr. Dorrell:** The Department of National Heritage was created in April 1992. It has two agencies—the Royal Parks Agency (RPA) created in April 1993 and the Historic Royal Palaces Agency (HRPA) created in October 1989. The information requested is shown in the following tables:

*(a) and (b) Table 1—Overtime*

| | Total hours of overtime worked | Total amounts paid in overtime (£) |
|---|---|---|
| *DNH central department* | | |
| 1992–93[1] | Figures not available | Figures not available |
| 1993–94 | Figures not available | 157,661.61 |
| 1994–95[2] | Figures not available | 133,420.94 |
| *RPA* | | |
| 1992–93 | Not applicable | Not applicable |
| 1993–94 | 23,197 | 289,570.13 |
| 1994–95[2] | 16,877 | 213,354.78 |
| *HRPA*[3] | | |
| 1992–93 | Figures not available | 584,000.00 |
| 1993–94 | Figures not available | 650,000.00 |
| 1994–95[2] | Figures not available | 723,000.00 |

*Notes:*

[1] DNH did not have its own financial and management accounting arrangements in place until August 1992; for the year 1992–93, the information is therefore not available in the format requested.

[2] The 1994–95 figures (for year ending 31 March 1995) may change slightly as year-end accounts are finalised.

[3] The HRPA figures cover both overtime and premium pay (for excess hours worked at weekends and on Public and Bank holidays. It is not possible to disaggregate the two.

*c) Table 2—Sickness*

| | Number of days lost through sickness: DNH central department | RPA | HRPA |
|---|---|---|---|
| 1992 | 366 | Not applicable | 2,090 |
| 1993 | 1,803 | 2,350 | 3,376 |
| 1994[1] | — | — | — |

*Notes:*

[1] 1994 data is not yet available.

1. It is not possible to give figures for the monetary equivalent of days lost through sickness as there are too many variables in this calculation and it would be difficult to rely on the accuracy of any such calculations.

# EMPLOYMENT

## Workplace Fatal Injuries

**Mr. Redmond:** To ask the Secretary of State for Employment how many persons under 16 years died at a place of employment in each year since 1990. [20689]

**Mr. Oppenheim:** The number of fatal injuries to persons under the age of 16 reported to health and safety enforcement authorities in each year since 1990–91 is shown in the following table:

*Fatalities*[1]

| Year | Employees[2] | Non-employees | Total |
|---|---|---|---|
| 1990–91 | 0 | 46 | 46 |
| 1991–92 | 0 | 33 | 33 |
| 1992–93 | 1 | 32 | 33 |
| 1993–94[3] | 1 | 29 | 30 |

[1] Figures are for Great Britain: as reported to the Health and Safety Executive's factory and agricultural and railway inspectorates, and to local authorities.

[2] Includes trainees.

[3] Provisional.

## Labour Statistics

**Mr. Redmond:** To ask the Secretary of State for Employment what is the current percentage of adult males who are currently unemployed or economically inactive. [20824]

**Mr. Oppenheim:** The latest estimates from the labour force survey for winter 1994–95 show that 34.8 per cent. of males aged 16 and over in Great Britain are ILO unemployed or economically inactive, a category which includes students, the long-term sick and disabled and retirees.

Over four out of five of the economically inactive males included in this percentage state, in reply to the LFS, that they do not want a job; many of them are aged 65 or over.

## Employment Service

**Ms Harman:** To ask the Secretary of State for Employment what support schemes for employees who take early retirement, early severance or voluntary redundancy are currently being operated by the Employment Service in the London region; how long these schemes have been in operation; and what plans there are to extend the cover of operation of these schemes. [21046]

**Miss Widdecombe:** Responsibility for the subject of the question has been delegated to the Employment Service agency under its chief executive. I have asked him to arrange a reply to be given.

*Letter from M. E. G. Fogden to Ms Harriet Harman, dated 26 April 1995:*

The Secretary of State has asked me to reply to your question about early retirement, early severance and voluntary redundancy schemes in the London Region.

Schemes are operated on a regional basis and the majority of the following information therefore relates to the London and South East region of the Employment Services (ES).

Voluntary early retirement and early severance schemes have been operated for a number of years by the Department of Employment (ED), such schemes being offered when the prevailing circumstances justify them and are not run separately for the ES. The need for schemes is considered each year by ED, on a regional basis. Schemes are operated where it is clear that staff surpluses will occur that cannot be accommodated in other ways.

During the current financial year 89 staff in the ED Group in London and the South East left on early retirement. Of these 58 were from the ES. The staff involved were mainly from the more junior grades and in outlying locations (only three were from the Greater London area) for whom redeployment into other alternative posts elsewhere was not a realistic alternative.

With unemployment continuing to fall sharply in the region, a similar scheme has just been announced for the current financial year. This will provide ED Group staff London and South East with 170 retirement opportunities. Most of these opportunities are likely to affect ES staff.

Staff who take retirement under these schemes are offered retirement seminars to advise on financial planning and other matters. At this stage there are no plans for further schemes which would affect ES staff.

I hope this is helpful.

**Ms Harman:** To ask the Secretary of State for Employment if he will list the number of staff actually employed in the region and the number of established positions which allocated resources allow for in the region, for the Employment Service in the London region, for each of the past 12 months, expressing the data by staff grade; and if he will make a statement about the staffing levels of the Employment Service in the London region. [21045]

**Miss Widdecombe:** Responsibility for the subject of the question has been delegated to the Employment Service agency under its chief executive. I have asked him to arrange a reply to be given.

*Letter from M. E. G. Fogden to Ms Harriet Harman dated 26 April 1995:*

The Secretary of State has asked me to reply to your question about the levels of staffing in the London region of the Employment Service (ES) over the past 12 months.

The information you have requested is recorded on an ES Regional basis rather than for specific geographic areas. I have therefore provided the following information for the ES London and South East Region (LASER).

In common with all ES regions, LASER was allocated resources for the 1994/95 financial year on the basis of expected business volumes. The staff allocation for this twelve month period was 13,450. This is shown by grade and compared with actual usage in the following table.

| | *Staff allocation 1994/95* | | | *Staff usage 1994/95* | | |
|---|---|---|---|---|---|---|
| *Grade* | *Permanent* | *Casual* | *Total* | *Permanent* | *Casual* | *Total* |
| 4 | 1.0 | 0.0 | 1.0 | 1.0 | 0.0 | 1.0 |
| 5 | 1.0 | 0.0 | 1.0 | 1.0 | 0.0 | 1.0 |
| 6 | 4.0 | 0.0 | 4.0 | 3.9 | 0.0 | 3.9 |
| 7 | 26.0 | 0.0 | 26.0 | 26.4 | 0.0 | 26.4 |
| SEO | 69.0 | 0.0 | 69.0 | 74.8 | 0.0 | 74.8 |
| HEO | 543.0 | 0.0 | 543.0 | 459.0 | 0.0 | 459.0 |
| EO | 3393.0 | 0.0 | 3393.0 | 3276.3 | 3.5 | 3279.8 |
| AO | 8048.0 | 365.0 | 8413.0 | 8187.7 | 611.0 | 8798.7 |
| AA | 829.0 | 1.0 | 830.0 | 367.0 | 109.0 | 476.0 |
| Others | 158.0 | 12.0 | 170.0 | 107.8 | 7.9 | 115.7 |
| Total | 13072.0 | 378.0 | 13450.0 | 12505.8 | 731.4 | 13237.2 |

Staffing levels and associated resource levels are determined largely, though not exclusively, by levels of unemployment. In LASER, unemployment fell by 15% between April 1994 and March 1995, although the fall was much sharper in some parts of South East England (up to 25%) than in the Region as a whole. This meant that staffing had to be reduced in LASER in phase with this and in fact staffing fell from 14,329 in April 1994 to 11,820 in March, or 17.5% As it is not possible to forecast with any reliability monthly changes in unemployment levels, ES Regions are not allocated staffing resources on a monthly basis.

It is also not possible to say with any precision how staffing will move in the year ahead, although during the 1980s unemployment rose more rapidly in London and the South East than in other Regions. That trend is now being matched by a more rapid decline in LASER, particularly outside London, although it is not possible to forecast with confidence whether this will continue. LASER is currently resourced on the basis that it will need an average of 11,650 staff during the current financial year.

As in all ES Regions, staffing levels are managed so as to keep as close a match as possible through the year between the levels of business to be performed and the staffing resources allocated. That this has been done successfully has been borne out by the fact that LASER placed 487,000 clients into jobs during the last financial year, 9.5% above target. Of these 37.8% were long term claimants (against a target of 36.0%) and 4.1% people with disabilities, against a target of 3.6%

I hope this is helpful.

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for Employment which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20874]

**Miss Widdecombe:** None.

## HOME DEPARTMENT

### Criminal Injuries Compensation

**Mrs. Roche:** To ask the Secretary of State for the Home Department what has been the total cost to the public purse of administering the change of the criminal injuries compensation awards to a tariff scheme. [20407]

**Mr. Maclean:** A precise figure is not available, but the total additional cost was probably in the order of £1 million.

**Mrs. Roche:** To ask the Secretary of State for the Home Department how many *(a)* firefighters, *(b)* police officers and *(c)* nurses have been made criminal injuries compensation awards under the tariff scheme which are less than they would have received under the old scheme; and, for each of these categories, what was the average amount by which each claimant received reduced remuneration. [20408]

**Mr. Maclean:** Under the tariff scheme offers of awards were made to 10 firefighters, 226 police officers and 60 health professionals, including doctors and nurses. Until the cases are reassessed under the 1990 scheme by the Criminal Injuries Compensation Board it will not be possible to say whether there was any difference in the awards payable under the two schemes.

**Mrs. Roche:** To ask the Secretary of State for the Home Department what action he plans to take with regard to claimants for criminal injuries compensation. [20409]

**Mr. Maclean:** I refer the hon. Member to the answers given to the hon. Member for Cardiff, South and Penarth (Mr. Michael) on 6 February at column *113* and to the hon. Member for Pembroke (Mr. Ainger) on 5 April at column *1250*, pursuant to a reply given on 9 March.

**Mrs. Roche:** To ask the Secretary of State for the Home Department how many claimants were awarded compensation by the Criminal Injuries Compensation Authority under the tariff scheme; and what action he now proposes to take with regard to those awards. [20406]

**Mr. Maclean:** At 31 March 1995, 4,891 monetary awards had been offered or paid under the tariff scheme. All applications received on or after 1 April 1994 are now to be considered or reassessed under the 1990 scheme. Where a higher award results, the board will pay the balance to the applicant. In other cases the tariff award will be allowed to stand.

**Mr. McFall:** To ask the Secretary of State for the Home Department what discussions he has had with Cabinet colleagues on legislation to place the criminal injuries compensation scheme on a statutory basis. [20745]

**Mr. Maclean:** Meetings and correspondence between Ministers are confidential.

**Mrs. Currie:** To ask the Secretary of State for the Home Department how many days a year the Criminal Injuries Compensation Board sits to consider claims; and if he will make a statement. [20616]

**Mr. Maclean:** Claims are decided initially by individual board members or by staff under delegated authority. Only where those decisions are appealed do board members sit in panels of two or three, usually for a week at a time, with a number of panels operating simultaneously. In 1993–94 the resulting number of sitting days were 969.

**Mrs. Currie:** To ask the Secretary of State for the Home Department how many cases are currently outstanding with the Criminal Injuries Compensation Board; and what is the average length of time taken to settle a claim. [20617]

**Mr. Maclean:** At 31 March 1995, some 38,500 1990 scheme cases—including nearly 19,000 appeals cases—and some 72,000 former tariff scheme cases—which now fall to be considered or reassessed under the 1990 scheme—were outstanding. The board does not maintain statistics on the time taken to deal with cases in a form which enables the average time per case to be calculated, but the board normally aims to make a first decision within nine months of receipt of an application and to hear an appeal within 18 months of an application for appeal.

### Mentally Ill Prisoners

**Mr. Flynn:** To ask the Secretary of State for the Home Department what new policy decisions he plans to reduce the number of prisoners who are transferred to mental institutions *(a)* before sentence and *(b)* after sentence; and if he will make a statement. [20804]

**Mr. Maclean:** It is well established Government policy that offenders suffering from mental disorder should, where necessary, receive care and treatment from the health and social services rather than in the criminal justice system. The transfer to hospital of prisoners requiring specialist care plays an important part in this.

The development of services for mentally disordered offenders and others with similar needs is a high priority for the NHS. My Department is working closely with the Department of Health in establishing initiatives, such as multi-agency working in courts and the provision of specialist training, to ensure that mentally disordered people who come into contact with the criminal justice system obtain the care that they need at the earliest possible stage.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for the Home Department which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20885]

**Mr. Howard:** None. However, the Data Protection Registrar is under a duty, under section 36 of the Data Protection Act 1984 to disseminate information about the operation of the Act.

### Fingerprints

**Mr. Redmond:** To ask the Secretary of State for the Home Department if he will make a statement on the abandonment of the advanced fingerprint recognition system. [20685]

**Mr. Maclean:** The national automated fingerprint identification system—NAFIS—which is being procured by the Government on behalf of the police forces of England and Wales, remains on schedule for implementation from 1998. So far as the termination of the contract between the AFR Consortium and IBM for the provision of automated fingerprint recognition services is concerned, I refer the hon. Member to the reply which I gave on 5 April at columns *1249–50.*

### Miscarriages of Justice

**Mr. Mullin:** To ask the Secretary of State for the Home Department, pursuant to his answer of 19 April at column *193,* if he will list the recently completed investigations to which he refers and the cost in each case. [20775]

**Mr. Nicholas Baker:** I refer the hon. Member to the answer I gave on 20 April to the question from the hon. Member for Cardiff, South and Penarth (Mr. Michael) at column *271.*

### Phoenix Database

**Mrs. Golding:** To ask the Secretary of State for the Home Department who will have access to the Phoenix database when it comes into service. [20466]

**Mr. Maclean:** The following organisations, all of which currently have access to the police national computer criminal names file, will have access to the Phoenix criminal justice record service database when it comes into service:

All police forces maintained under the Police Act 1964, or the Police (Scotland) Act 1967
The Metropolitan police
The City of London police
Regional crime squads, including the Scottish crime squad
National Identification Service
Scottish Criminal Record Office
National Criminal Intelligence Service
Regional criminal intelligence offices
Royal Ulster Constabulary
Isle of Man police
Jersey police
Guernsey police
British Transport police
Ministry of Defence police
Dover Harbour Board police
National Ports Office
HM Customs and Excise

The following four organisations will have access to the database for maintenance, development, or training purposes only:

Hendon data centre
Central police national computer training centre
Home Office technical policy division (maintenance and development)
The Police Staff college, Bramshill (training access only)

In addition, as I announced to the House on 22 March at column *200,* six Government Departments and agencies will also be given limited access to the system, for the purpose of conducting preliminary security vetting checks. Limited direct access has also been approved in principle for the Forensic Science Service to allow the addition of markers to indicate that a sample has been taken and whether a DNA profile is available, and to ensure that their separate DNA database is appropriately weeded.

### Asylum Seekers

**Mr. Gerrard:** To ask the Secretary of State for the Home Department, pursuant to his answer of 5 April, *Official Report,* columns *1240-41* regarding asylum applications in 1994, if he will provide the comparable statistics for the period from 1 August 1993 to 31 December 1993, in the same format. [20582]

**Mr. Nicholas Baker:** The information requested is provided in the table.

*Decisions during the period August to December 1993, excluding dependants, on applications for asylum[1] made before and after the Asylum and Immigration Appeals Act, 1993*

*Number of principal applicants*

| | *Pre-act applications* | *Post-act applications* | *Total* |
|---|---|---|---|
| Total decisions[2] | '585 | '3,355 | 4,745 |
| Recognised as a refugee and granted asylum | 70 | 175 | 245 |
| Not recognised as a refugee but granted exceptional leave to remain[3] | 110 | 680 | 790 |
| Total refusals | '405 | '2,500 | 3,710 |
| Refused asylum and ELR after full consideration | 405 | 2,140 | 2,545 |
| Refused on safe third country grounds | 0 | '360 | 360 |
| Refused under para. 340 of the Immigration Rules[4] | — | — | 805 |

[1] Provisional figures rounded to the nearest 5.
[2] Figures exclude information on applications made overseas.
[3] Usually granted for a year in the first instance, subject then to further review.
[4] Figures for refusals under para. 340 for failure to provide evidence to support the asylum claim within a reasonable period (para. 180F prior to 1 October 1994) are not available split between pre- and post-Act cases.

### Immigration Detainees

**Mr. Cox:** To ask the Secretary of State for the Home Department what has been the number of *(a)* hunger strikes and *(b)* suicides by (i) male and (ii) female immigration detainees in prisons in England and Wales during each of the last three years. [20356]

**Mr. Nicholas Baker:** The available information is as follows:

| | *May 1992–April 1993* | | *May 1993–April 1994* | | *May 1994–April 1995* | |
|---|---|---|---|---|---|---|
| | *Male* | *Female* | *Male* | *Female* | *Male* | *Female* |
| Hunger Strikers | [1]— | [1]— | 74 | — | 50 | — |
| Suicides | — | — | — | — | — | — |

[1] Records of hunger-strikers in prisons prior to May 1993 do not distinguish between immigration detainees and others.

**Mr. Cox:** To ask the Secretary of State for the Home Department what is the policy of his Department regarding keeping immigration detainees being held in prison in England and Wales informed of the position of their cases; which service is responsible for it; and if he will make a statement. [20355]

**Mr. Nicholas Baker:** All immigration detainees, including those held in prisons, receive written notification from the Immigration Service, on a monthly basis, of the progress of their case. Asylum applicants receive, in addition, a report from the asylum division on the position reached in considering their application.

### Airlines

**Mrs. Roche:** To ask the Secretary of State for the Home Department if he will state for each year since 1987 the total sum paid in carriers' liability by each airline. [20394]

**Mr. Nicholas Baker:** The administration of the Immigration (Carriers' Liability) Act 1987 involves the Home Office in sensitive discussions with air and sea carriers. These are conducted on a "commercial in confidence" basis, and to disclose information on individual carriers, including the level of charges paid by each airline, would represent a breach of confidentiality, which could jeopardise both the carriers' commercial operations, and our own debt recovery programme.

The total sums paid between 1987 and the end of 1994 by all carriers, together with total—cumulative—charges outstanding at the end of each year are as follows:

*£ millions*

| *Year* | *Paid* | *Total outstanding* |
|---|---|---|
| 1987 | 1,403,000 | 2,361,000 |
| 1988 | 2,274,000 | 4,680,000 |
| 1989 | 1,721,000 | 10,170,000 |
| 1990 | 3,433,000 | 15,653,000 |
| 1991[1] | 7,581,000 | 19,440,000 |
| 1992 | 4,789,000 | 25,775,000 |
| 1993 | 11,500,000 | 22,003,000 |
| 1994 | 8,652,000 | [2]24,527,000 |
| Total paid | 41,353,000 | |

[1] Charge increased from £1,000 to £2,000 per improperly documented passenger on 1 August 1991.
[2] Of this sum, £9.269 million is currently the subject of settlement discussions.

### Wandsworth Prison

**Mr. Cox:** To ask the Secretary of State for the Home Department what representations he has received from the board of visitors at Wandsworth prison as to the physical conditions in A wing; and if he will make a statement of his Department's policy to improve conditions there. [20357]

**Mr. Nicholas Baker:** Responsibility for this matter has been delegated to the director general of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from B. Landers to Mr. Tom Cox, dated 26 April 1995:*

The Home Secretary has asked me, in the absence of the Director General from the office, to reply to your recent Question about what representations he had received from the Board of Visitors at Wandsworth prison about the physical conditions in A wing and what plans there are to improve the conditions there.

The Board of Visitors raised their concerns about the physical conditions on A wing in their Annual Report for 1994.

A wing will be closed at the end of January 1996 for major refurbishment, although showers have already been installed. A wing already provides better accommodation and facilities than would be available to prisoners in police cells. The delay in closing A wing was necessary in order to avoid the locking out of prisoners into police cells in the London area this year.

### Police National Computer

**Mr. Bennett:** To ask the Secretary of State for the Home Department what bodies other than police forces have access to the police national computer or criminal records; what safeguards exist against misuse; and what sanctions can be taken to remove access when individuals or organisations misuse the data. [20583]

**Mr. Maclean:** The following bodies other than police forces currently have direct access to the police national computer:

HM Customs and Excise

The Driver and Vehicle Licensing Agency (vehicles application only)

National Ports Office

National Identification Service

Scottish Criminal Record Office

National Criminal Intelligence Service

Regional criminal intelligence offices

Regional crime squads, including the Scottish crime squad

The following four organisations have access for maintenance, development, or training purposes only:

Hendon data centre

Home Office technical and policy division

Central police national computer training centre

Police staff college, Bramshill

In addition, I announced to the House on 22 March at column *200* that limited direct access for security vetting purposes would be made available to six Government Departments and agencies. Data on stolen vehicles is also supplied directly on tape from the police national computer to HPI (Equifax), CCN Group Limited and the Association of British Insurers.

All data on the police national computer so far as it relates to identifiable individuals is subject to the provisions of the Data Protection Act 1984, and the provisions of the Computer Misuse Act 1990 are also relevant. All transactions undertaken on the police national computer are automatically logged. Security arrangements are formalised in access agreements which have been or will be concluded with each user. These agreements specify, amongst other matters, the purposes for which the data may be used, security procedures, and arrangements for audit, including external compliance audits to be conducted by Her Majesty's inspectorate of constabulary. Provisions exist for terminating direct access should this prove necessary.

There are also statutory and administrative arrangements under which the police conduct criminal record checks on individuals on behalf of a range of employers and licensing authorities, without the recipients of the information having direct access to the police national computer. These bodies are listed in the

applications for registration completed separately by each data user and subsequently entered on the register held by the Office of the Data Protection Registrar.

### Vulnerable Prisoner Units

**Mr. Cox:** To ask the Secretary of State for the Home Department what was the number of vulnerable prisoner units in prisons in England and Wales as of 24 April *(a)* for men and *(b)* for women. [20353]

**Mr. Nicholas Baker:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Richard Tilt to Mr. Tom Cox, dated 26 April 1995:*

The Home Secretary has asked me, in the absence of the Director General from the Office, to reply to your recent Question about the number of vulnerable prisoner units for men and women in prisons in England and Wales as of 24 April.

The latest available information is for 30 June 1994, when there were 38 vulnerable prisoner units for males and three for females.

### Prisoners (Rule 43)

**Mr. Cox:** To ask the Secretary of State for the Home Department what was the number of *(a)* men and *(b)* women, who were on rule 43 in prisons in England and Wales on 17 April. [19953]

**Mr. Nicholas Baker:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Richard Tilt to Mr. Tom Cox, dated 26 April 1995:*

The Home Secretary has asked me, in the absence of the Director General to reply to your recent Question about the number of men and women who were on Rule 43 in prisons in England and Wales on 17 April.

The latest available information is for 30 June 1994. On that date the number of inmates held on Prison Rule 43 or Young Offender Institution Rule 46 for their own interests or for good order and discipline were as follows:

| | *Good order and discipline* | *Own interest* |
|---|---|---|
| Males | 302 | 887 |
| Females | 8 | 0 |
| Total | 310 | 887 |

### Relocation Costs

**Mr. David Shaw:** To ask the Secretary of State for the Home Department if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19658]

**Mr. Howard:** Following is the available information about expenditure on removal costs and associated expenses reimbursed to officials of my Department.

*£000*

| | *1992–93* | *1993–94* | *1994–95 (provisional)* |
|---|---|---|---|
| Home Office (excluding HM Prison Service, the Forensic Science and the Fire Service College) | 3,944 | 3,758 | 2,646 |
| HM Prison Service[1] | [2]37,500 | 29,830 | 18,189 |
| Forensic Science Service | n/a | 96 | 71 |
| Fire Service College | 10 | nil | nil |

[1] Prison Service figures cover payments made centrally but exclude payments made locally.
[2] Figure includes repayable advances of salary which cannot be identified centrally.

At the Fire Service college, there were two claims in 1992–93 involving amounts of £5,774 and £4,241. The average was £5,007.

It is not possible to identify the highest claims that were concluded and settled in any one year or the average amount of each claim in any one year in other parts of the Home Office without disproportionate cost.

### Prison Service Director

**Lady Olga Maitland:** To ask the Secretary of State for the Home Department when the Director General of the Prison Service's contract ceases; and if he will make a statement.

**Mr. Howard** *[pursuant to his reply 20 January 1995, column 695]:* Mr. Lewis's original contract was for three years from 6 January 1993 extendable to five years by agreement. He was informed in March 1995 that the Home Office would not be offering him the two-year extension.

His contract has, however, been varied so that as from 22 April 1995 he continues to serve as Director General for a period of 12 months which may be rolled forward on a month-by-month basis. The contract will in any event not continue beyond 6 January 1998.

## NORTHERN IRELAND

### Local Enterprise Development Unit

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland what were the results of the survey of the client companies of the Local Enterprise Development Unit on the success of its total quality policy as announced in section 6.22 of the Northern Ireland expenditure plans and priorities 1994–95 to 1996–97; and how these results are being made available. [19864]

**Mr. Ancram:** LEDU's 1994 "Client Company Quality of Service Survey" showed an overall rate of satisfaction for its services of 78 per cent. among its clients. An analysis of the survey results was published in LEDU's "Business Brief" magazine in February 1995, a copy of which will be placed in the Library.

### Damage to Property (Compensation Claims)

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland what assessment he has made of the reasons for the trend in the level of outstanding claims for damage to property in Northern Ireland between 1990 and 1994; and what provision he intends to make to deal with these outstanding claims as quickly as possible. [19873]

**Sir John Wheeler:** Responsibility for the subject in question has been delegated to the Compensation Agency under its chief executive, Mr. Denis Stanley. I have asked him to arrange for a reply to be given.

*Letter from D. A. Stanley to Ms Marjorie Mowlam, dated 21 April 1995:*

The Secretary of State for Northern Ireland has asked me to reply, on behalf of the Compensation Agency, to your recent Question regarding claims for criminal damage to property.

The following table shows the number of criminal damage claims outstanding at each year ending 31 March from 1991 to 1995 along with the projected figure for the end of the current year:

| *Year* | *Number of claims outstanding at year end* |
|---|---|
| 1990–91 | 4,213 |
| 1991–92 | 6,238 |
| 1992–93 | 6,432 |
| 1993–94 | 6,612 |
| 1994–95 | 2,795 |
| 1995–96 | [1]950 |

[1] Estimated. The number of claims outstanding at the end of any year is directly related to the numbers of new claims received in that year. The rising trend over the three years up to 1993–94 reflected the terrorist bombing campaign over this period when, in particular, town centres were targeted resulting in a large number of claims involving commercial property, much of which took considerable time to rebuild.

A significant downturn in new claims occurred in 1994–95 particular following the paramilitary ceasefires of last Autumn. As a consequence, a substantial reduction was made in the number of outstanding claims. On the assumption that this downturn in new claims will continue, it is estimated that by the end of 1995–96 the number of outstanding claims will have been reduced to about 950.

The Agency remains committed to processing claims as quickly as possible. Resources and procedures are targeted at ensuring that the Agency provides the best possible service to the innocent victims of violent crime.

### Arrests

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland how many arrests were made in Northern Ireland in each year since 1991. [20480]

**Sir John Wheeler:** Figures for all arrests are not held centrally and to obtain these would incur disproportionate cost. Arrests under the Police and Criminal Evidence Order and section 14 of the Prevention of Terrorism Act are set out below:

| | *PACE* | *Section 14 PTA* |
|---|---|---|
| 1991 | 145 | 1,620 |
| 1992 | 267 | 1,748 |
| 1993 | 441 | 1,640 |
| 1994 | 628 | 1,503 |

### Conviction Rates

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland how many convictions there have been for offences committed in Northern Ireland in each year since 1991. [20479]

**Sir John Wheeler:** The number of persons convicted of offences in Northern Ireland in each year since 1991 is as follows:

1991: 33,303
1992: 33,459
1993: 35,085
1994: 34,216

### Housing Associations (Capital Grants)

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland what plans he has to reduce the capital grants available to housing associations in Northern Ireland. [20536]

**Mr. Moss:** None. The capital grants available to housing associations in Northern Ireland increased from £41.4 million in 1994–95 to £45.7 million in 1995–96.

### Emergency Provisions Act

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland how many people have been *(a)* arrested and *(b)* convicted under the Northern Ireland (Emergency Provisions) Act 1991 in each year since 1991. [20228]

**Sir John Wheeler** *[holding answer 24 April 1995]:* Figures for arrests under the Northern Ireland (Emergency Provisions) Act 1991 are not held centrally and could be obtained only at disproportionate cost.

The number of persons convicted under the Act is as follows:

| *Year of court* | *Number* |
|---|---|
| 1991 | 2 |
| 1992 | 233 |
| 1993 | 241 |
| 1994 | 177 |

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland if he will list by category of offence each *(a)* arrest made and *(b)* conviction obtained under the Northern Ireland (Emergency Provisions) Act 1991 in each year since 1991. [20229]

**Sir John Wheeler** *[holding answer 24 April 1995]:* Figures for arrests under the Northern Ireland (Emergency Provisions) Act 1991 are not held centrally and could be obtained only at disproportionate cost.

Convictions for offences under the Act are as follows:

| *Year of court* | *Conviction obtained* | *Number of persons convicted* |
|---|---|---|
| 1991 | Unattended parking within control zone | 2 |
| 1992 | Unattended parking within control zone | 184 |
| | Insecure vehicle | 25 |
| | Failing to rendervehicle incapable ofbeing driven | 16 |
| | Possessinginformation useful to terrorists | 3 |
| | Failing to answer question of security forces | 2 |
| | Failing to stop for member of security forces | 1 |

| Year of court | Conviction obtained | Number of persons convicted |
|---|---|---|
| | Possessing items for terrorist purposes | 1 |
| | Recording information useful to terrorists | 1 |
| 1993 | Unattended parking within control zone | 179 |
| | Insecure vehicle | 30 |
| | Failing to render vehicle incapable of being driven | 14 |
| | Possessing items for terrorist purposes | 10 |
| | Possessing information useful to terrorists | 6 |
| | Attempting to elicit information useful to terrorists | 1 |
| | Wearing hood in public place | 1 |
| 1994 | Unattended parking within control zone | 129 |
| | Insecure vehicle | 29 |
| | Possessing items for terrorist purposes | 6 |
| | Failing to lock doors | 3 |
| | Failing to render vehicle incapable of being driven | 2 |
| | Belonging to proscribed organisation | 2 |
| | Arrange meeting to support proscribed organisation | 2 |
| | Possessing information useful to terrorists | 2 |
| | Collecting information useful to terrorists | 1 |
| | Recording information useful to terrorists | 1 |

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland (1) how many people have been *(a)* arrested and *(b)* convicted for offences under (i) section 27, (ii) section 28 and (iii) section 29 of the Northern Ireland (Emergency Provisions) Act 1991 in each year since 1991; [20230]

(2) how many people have been *(a)* arrested and *(b)* convicted under (i) section 53, (ii) section 54 and (iii) section 54A of the Northern Ireland (Emergency Provisions) Act 1991 in each year since 1991. [20231]

**Sir John Wheeler** *[holding answer 24 April 1995]:* Figures for arrests under the Northern Ireland (Emergency Provisions) Act 1991 are not held centrally and could be obtained only at disproportionate cost.

The number of persons convicted under specific sections of the Act is as follows:

| Section | 1991 | 1992 | 1993 | 1994 |
|---|---|---|---|---|
| 27 | 0 | 0 | 0 | 0 |
| 28 | 0 | 0 | 0 | 4 |
| 29 | 0 | 0 | 0 | 0 |
| 53 | 0 | 0 | 0 | 0 |
| 54 | 0 | 0 | 0 | 0 |

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for Northern Ireland which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether this in each case is (i) under a statutory requirement or (ii) voluntary. [20502]

**Sir John Wheeler** *[holding answer 25 April 1995]:* The information requested is as follows:

| Name of body | Publish annual report | Publish annual accounts | Publish minutes of meetings | Publish agendas of meetings | Publish register of members' interests |
|---|---|---|---|---|---|
| *Department of Agriculture:* | | | | | |
| Livestock and Meat Commission | Yes(S) | Yes(S) | No | No | No |
| Pig Production Development Committee | Yes(S) | Yes(S) | No | No | No |
| Agricultural Wages Board | Yes(S) | [1]No | No | No | No |
| Agricultural Research Institute | Yes(S) | Yes(S) | No | No | No |
| Foyle Fisheries Commission | Yes(S) | Yes(V) | No | No | No |
| Fishery Harbour Authority | Yes(V) | Yes(V) | No | No | No |
| Fisheries Conservancy Board | Yes(S) | Yes(S) | No | No | No |
| *Department of Economic Development:* | | | | | |
| Labour Relations Agency | Yes(S) | Yes(S) | No | No | No |
| NI Commissioner for the Rights of Trade Union Members | Yes(S) | Yes(S) | No | No | No |
| Northern Ireland Tourist Board | Yes(S) | Yes(S) | No | No | No |
| Local Enterprise Development Unit | Yes(S) | Yes(S) | No | No | No |
| Fair Employment Commission | Yes(S) | Yes(V) | No | No | No |
| Equal Opportunities Commission | Yes(S) | Yes(V) | No | No | No |
| General Consumer Council | Yes(S) | Yes(S) | No | No | No |
| Construction Industry Training Board | Yes(S) | Yes(S) | No | No | No |
| Enterprise Ulster | Yes(S) | Yes(S) | No | No | No |
| Ulster Sheltered Employment Ltd. | Yes(S) | Yes(S) | No | No | No |
| *Department of Education:* | | | | | |
| Belfast Education and Library Board | Yes(V) | Yes(S) | Yes(V) | No | No |
| South Eastern Education and Library Board | Yes(V) | Yes(S) | Yes(V) | No | No |
| North Eastern Education and Library Board | Yes(V) | Yes(S) | Yes(V) | No | No |
| Southern Education and Library Board | Yes(V) | Yes(S) | Yes(V) | No | No |
| Western Education and Library Board | Yes(V) | Yes(S) | Yes(V) | No | No |
| Youth Council for NI | Yes(V) | Yes(S) | No | No | No |

| *Name of body* | *Publish annual report* | *Publish annual accounts* | *Publish minutes of meetings* | *Publish agendas of meetings* | *Publish register of members' interests* |
|---|---|---|---|---|---|
| Arts Council for NI | Yes(V) | Yes(S) | No | No | No |
| NI Museums Council | Yes(V) | Yes(S) | No | No | No |
| Sports Council for NI | Yes(S) | Yes(S) | No | No | No |
| Ulster Museum | Yes(S) | Yes(S) | No | No | No |
| Ulster Folk and Transport Museum | Yes(S) | Yes(S) | No | No | No |
| Council for Catholic Maintained Schools | No | Yes(S) | No | No | No |
| NI Council for the Curriculum, Exams and Assessment (NICCEA) | No | Yes(S) | No | No | No |
| Staff Commission for Education and Library Boards | No | Yes(S) | No | No | No |
| *Department of the Environment:* | | | | | |
| Fire Authority for NI | Yes(S) | Yes(S) | No | No | No |
| Langanside | Yes(S) | Yes(S) | No | No | No |
| NI Housing Executive | Yes(S) | Yes(S) | No | No | No |
| NI Transport Holding Company | Yes(S) | Yes(S) | No | No | No |
| NI Local Government Officers' Staff Commission | Yes(V) | Yes(V) | No | No | No |
| *Department of Finance and Personnel:* | | | | | |
| The Department does *not* sponsor any executive non-departmental public bodies. | | | | | |
| *Department of Health and Social Services:* | | | | | |
| National Board for Nursing, Midwifery and Health Visiting for Northern Ireland | Yes(S) | Yes(S) | No | No | No |
| Northern Ireland Council for Postgraduate Medical and Dental Education | No | No | No | No | No |
| Mental Health Commission for Northern Ireland | Yes(S) | [2]Yes(S) | No | No | No |

(S) Statutory requirement. (V) Voluntary.
[1] Report is published bi-annually.
[2] Report is published biennially.

**Dr. Wright:** To ask the Secretary of State for Northern Ireland which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings; and *(b)* a statutory requirement to hold open meetings for the public. [20882]

**Sir John Wheeler:** The information requested is as follows:

| *Executive Non-Departmental Public Bodies* | *Statutory requirements to* | | |
|---|---|---|---|
| | *Admit members of the public to all board/committee meetings* | *Admit members of the public to all sub-committee meetings* | *Hold open meetings for the public* |
| *Department of Education* | | | |
| Belfast Education and Library Board | Yes | Yes | No |
| South-Eastern Education and Library Board | Yes | Yes | No |
| North-Eastern Education and Library Board | Yes | yes | No |
| Southern Education and Library Board | Yes | Yes | No |
| Western Education and Library Board | Yes | Yes | No |
| Council for Catholic Maintained Schools | Yes | No | No |
| *NIO* | | | |
| Boundary Commission—Public inquiries *only* | | | |

In respect of all other executive non-departmental public bodies in Northern Ireland, the answer is Nil.

## FOREIGN AND COMMONWEALTH AFFAIRS

### British High Commission, Nairobi

**Mr. Cox:** To ask the Secretary of State for Foreign and Commonwealth Affairs what has been the total cost to date of building the new British high commission office in Nairobi. [20940]

**Mr. Goodlad:** The total cost to date of building the British high commission office in Nairobi is £4,989,917 including consultants' fees.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Foreign and Commonwealth Affairs which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20887]

**Mr. Goodlad:** None.

## EDUCATION

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Education which of the executive non-departmental public bodies sponsored by her Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public.

**Mr. Boswell:** None.

### Mature Students

**Mrs. Anne Campbell:** To ask the Secretary of State for Education how many mature students were registered for degrees at British universities in the last three years for which figures are available.[20790]

**Mr. Boswell:** The latest available data on all home domiciled, first year, full-time and part-time mature students on higher education courses at publicly funded institutions in Great Britain was published in September 1994 in statistical bulletin 16/94. The numbers of mature students enroling on a first degree course are shown in the table.

*Thousands*

| | *Academic year beginning* | | |
|---|---|---|---|
| | *1990* | *1991* | *1992* |
| Full-time | 34.7 | 50.5 | 66.4 |
| Part-time | 14.6 | 21.2 | 27.1 |

### Illiteracy

**Mr. Redmond:** To ask the Secretary of State for Education what is the current reported rate of illiteracy; and what were the figures for each of the previous four years. [20725]

**Mr. Boswell:** The number of people in England and Wales who cannot read and write at all is minimal. However, the Basic Skills Agency estimates that one in six adults in England and Wales is unable to read, write and/or speak in English at a level necessary to function and progress at work and in society in general. There is no evidence that this proportion has changed significantly in recent years.

### Barnsley and Doncaster Training and Enterprise Council

**Mr. Redmond:** To ask the Secretary of State for Education when the contract of the current chairman of the Barnsley and Doncaster TEC was terminated; when the new chairman will be appointed; and what organisations were or are being consulted over this appointment. [20739]

**Mr. Paice:** I have been asked to reply.

The chairman of the Barnsley and Doncaster training and enterprise council has informed the TEC's board of directors that he intends to step down from the role of chairman before the end of 1995. The appointment of a new chairman is a matter for the TEC board, which has appointed a sub-group to consult local organisations, including both local authorities and chambers of commerce in the TEC area.

## TRADE AND INDUSTRY

### Coal Privatisation

**Mr. Byers:** To ask the President of the Board of Trade what plans he has to release details of the advice given by civil servants to the Secretary of State for Energy in 1991 on the awarding of the contract for advice on the privatisation of the coal industry to the National Audit Office. [20513]

**Mr. Page:** The National Audit Office has access to all the relevant papers on the appointment of N. M. Rothschild as advisers to the Government on coal privatisation.

**Mr. Byers:** To ask the President of the Board of Trade if any of the information concerning the reasons for awarding the consultancy contract on the privatisation of the coal industry to N. M. Rothschild, the advice given by civil servants to Ministers, the terms on which the contract was awarded, how value for money was to be judged and subsequent costs controlled is held in files marked as being not for National Audit Office eyes. [20514]

**Mr. Page:** No.

**Mr. Byers:** To ask the President of the Board of Trade on what date his Department became aware that Mr. Richard Budge had provided advice to N. M. Rothschild and Son on matters relating to the privatisation of the coal industry. [20515]

**Mr. Page:** In connection with the privatisation of the coal mining operations of British Coal the Department and N. M. Rothschild and Sons Ltd. held discussions with a wide selection of then existing and prospective coal industry participants, including Mr. Budge, in the period prior to the submission of tenders for the regional coal companies in September 1994. At no time has Mr. Budge provided advice to N. M. Rothschild and Sons Ltd.

### Instruments of Torture

**Mr. Jim Cunningham :** To ask the President of the Board of Trade what Government or training and enterprise council support has been provided in the last five years to companies that produced equipment used for purposes of torture. [20286]

**Mr. Eggar:** My Department has not knowingly supported companies which produce equipment intended for the purpose of torture.

Questions on TEC support should be addressed to my right hon. Friend the Secretary of State for Employment.

**Mr. Jim Cunningham:** To ask the President of the Board of Trade what estimate he has made of the value of the trade in British torture equipment. [20296]

**Mr. Ian Taylor:** I know of no such trade. Export licences would not be granted for licensable goods if there were good reasons to suppose that they would be used for the purposes of torture.

### Business Links

**Dr. John Cunningham:** To ask the President of the Board of Trade how much was spent on business links before September 1994. [19454]

**Mr. Heseltine:** The total amount spent on the development of business links by DTI up to 31 August 1994 was £3.61 million.

### Allowances and Costs

**Mr. David Shaw:** To ask the President of the Board of Trade if he will list for each agency and the central Department for which he is responsible *(a)* the total amount of removal costs and associated expenses reimbursed to officials who were required to relocate as part of their employment, *(b)* the amount of each of the highest three claims that were concluded and settled and *(c)* the average amount of each claim in each of the last three years. [19650]

**Mr. Ian Taylor:** As regards the central DTI, the following amounts of removal costs and associated expenses were reimbursed to officials required to relocate as part of their employment:

| | £ | £ |
|---|---|---|
| 1994–95 | 2,234,526 | (includes 694,559 provision for relocation costs for merger of WSL with AEA) |
| 1993–94 | 1,634,070 | (includes 143,108 provision for relocation costs for merger of WSL with AEA) |
| 1992–93 | 1,418,515 | — |

The other expenditure details requested are not identified separately and to provide the information would entail disproportionate cost.

I have asked agency chief executives to reply direct in respect of the expenditure for which they are responsible.

*Letter from W. Edgar to Mr. David Shaw, dated 26 April 1995:*

I refer to your question to the President of the Board of Trade concerning the amount of removal costs and associated expenses reimbursed to officials who are required to relocate as part of their employment. The expenditure of NEL is as shown below. Please note that in both years where expenditure was incurred only one official was involved and thus the total also represents the answer to part (b) and part (c) of your question. I trust you will find the information supplied to be satisfactory for your purposes.

| | £ |
|---|---|
| 1992–93 | nil |
| 1993–94 | 1,927 |
| 1994–95 | 3,073 |

**Mr. David Shaw:** To ask the President of the Board of Trade if he will list the total amount paid by his central Department and each agency for which he is responsible in subsistence allowances for travel *(a)* within the United Kingdom and *(b)* outside the United Kingdom in each of the last three years. [19564]

**Mr. Ian Taylor:** As regards the central DTI, the subsistence element of claims by officers who travel on official business *(a)* within the United Kingdom and *(b)* outside the United Kingdom is not recorded separately from the travel costs element.

To provide the information requested would entail disproportionate cost.

I have asked agency chief executives to reply direct to the hon. Member as they have their own budgetary responsibility for United Kingdom and overseas travel and subsistence.

*Letter from W. Edgar to Mr. David Shaw, dated 26 April 1995:*

I would refer to your question to the President of the Board of Trade concerning the total amount paid in subsistence allowances for travel, within and outside the United Kingdom in the last three years. The management information system NEL does not separate travel and subsistence costs and does not differentiate between travel and subsistence within or outside the UK. It is not possible therefore to supply the information you require.

*Letter from Peter Clapham to Mr. David Shaw, dated 26 April 1995:*

I am writing in response to your questions to the President of the Board of Trade regarding i) subsistence allowances and ii) removal costs and associated expenses, in each of the last three years.

*Subsistence Allowances*

a) Within the UK—disproportionate cost rule applies. NPL's accounts do not separately identify subsistence costs from travel costs.

b) Overseas—disproportionate cost rule applies for the reason given above.

*Removal Costs*

a) Total removal costs and associated expenses reimbursed—£17,643 in 1992/93, £15,613 in 1993/94 and £9,354 in 1994/95.

b) Amount of each of the three highest claims concluded and settled—disproportionate cost rule applies. To obtain this information NPL would need to request that CSL Managed Services (formerly ASA), who handle claims on NPL's behalf, consult each individual relocation file for the last three years and total all expenses paid from each individual file.

c) Average amount of each claim in the last three years—disproportionate cost rule applies. All files from last three years would need to be consulted to endure that cases did not start outside the three year period, or started within the three year period but have yet to be completed.

I hope this provides the information you require.

*Letter from P. R. S. Hartnack to Mr. David Shaw, dated 26 April 1995:*

You recently tabled two questions to the President of the Board of Trade, concerning subsistence allowances and removal costs. I have been asked to reply with respect to the Patent Office.

I am afraid that subsistence payments—in connection with both UK and overseas travel—are not separately identified from the related travel costs on our information system, and differentiating them would involve disproportionate cost.

The total amount of removal costs and associated expenses reimbursed to Patent Office officials over the past three years was £748,000 in 1992–93; £381,000 in 1993–94; and £354,000 in 1994–95. These figures exclude advance of salary for house purchase, since this amounts to a repayable loan. The number of relocation cases in the Patent Office has been high over the past three years, since we have been completing the move from London to South Wales. We would need to research individual files in order to determine the three highest claims, which I regret would involve disproportionate cost. The same is true for the average amount of each claim, since many cases are protracted and will overlap with the three years in question.

*Letter from Peter Joyce to Mr. David Shaw, dated 26 April 1995:*

The President of the Board of Trade has asked me to reply to your Question about removal costs paid to officers relocated in the last three years.

The Insolvency Service Executive Agency paid the following removal and associated costs:

1992–93: £427,000

1993–94: £252,000

1994–95: £250,000

The figure for 1994–95 is provisional pending clearance of the final accounts for the year.

The further information which you have sought about the three highest claims and the average amount of each claim is not readily identified by CSL Managed Services (formerly the Accounts Services Agency) which maintain The Insolvency Service's Vote accounts, and could only be obtained from the examination of individual files at disproportionate cost.

*Letter from Peter Joyce to Mr. David Shaw, dated 26 April 1995:*

The President of the Board of Trade has asked me to reply to your Question about the amounts paid in subsistence allowances in the last three years.

The Insolvency Service Executive Agency paid the following travel costs *and* subsistence allowances, chargeable against the Vote:

1992–93: £328,000

1993–94: £342,000

1994–95: £370,000

CSL Managed Services (formerly the Accounts Services Agency) which maintain The Insolvency Service's Vote accounts do not separately identify subsistence allowances from travel costs nor differentiate between UK and overseas travel and subsistence. The specific information which you have sought in relation to subsistence allowances could only be obtained at disproportionate cost. The figure for travel and subsistence for 1994–95 is provisional pending clearance of the final accounts for the year.

The figures do not include travel costs and subsistence allowances chargeable against the estates of bankrupts and companies in compulsory liquidation incurred by Official Receivers and their staff in carrying out their functions under the Insolvency Act 1986. Information in relation to such costs and allowances could only be obtained from the examination of individual estate accounts at disproportionate cost.

*Letter from Jim Norton to Mr. David Shaw, dated 26th April 1995:*

The President of the Board of Trade has asked me to reply on behalf of the Radiocommunications Agency to your two written Parliamentary Questions concerning subsistence allowances and removal costs.

SUBSISTENCE ALLOWANCES

There would be a disproportionate cost involved in providing the information requested for each of the last three years as we do not separately identify subsistence costs and travel costs for either UK or overseas travel.

REMOVAL COSTS

The Radiocommunications Agency has spent the following amount on removal costs for its staff relocating as part of their employment:

1992–93: £64,439

1993–94: £55,338

1994–95 £104,038

You have asked for details of the three highest claims and the average amount of each claim in the last three years. There would be a disproportionate cost invovled in providing this information as we would have to consult each case for the last three years to total all expenses paid from each individual file and to ensure that cases did not start outside the three year period or started within the three year period but have yet to be completed.

I am sorry that I cannot be more helpful.

*Letter from R. D. Worswick to Mr. David Shaw, dated 11 April 1995:*

The President of the Board of Trade has asked me to reply to your questions about subsistence allowances and removal and associated expenses with respect to the Laboratory of the Government Chemist.

Most of the information you requested is not readily available, and could only be obtained at disproportionate cost.

We do not keep records which distinguish between the subsistence costs of any trip and the travel costs. We record the total of "travel and subsistence". The total "travel and subsistence" costs for the last three years is (in £k):

| | *1992–93* | *1993–94* | *1994–95* |
|---|---|---|---|
| Within UK | 167 | 156 | 115 |
| Outside UK | 47 | 72 | 98 |

This expenditure is associated with fulfilling contracts for customers, attending scientific meetings and pursuing new areas of business.

*Removal Allowances*

The total amount of removal costs and associated expenses charged to the Laboratory of the Government Chemist are (£k):

1992–93: 18

1993–94: 6

1994–95: 6

I regret that it would require manual searches of records and would not be cost effective to provide further breakdown of these figures.

*Letter from Seton Bennett to Mr. David Shaw, dated 26 April 1995:*

The President of the Board of Trade has asked me to reply on behalf of the National Weights and Measures Laboratory to your questions about subsistence allowances and removal costs.

(a) *Subsistence allowances*

The CSL Managed Services (formerly ASA) do not separately identify subsistence costs from travel costs, nor do they differentiate between UK and overseas travel and subsistence. However, I am able to provide composite figures for expenditure on all travel and subsistence for the last three years.

They are:—

1992–93: £55,126

1993–94: £66,098

1994–95: £46,529 (Provisional)

(b) *Removal costs*

This Agency has had no expenditure on removal costs in the last three years.

*Letter from David Durham to Mr. David Shaw, dated 6 April 1995:*

You recently tabled two Parliamentary Questions requesting information about removal costs and associated expenses reimbursed to officials on relocation, and subsistence allowances for travel within and outside the United Kingdom. I have been asked to reply as Chief Executive of the Companies House Executive Agency.

As far as removal costs are concerned, this agency has not incurred any of these expenses. As regards subsistence allowances, I am afraid this information is not available except at disproportionate costs. This is because we do not separately identify subsistence costs from travel costs when recording claims in our accounting system.

## Manufacturing Firms

**Mr. Sheerman:** To ask the President of the Board of Trade what percentage of United Kingdom companies he now assesses to be world class. [20561]

**Mr. Eggar:** A recent study by IBM and the London business school shows that the United Kingdom has a similar proportion to Germany of world-class manufacturing firms. Forty UK firms are in the Fortune 500 list of top global companies. In terms of profitability, 16 of the top 25 companies in Europe are UK-based.

### Sellafield

**Mr. Llew Smith:** To ask the President of the Board of Trade what application British Nuclear Fuels has made for a change of use in its site licence for Sellafield, as part of its decision to offer Nuclear Electric and Scottish Nuclear long-term storage contracts for spent nuclear fuel. [20398]

**Mr. Page:** None. No change is required to BNFL's Sellafield site licence to allow long term storage of spent fuel, although BNFL will be submitting a revised safety case to the Health and Safety Executive's nuclear installations inspectorate which takes account of the new contracts.

### Royal Mail

**Mr. Wilson:** To ask the President of the Board of Trade if he will make it his policy that the Royal Mail should be able to negotiate a single contract with all the train operating units or companies. [20647]

**Mr. Page:** Contracts for transport services are a commercial matter for the Post Office. I understand from the Post Office that all Royal Mail's external rail transport services are covered by contractual arrangements with Rail Express Systems.

### Departmental Report

**Mr. Matthew Taylor:** To ask the President of the Board of Trade how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990. [20175]

**Mr. Heseltine:** Drafting and editing of the departmental report is co-ordinated by a small editorial team, using information gathered from a wide variety of sources within the Department. It is not possible to quantify the time devoted by staff other than the editorial team to these activities.

The table shows the estimated staff time and associated costs of the editorial team for each departmental report since 1991–92. These figures are published each year in MINIS. Figures are not available for the 1990–91 report, which predated MINIS, but are not expected to have been substantially different from 1991–92. Costs are expressed in 1994–95 prices.

| | *Time man years* | *Cost £000* |
|---|---|---|
| 1992 | 0.6 | 20 |
| 1993 | 0.8 | 26 |
| 1994 | 1.1 | 36 |
| 1995 | 1.1 | 36 |

In addition, some staff time is devoted to the design and production of the report. In 1993–94 and 1994–95, this amounted to 0.1 and 0.2 man years and £12,000 and £21,000 respectively—costs expressed in cash terms. These figures are not shown separately in MINIS and information on similar costs for earlier years is not available.

**Mr. Matthew Taylor:** To ask the President of the Board of Trade what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [20176]

**Mr. Heseltine:** The resources needed to coordinate drafting and production of the departmental report are considered as part of my annual examination of the Department's activities and resources in MINIS, the results of which are published each year. Budgets are set for non-staff costs at the beginning of work on each report.

### Public Bodies

**Dr. Wright:** To ask the President of the Board of Trade which of the executive non-departmental public bodies sponsored by his Department publish *(a)* annual reports, *(b)* annual accounts, *(c)* the minutes of meetings, *(d)* the agendas of meetings and *(e)* registers of members' interests; and whether this in each case is (i) under a statutory requirement or (ii) voluntary. [20505]

**Mr. Heseltine** *[holding answer 25 April 1995]:* The information requested is as follows:

| | *Annual Reports* | *Annual Accounts* | *Minutes of Meetings* | *Agendas of Meetings* | *Register of Members Interests* |
|---|---|---|---|---|---|
| British Hallmarking Council | [1]Y | [1]Y | [2]Y | [2]Y | [2]Y |
| English National Advisory Committee on Telecommunications | [1]Y | N | [2]Y | [2]Y | [2]Y |
| Northern Ireland Advisory Committee on Telecommunications | [1]Y | N | [2]Y | [2]Y | [2]Y |
| Scottish Advisory Committee on Telecommunications | [1]Y | N | [2]Y | [2]Y | [2]Y |
| Welsh Advisory Committee on Telecommunications | [1]Y | N | [2]Y | [2]Y | [2]Y |
| Gas Consumers Council | [1]Y | N | [2]Y | [2]Y | N |
| Post Office Users National Council | [1]Y | N | [2]Y | [2]Y | N |
| Post Office Users Council for Northern Ireland | [1]Y | N | [2]Y | [2]Y | N |
| Post Office Users Council for Scotland | [1]Y | N | [2]Y | [2]Y | N |
| Post Office Users Council for Wales | [1]Y | N | [2]Y | [2]Y | N |
| National Consumer Council | [1]Y | [1]Y | [2]Y | [2]Y | [2]Y |
| Design Council | [2]Y | [2]Y | N | N | N |
| Hearing Aid Council | [1]Y | [1]Y | N | N | N |
| Monopolies and Mergers Commission | [2]Y | N | N | N | N |

| | Annual Reports | Annual Accounts | Minutes of Meetings | Agendas of Meetings | Register of Members Interests |
|---|---|---|---|---|---|
| NEB/NRDC | N | N | N | N | N |
| Policyholders Protection Board | [1]Y | [1]Y | N | N | N |
| Simpler Trade Procedures Board | [2]Y | [2]Y | N | N | N |
| United Kingdom Atomic Energy Authority | [1]Y | [1]Y | N | N | N |

[1] Statutory requirement.[2] Voluntary.
[3] Condition of grant in aid.

## British Coal Projects

**Mr. Milburn:** To ask the President of the Board of Trade if he will list those British Coal projects which received European regional development funding over the last 10 years, indicating *(a)* the level of funding and *(b)* the dates when it was received. [20402]

**Mr. Eggar** *[holding answer 24 April 1995]:* The amounts of European regional development fund grant approved for British Coal projects up to 31 March 1995 are as listed, except for information for Scotland before 1989, which is not readily available. The dates shown are those of the offers of grant. Most of the grants have been for British Coal Enterprise job creation projects. Most of the others have been to British Coal property for activities such as clearing and renovating old mine areas.

| Date | Area | £ |
|---|---|---|
| 20 October 1988 | Carcroft | 215,640 |
| 19 December 1988 | South Tyneside | 159,250 |
| 2 February 1990 | Carcroft | 135,765 |
| 2 February 1990 | Carcroft | 326,285 |
| 2 February 1990 | Carcroft | 110,000 |
| 15 March 1990 | Coatbridge | 350,400 |
| 14 August 1990 | Tyne and Wear | 69,896 |
| 14 August 1990 | Tyne and Wear | 292,000 |
| 14 August 1990 | Tyne and Wear | 171,997 |
| 30 October 1990 | Durham and Cleveland | 179,656 |
| 21 February 1991 | Strathclyde | 602,500 |
| 9 April 1991 | Durham and Cleveland | 157,962 |
| 21 June 1991 | Lothian | 200,000 |
| 21 June 1991 | Cowdenbeath | 40,000 |
| 28 November 1991 | Strathclyde | 100,000 |
| 14 January 1992 | Mansfield | 184,763 |
| 17 January 1992 | Dinnington | 113,659 |
| 17 January 1992 | Dinnington | 323,492 |
| 17 January 1992 | Dinnington | 196,111 |
| 17 March 1992 | Mansfield | 164,446 |
| 23 June 1992 | Mansfield | 498,187 |
| 29 June 1992 | Midlothian | 64,000 |
| 29 June 1992 | Midlothian | 35,900 |
| 29 June 1992 | Central Scotland | 50,000 |
| 29 June 1992 | Central Scotland | 10,000 |
| 29 June 1992 | Bathgate | 64,000 |
| 29 June 1992 | Bathgate | 36,000 |
| 29 June 1992 | Kirkcaldy | 45,000 |
| 29 June 1992 | Kirkcaldy | 25,000 |
| 18 July 1992 | Bolsover | 292,596 |
| 29 July 1992 | Fife | 520,000 |
| 3 August 1992 | Bolsover | 112,305 |
| 12 August 1992 | Falkirk | 188,400 |
| 26 August 1992 | Lothian | 660,400 |
| 13 October 1992 | Ashfield | 128,833 |
| 13 October 1992 | Ashfield | 9,637 |
| 20 October 1992 | South Yorkshire | 500,000 |
| 26 October 1992 | Mansfield | 117,252 |
| 27 November 1992 | Cumnock | 10,272 |
| 27 November 1992 | Cumnock and Doon Valley | 32,000 |
| 27 November 1992 | Cumnock and Doon Valley | 66,500 |
| 27 November 1992 | Cumnock and Doon Valley | 33,750 |
| 10 December 1992 | South Yorkshire | 493,819 |
| 15 December 1992 | Blaenavon | 76,396 |
| 18 Decmber 1992 | Ashfield | 3,871 |
| 18 December 1992 | Newark and Sherwood | 284,500 |
| 18 December 1992 | Bassetlaw | 133,000 |
| 5 February 1993 | Carcroft | 136,513 |
| 23 February 1993 | South Yorkshire | 209,379 |
| 2 March 1993 | Whitehaven | 76,750 |
| 16 March 1993 | West Lothian | 375,000 |
| 16 March 1993 | West Lothian | 150,000 |
| 16 March 1993 | Lothian | 240,000 |
| 31 March 1993 | Tyne and Wear | 711,049 |
| 31 March 1993 | Tyne and Wear | 350,000 |
| 31 March 1993 | Tyne and Wear | 300,000 |
| 31 March 1993 | Tyne and Wear | 10,000 |
| 1 April 1993 | Durham | 439,201 |
| 30 April 1993 | South Yorkshire | 800,000 |
| 25 June 1993 | Durham | 143,955 |
| 29 June 1993 | Lothian | 240,000 |
| 16 July 1993 | Dinnington | 826,165 |
| 20 July 1993 | Tyne and Wear | 1,250,000 |
| 13 August 1993 | Newark and Sherwood | 175,553 |
| 17 September 1993 | Durham | 620,400 |
| 17 September 1993 | Templeborough | 1,089,021 |
| 23 September 1993 | Sherbourn | 46,844 |
| 28 September 1993 | Nottingham | 11,574 |
| 2 November 1993 | Coventry | 695,250 |
| 4 November 1993 | Blaenavon | 75,000 |
| 16 November 1993 | Wombwell | 294,500 |
| 16 November 1993 | Armthorpe | 233,611 |
| 18 November 1993 | Strathclyde | 78,125 |
| 18 November 1993 | East Midlands | 25,258 |
| 19 November 1993 | East Midlands | 75,000 |
| 19 November 1993 | East Midlands | 50,000 |
| 22 November 1993 | East Midlands | 128,500 |
| 22 November 1993 | East Midlands | 350,000 |
| 24 November 1993 | Bassetlaw | 442,049 |
| 26 November 1993 | Chesterfield | 222,500 |
| 30 November 1993 | Ashfield | 470,447 |
| 15 December 1993 | Ashfield | 40,031 |
| 15 December 1993 | Ashfield | 157,126 |
| 15 December 1993 | Newark and Sherwood | 55,000 |
| 15 December 1993 | Ashfield | 422,550 |
| 15 December 1993 | Mansfield | 191,250 |
| 15 December 1993 | East Midlands | 174,750 |
| 15 December 1993 | South Yorkshire | 901,215 |
| 23 December 1993 | Cumnock and Doon Valley | 142,669 |
| 23 December 1993 | Cumnock and Doon Valley | 171,204 |
| 31 December 1993 | Mansfield | 127,872 |
| 31 December 1993 | East Midlands | 210,500 |
| 31 December 1993 | East Midlands | 73,000 |

## OVERSEAS DEVELOPMENT ADMINISTRATION

### RMS St. Helena

**Sir David Mitchell:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library a copy of the MARSPEC report on the condition of RMS St. Helena. [20366]

**Mr. Baldry:** The MARSPEC report was produced for the Government of St. Helena. With the agreement of the Governor, a copy of the report has been placed in the Library of the House.

### Forest Stewardship Council

**Mr. Gale:** To ask the Secretary of State for Foreign and Commonwealth Affairs what funding has been made available by the Overseas Development Administration to the Forest Stewardship Council; and for what purpose. [20781]

**Mr. Baldry:** The ODA made a grant of £14,000 to the World Wide Fund for Nature to meet the costs of attendance of developing country representatives at the founding assembly of the council in 1993. We are presently discussing with the Forest Stewardship Council the possibility of providing funding to support national workshops in developing countries to discuss timber certification issues.

### English Language Book Society

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs for what reasons he has indicated that he wishes to terminate the subsidy to the English Language Book Society. [19891]

**Mr. Baldry** *[holding answer 25 April 1995]:* The subsidy to British publishers under the educational low-priced books scheme—ELBS—is being phased out over two years because it is not fully meeting ODA's developmental priorities. A review carried out in 1994 revealed that about a third of books sold under ELBS went to prosperous countries, including Hong Kong, Malaysia and Turkey, although our aim for the scheme was to reach poorer students in poorer countries who cannot afford to buy books. The review concluded that the money could be spent more effectively if targeted at specific countries and institutions to which poorer students have access. Over the coming months we will be developing new strategies to achieve improved targeting of and access to key text books and other essential learning materials for students in the poorer countries, in pursuit of our developmental objectives.

## DEFENCE

### Russian Forces

**Mr. William Powell:** To ask the Secretary of State for Defence what is his latest estimate of the number of Russian forces stationed in each sovereign state outside present Russian borders. [20280]

**Mr. Soames:** Some Russian-controlled military units stationed outside Russia are mixed-manned with Russians and local ethnic groups. The rounded figures for Russian-controlled units are as follows:

Turkmenistan around 1,000
Tajikistan: 25,000
Kazakhstan: 23,000
Uzbekistan: around 100
Kyrgyzstan: around 500
Estonia: none
Lithuania: none
Latvia: 600
Armenia: 15,000
Azerbaijan: 300
Georgia: 25,000
Moldova: 8,000
Ukraine: 35,000
Belarus: 3,000

### Low Flying

**Mr. Gordon Prentice:** To ask the Secretary of State for Defence when he is likely to complete his investigation into the low-flying incident over Barnoldswick and Earby in January. [20002]

**Mr. Soames:** Although the RAF police investigation is well advanced, there is still a need to interview eye witnesses. The RAF police aim to conduct these interviews as soon as possible and to conclude their investigation shortly thereafter.

### Military Attaches

**Mr. Jopling:** To ask the Secretary of State for Defence in what countries the United Kingdom posts have defence attaches; and what number of serving military personnel is attached to each one, together with their rank. [19958]

**Mr. Soames:** I refer the hon. Member to the answer I gave to the hon. Member for Leeds, Central (Mr. Fatchett) on 2 March, *Official Report*, column *687*.

### Rifle Grenades

**Mr. Colvin:** To ask the Secretary of State for Defence what United Kingdom capability exists for the design and manufacture of rifle grenades: which company was responsible for the production of rifle grenades currently in service: for what reasons no British company has been invited to tender for the design and supply of rifle grenades under tender No. LWS 2a/459; and if he will make a statement. [20332]

**Mr. Freeman:** Any accredited United Kingdom ammunition manufacturer would have the capability to design and manufacture rifle grenades as the technology is not complex. Current in-service grenades were manufactured by Luchaire (France) and Martin Marietta (US). Two UK companies registered an interest in the advance notice of tender LWS 2a/459, Heckler and Koch (UK) and Hunting Engineering. However, Heckler and Koch (UK) withdrew from the tender in August 1993, and the Hunting Engineering proposal did not meet the services' requirements.

### Helicopters

**Dr. David Clark:** To ask the Secretary of State for Defence if he will place in the Library the six reports on cost and operational effectiveness investment appraisal of the EH101 helicopter. [20478]

**Mr. Freeman:** This material is classified, and it would not therefore be appropriate to place it in the House of Commons Library.

### Abbey Wood

**Mr. Fatchett:** To ask the Secretary of State for Defence if he will list *(a)* the functions and *(b)* the staff which he intends to transfer to the new facilities at Abbey wood, Bristol. [20801]

**Mr. Freeman:** The function to be transferred is defence equipment procurement and related policy support which is undertaken by the Department's Procurement Executive. Current plans envisage transferring some 4,300 PE civilian and military posts together with a further 600 PE-related project support and integrated logistics specialist personnel. Of the total PE strength, some 500 administrative or secretarial staff will be recruited locally with the balance transferring from existing locations. Consideration is being given to accommodating additional staff at Abbey wood to allow further rationalisation of MOD property holdings.

**Mr. Fatchett:** To ask the Secretary of State for Defence if he will set out *(a)* the original completion date, *(b)* the current completion date, *(c)* the confirmed cost and *(d)* the expected cost for the construction of Abbey wood, Bristol. [20802]

**Mr. Freeman:** The original completion date including occupation of Abbey wood by the Procurement Executive headquarters staff was autumn 1996. The current completion date is 31 October 1996. The approved and estimated cost of the development is £254.136 million—inclusive of VAT—at 1993 prices. The project remains within budget.

### University Recruits

**Mr. Byers:** To ask the Secretary of State for Defence how many flying members of each university air squadron were recruited into the RAF on leaving university in the last available year. [20888]

**Mr. Soames:** The number of former university air squadron flying members who were recruited into the Royal Air Force as pilots on leaving university during financial year 1993–94 is as follows:

| | |
|---|---|
| Aberdeen, Dundee and St. Andrews | 1 |
| Birmingham | 6 |
| Bristol | 3 |
| Cambridge | 2 |
| East Lowlands | 1 |
| East Midlands | 4 |
| Glasgow and Strathclyde | 1 |
| Liverpool | 3 |
| London | 4 |
| Manchester and Salford | 4 |
| Northumbrian | 6 |
| Oxford | 6 |
| Queen's | 0 |
| Southampton | 6 |
| Wales | 1 |
| Yorkshire | 4 |

### Plutonium

**Mr. Simpson:** To ask the Secretary of State for Defence if the fuel-grade plutonium owned by his Department and stored at Sellafield will be transferred to the civilian stockpile, following the announcement of an end to the production of fissile materials for explosive purposes. [21015]

**Mr. Soames:** We have no such plans.

### Radioactive Waste

**Mr. Simpson:** To ask the Secretary of State for Defence what plans his Department has to take any action against the individuals who, on 17 April, damaged the radioactive waste discharge pipeline which runs from AWE Aldermaston to the River Thames. [21010]

**Mr. Soames:** This matter is currently under consideration by my Department.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Defence which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20872]

**Mr. Soames:** I refer the hon. Member to the answer given to him on this subject on 25 April, *Official Report*, column *497*.

### US Naval Facility, Brawdy

**Mr. Ainger:** To ask the Secretary of State for Defence if the US Navy has provided the Ministry of Defence with a base closure report on environmental issues for the US naval facility at Brawdy in Pembrokeshire. [21081]

**Mr. Soames:** Although the US naval facility at Brawdy has not yet closed, we have discussed such a document with the US authorities and they have agreed to provide one at the appropriate time.

## TRANSPORT

### British Rail Rolling Stock

**Mr. Denham:** To ask the Secretary of State for Transport (1) when he expects to announce the outcome of the bids for the privatisation of British Rail Maintenance Ltd.; [20546]

(2) what legal rights are held by Asea Brown Boveri to undertake rolling stock engineering and maintenance work for British Rail and rolling stock leasing companies; [20544]

(3) if he will place in the Library a copy of the agreement reached with Asea Brown Boveri at the time of the privatisation of British Rail Engineering Ltd. regarding the future placing of orders for rolling stock engineering and maintenance work by British Rail; [20542]

(4) what reference was made to legal obligations on the railway rolling stock leasing companies regarding any requirement to place heavy engineering and maintenance work with any publicly or privately owned maintenance companies and to legal rights held by Asea Brown Boveri

to undertake rolling stock engineering and maintenance work for British Rail and rolling stock leasing companies, in the documentation provided to potential purchasers of British Rail Maintenance Ltd.; [20545]

(5) what legal obligations rest on the railway rolling stock leasing companies regarding any requirement to place heavy engineering and maintenance work with any publicly or privately owned maintenance companies. [20543]

**Mr. Watts:** The British Railways Board and the rolling stock companies have contractual commitments for rolling stock maintenance with a number of private sector suppliers, and with BR Maintenance Ltd.—level 5 maintenance depots. BR described these latter commitments and associated matters in the British Rail Maintenance Ltd.—level 5 information memoranda, other sales documents and in subsequent discussions with bidders for the depots. The documents are commercially confidential and cannot therefore be released. BR hopes to announce sales of the depots shortly.

## Bull Bars

**Mr. Flynn:** To ask the Secretary of State for Transport what plans he has to sponsor new research by the Transport Research Laboratory into accidents in which bull bars are involved. [20805]

**Mr. Norris:** None. I am waiting for the results of the accident study based on police reports of injuries to pedestrians involving cars fitted with bull bars, which should be available towards the end of this year.

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for Transport which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20878]

**Mr. Norris:** Only the London regional passengers committee is subject to any statutory requirements. Meetings of the committee are required to be open to the public, except during discussion on items of business defined in paragraph 11A of schedule 3 to the London Regional Transport Act 1984—for example, where a breach of confidence would be involved.

## Railway Passenger Services

**Mr. Illsley:** To ask the Secretary of State for Transport if passenger transport executives will be able to specify timetabling and fares for the rail services they support. [18015]

**Mr. Watts:** The Railways Act 1993 provides for passenger transport executives to submit to the franchising director a statement of their requirements for inclusion in the specification of services in respect of which the franchising director proposes to issue an invitation to tender. Such a statement shall specify the railway passenger services which the passenger transport authority considers it appropriate to secure to meet any public transport requirements within the relevant passenger transport area. The statement may also specify requirements with respect to the fares to be charged to persons using those services.

## Ship Inspections

**Ms Walley:** To ask the Secretary of State for Transport if he will list the number of ship inspectors employed at each marine office for each of the last five years. [19381]

**Mr. Norris:** This is an operational matter for the Marine Safety Agency. I have asked the chief executive to write to the hon. Member.

*Letter from R. M. Bradley to Ms Joan Walley, dated 26 April 1995:*

The Secretary of State for Transport has asked me to reply to your Question about the number of ship inspectors employed at each Marine Office during the last five years.

The number of ship inspectors, including fishing vessel inspectors, in post in each marine district are set out in the table below. The number of inspectors in post by district is not available for the financial years 1989–90 and 1990–91.

| | *1989–90* | *1990–91* | *1991–92* | *1992–93* | *1993–94* |
|---|---|---|---|---|---|
| London | — | — | 18 | 18 | 19 |
| Southampton | — | — | 30 | 23 | 21 |
| Liverpool | — | — | 20 | 19 | 21 |
| Glasgow | — | — | 22 | 21 | 21 |
| Aberdeen | — | — | 17.5 | 20 | 20.5 |
| Newcastle | — | — | 25 | 27.5 | 27.5 |
| Total number of inspectors in post | 129 | 137 | 132.5 | 128.5 | 130 |

The figure for the number of inspectors in post in 1994–95 is being collated and will be published in the MSA's annual report.

**Ms Walley:** To ask the Secretary of State for Transport (1) how many unannounced inspections have been carried out by the Marine Safety Agency for each of the last five years; [19383]

(2) if he will list for each of the last five years the number of ship inspections undertaken by the Marine Safety Agency. [19379]

**Mr. Norris:** These are operational matters for the Marine Safety Agency. I have asked the chief executive to write to the hon. Member.

*Letter from R. M. Bradley to Ms Joan Walley dated 26 April 1995:*

The Secretary of State for Transport has asked me to reply to your two Questions about the number of ship inspections and the number of unannounced ship inspections carried out by the Marine Safety Agency (MSA) in each of the last five years.

Virtually all inspections made by the MSA are unannounced, by occasionally for operational reasons the inspection may be pre-arranged. The records held by the MSA do not identify which inspections might have been announced in advance.

The number of inspections carried out in the last five years by the MSA and the Surveyor General's Organisation (before 1993) are set out in the table below. The figures include fishing vessel inspections and port state control inspections.

| | *1989–90* | *1990–91* | *1991–92* | *1992–93* | *1993–94* |
|---|---|---|---|---|---|
| Total number of inspections | 6,018 | 5,801 | 6,654 | 6,211 | 6,663 |

The inspection figures for 1994–95 are being collated and will be published in the MSA's annual report.

### Marine Safety Agency

**Ms Walley:** To ask the Secretary of State for Transport if he will list the total budget for the Marine Safety Agency and its predecessor for each of the last five years. [19387]

**Mr. Norris:** The gross budgets for the Marine Safety Agency for the financial years 1990–91 to 1994–95 are as follows:

| | *£ million* |
|---|---|
| 1990–91 | 26.9 |
| 1991–92 | 28.6 |
| 1992–93 | 27.6 |
| 1993–94 | 28.5 |
| 1994–95 | 31.7 |

**Ms Walley:** To ask the Secretary of State for Transport if he will list for each of the last two years the number of port state control checks undertaken by the Marine Safety Agency. [19380]

**Mr. Norris:** This is an operational matter for the Marine Safety Agency. I have asked the chief executive to write to the hon. Member.

Letter from R. M. Bradley to Ms Joan Walley, dated 26 April 1995:

The Secretary of State for Transport has asked me to reply to your Question about the number of port state control inspections undertaken by the Marine Safety Agency (MSA) in the last two years.

The MSA carried out 2,132 port state control inspections in the financial year 1992/93 and 2,218 inspections in 1993/94. Information on the inspections undertaken in 1994/95 is being collated and the number of port state control inspections carried out will be published in the MSA's annual report.

### Ferry Safety

**Ms Walley:** To ask the Secretary of State for Transport if he will list the ferries sailing from United Kingdom waters that do not meet the standards set out in SOLAS 90. [19382]

**Mr. Norris:** In his oral statement to the House on 5 April 1995, *Official Report*, columns 1753–61, the Secretary of State announced the publication of lists of roll-on roll-off ferries serving the United Kingdom ports. The lists show whether the vessels meet the SOLAS 90 survivability standard or the date by which they need to be modified in accordance with the north-west European ferry stability agreement which applies SOLAS 90 to roll-on roll-off ferries built before 1990. A copy of those lists and an explanatory note were placed in the Library of the House.

**Ms Walley:** To ask the Secretary of State for Transport if it is mandatory for ferry operators to carry out fire evacuation exercises while passengers are on board; and if he will make a statement. [19384]

**Mr. Norris:** This is an operational matter for the Marine Safety Agency. I have asked the chief executive to write to the hon. Member.

*Letter from R. M. Bradley to Ms Joan Walley, dated 26 April 1995:*

The Secretary of State for Transport has asked me to reply to your question about fire evacuation exercises whilst passengers are on board ferries.

Passengers are not required to participate in fire drills unless the ship is engaged on a long international voyage, in which case a muster of the passengers must take place within 24 hours of their embarkation. In addition, all passenger ships on international voyages, including ferries, are subject to requirements that call for a weekly fire drill when the crew receive training and practise the functions that they are expected to carry out in an emergency. In the event of a fire passengers would be alerted using the general emergency alarm system and instructed on the public address system to muster at specified positions in the same way as any other emergency. Instructions are required to be posted in passenger cabins, muster stations and other passenger spaces to inform passengers of their muster station and the essential actions they must take in an emergency.

### Railway Signalling Systems

**Mr. Bayley:** To ask the Secretary of State for Transport on what dates work started or will start on site on the renewal of *(a)* Winchester/Weston, *(b)* Dorking-Arundel AHB level crossings, *(c)* Kingmoor area, *(d)* east Kent AHB level crossings, *(e)* Holmwood, *(f)* central Scotland, *(g)* Medway valley, *(h)* Olive Mount, *(i)* Great Eastern, *(j)* Manchester north, *(k)* Manchester south—Stockport—*(l)* Manchester south, *(m)* Hither Green, *(n)* Willesden, *(o)* Barnes, *(p)* Dartford and *(q)* Guildford railway signalling systems; and in each case when the renewal is due to be completed. [20303]

**Mr. Watts:** Railtrack has supplied me with the following information:

*a. Winchester/Weston*

The start date was April 1994. The implementation phase started in June 1994. The project is due to be completed in early 1996.

*b. Dorking—Arundel AHB Level Crossings*

Crossings are renewed when their life has expired. No indication that remedial action is required at present.

*c. Kingmoor Area*

The programme for this project is currently under review.

*d. East Kent AHB Level Crossings*

No specific programme. Crossings are renewed when their life has expired. No indication that remedial action is required at present.

*e. Holmwood*

This signal box has not been used for over 10 years. Plans are being drawn up for decommissioning, but no date fixed.

*f. Central Scotland*

Installation work has been completed at Hilton and largely completed at Grangemouth junction. At Carmuirs East and Dunblane work has been completed.

*g. Medway Valley*

Most boxes have had their interlocking refurbished over the last two years. There is no immediate plan to renew.

*h. Olive Mount*

No scheme is in progress at this moment in time.

*i. Great Eastern*

The project started in 1988 and is due to finish commissioning at Easter 1998.

*j. Manchester North*

The design contracts for this project are about to be let. Site surveys are beginning now but implementation is likely to start in early 1996 and to end towards the close of 1997.

*k. Manchester South (Stockport)*

Signalling work will be started this year and finished during 1996.

*l. Manchester South*

No work currently under way except that on the Stockport section.

*m. Hither Green*

No plans at present for this location.

*n. Willesden*

The Willesden work is due to start during 1995 and finish during 1996.

*o. Barnes*

The implementation phase of this project is planned to start during 1995 and the project completed during 1997.

*p. Dartford*

Repairs were undertaken in November 1994 which removed immediate problems. Various options are currently under consideration, but at this stage, no fixed date for start of works.

*q. Guildford*

The start date was July 1994. The implementation phase is planned to start in April 1996. The project is due to be completed in July 1998.

### Jubilee Line

**Mr. Spellar:** To ask the Secretary of State for Transport if he will make a statement on progress towards meeting the completion deadline for construction of the Jubilee line. [20988]

**Mr. Norris:** Construction of the line continues. London Underground is still aiming for it to be completed in early 1998.

### Container Freight Lorries

**Dr. Howells:** To ask the Secretary of State for Transport how many container freight lorries enter each United Kingdom port annually through ferry facilities. [20765]

**Mr. Norris:** The information requested is not available.

**Dr. Howells:** To ask the Secretary of State for Transport how many container freight lorries have entered the United Kingdom via the channel tunnel since its opening. [20764]

**Mr. Norris:** The information requested is not available.

### Motorways (Abnormal Loads)

**Mr. David Atkinson:** To ask the Secretary of State for Transport what plans he has to privatise the escorting of wide and heavy loads on motorways by the police; and if he will make a statement. [20470]

**Mr. Maclean:** I have been asked to reply.

The Home Office and the Association of Chief Police Officers are examining the idea that on motorways and linking dual carriageways the escorting of abnormal loads which are between 4.3 and 4.6 m wide and 80 to 150 tonnes in weight might be carried out by suitably trained and qualified private escorts. The issue has recently been examined by consultants and their report is under consideration. The road haulage industry associations concerned with abnormal loads will be invited to comment on the report.

## SOCIAL SECURITY

### Pensioners

**Mr. McMaster:** To ask the Secretary of State for Social Security how many pensioners in Scotland *(a)* are dependent on income support, *(b)* have incomes less than £10 above income support levels and *(c)* are placed above these levels by receipt of a contributory pension or superannuation scheme. [18986]

**Mr. Roger Evans:** The number of pensioners[1] in Scotland in receipt of income support is 153,000[2].

It is estimated that 95,000 pensioners in Scotland will have income within £10 of income support thresholds including housing requirements in 1995–96[1].

It is estimated that 500,000 pensioners in Scotland would be placed above income support thresholds including housing requirements by the receipt of a contributory pension or superannuation scheme in 1995–96[1].

*Notes:*

[1] The definition of "pensioner" used throughout is women aged 60 and over and men aged 65 and over.

[2] The figure is rounded to the nearest 1,000.

*Source:* income support statistics quarterly inquiry May 1994.

[1] (a) Case load figures are rounded to the nearest 5,000.

(b) This is estimated using income brought to account for income support purposes, modelled from 1990, 1991 and 1992 family expenditure survey data uprated to 1995–96 prices and benefit levels.

(c) The definition of "contributory pension or superannuation scheme" used is:

—public and private pensions—occupational pensions;

—state retirement pensions.

### Income-related Benefits

**Mr. Murphy:** To ask the Secretary of State for Social Security how many British nationals who have paid tax and national insurance contributions in the United Kingdom have been excluded from income-related benefits on the grounds of the habitual residence test, before taking up appeals after returning to the United Kingdom from another member state of the European Union. [19267]

**Mr. Roger Evans:** This information is not available.

**Mr. Murphy:** To ask the Secretary of State for Social Security what plans he has to limit income-related benefit payments to claimants who have paid tax and national insurance contributions in the United Kingdom. [19271]

**Mr. Roger Evans:** None. Tax and national insurance contributions are not taken into account when deciding entitlement to the income-related benefits.

### Executive Agencies

**Mr. MacDonald:** To ask the Secretary of State for Social Security if he will give the number and location of Benefits Agency, Child Support Agency, Contributions Agency, the Information Technology Services Agency, Resettlement Agency, War Pensions Agency offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years and the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [20263]

**Mr. Hague:** The Benefits Agency opened the Glasgow benefit office in August 1989 and over the following 18 months 831 posts were gained as a result of work transferring from the rest of the United Kingdom. The central office for Scotland was closed in March 1992. During the 18-month run-down period the majority of posts were redistributed within Scotland and approximately 50 posts transferred to Leeds.

The Child Support Agency opened an agency centre—CSAC—at Falkirk during 1993. As at the end of February 1995, the CSAC had a total of 721 posts dealing with new work created following the Child Support Act 1991.

Over the last four years, the Contributions Agency has centralised some work at Newcastle while maintaining a local presence for face-to-face contact with customers. This has entailed some posts transferring to Newcastle from around the United Kingdom. Exact figures for posts transferring from Scotland to Newcastle could be obtained only at disproportionate cost.

The Information Technology Services Agency, the Resettlement Agency and the War Pensions Agency have not transferred any work between Scotland and the rest of the UK.

### Residential and Nursing Homes

**Mr. Wicks:** To ask the Secretary of State for Social Security what information his Department has in respect of the numbers of people who are entering private residential or nursing homes, where such care is publicly financed but does not involve the local authority social services department in any assessment of need, or in any expenditure. [19898]

**Mr. Roger Evans:** Information is not available in the form requested. In November 1994, the number of residents who were in receipt of income support that included residential allowance was 80,000. It is not known how many of these had been assessed or financially supported by social services. In addition, 201,000 residents have preserved rights to the higher levels of income support. It is not known how many of these receive financial support from the local authority.

Source: income support statistics quarterly enquiry, November 1994.

### Expenditure

**Mr. Jenkin:** To ask the Secretary of State for Social Security what is the underlying rate of growth in social security expenditure in the next 10 years, assuming level unemployment and assuming the full effects of all recently announced changes from the previous year. [20464]

**Mr. Hague:** The latest long-term projections of underlying growth in expenditure were published in the departmental report "The Government's Expenditure Plans 1995–96 to 1997–98", Cm 2813, which stated that recently announced reforms would contain growth between 1997–98 and 2000–01 to 2.1 per cent. a year, assuming level unemployment. Projections of social security expenditure over a 10-year period would be subject to considerable uncertainty.

### Consultants

**Mr. McAllion:** To ask the Secretary of State for Social Security (1) how many former members of staff of his Department or its agencies are currently employed as consultants within his Department or its agencies; what is the length of the consultancy in each case; and what were their previous grades; [20343]

(2) how many former members of his staff are currently employed as consultants by DSS headquarters; what is the length of the consultancy in each case; and what were their previous grades. [20344]

**Mr. Hague:** Two former members of staff are currently employed as consultants by DSS headquarters. Their previous grade and length of consultancy are as follows:

| *Previous grade* | *Length of consultancy* |
|---|---|
| Grade 2 | Four days in total during April and May 1995. |
| Grade 3 | Two/three days per week on continuing basis. |

The information requested for the Department's agencies is not readily available and could be obtained only at disproportionate cost.

### Family Credit

**Mr. Frank Field:** To ask the Secretary of State for Social Security if he will list the proportion of *(a)* married couples and *(b)* single parents who claim family credit. [20390]

**Mr. Roger Evans:** The information is set out in the table.

| *Family credit case load July 1994* | *Cases* | *Percentage* |
|---|---|---|
| Couples[1] | 327,700 | 57 |
| Lone parents | 243,980 | 43 |

*Note:*
[1] Not categorised by marital status.
*Source:*
Family credit statistics: quarterly tables, July 1994.

### Incapacity Benefit

**Mr. Simpson:** To ask the Secretary of State for Social Security, pursuant to his answer of 28 March, *Official Report,* column *557,* (1) how many of the 45,000 new incapacity benefit claimants who will be found capable of work in 1995–96 he estimates will *(a)* sign on as unemployed and receive unemployment benefit, *(b)* sign on as unemployed and receive income support only, *(c)* sign on and receive national insurance credits only, *(d)* receive retirement pension, *(e)* receive invalidity care allowance, *(f)* receive widows benefits and *(g)* receive income support without having to sign on; [21020]

(2) how many of the 55,000 new incapacity benefit claimants who will be found capable of work in 1996–97 he estimates will *(a)* sign on as unemployed and receive unemployment benefit, *(b)* sign on as unemployed and receive income support only, *(c)* sign on and receive national insurance credits only, *(d)* receive retirement pension, *(e)* receive invalidity care allowance, *(f)* receive widows benefits and *(g)* receive income support without having to sign on; [21021]

(3) how many of the 80,000 existing invalidity benefit claimants who will be found capable of work in 1996–97 he estimates will *(a)* sign on as unemployed and receive unemployment benefit, *(b)* sign on as unemployed and receive income support only, *(c)* sign on and receive national insurance credits only, *(d)* receive retirement pension, *(e)* receive invalidity care allowance, *(f)* receive widows benefits and *(g)* receive income support without having to sign on; [21018]

(4) how many of the 140,000 existing invalidity benefit claimants who will be found capable of work in 1995–96 he estimates will *(a)* sign on as unemployed and receive unemployment benefit, *(b)* sign on as unemployed and receive income support only, *(c)* sign on and receive national insurance credits only, *(d)* receive retirement pension, *(e)* receive invalidity care allowance, *(f)* receive widows benefits and *(g)* receive income support without having to sign on. [21016]

**Mr. Hague:** There are no estimates of the number of people found capable of work who will receive retirement pension, invalidity care allowance or widow's benefits. Such information as is available is in the table.

Figures based on the estimated number of people leaving incapacity benefit earlier than they would have done under current arrangements.

| *Invalidity benefit/incapacity benefit claimants* | *1995–96* | | *1996–97* | |
|---|---|---|---|---|
| | *Existing cases* | *New cases* | *Existing cases* | *New cases* |
| Estimated number of claimants found capable of work | 140,000 | 45,000 | 80,000 | 55,000 |
| Estimated number who will be unemployed and receive unemployment benefit/contributory jobseeker's allowance | 70,000 | 25,000 | 40,000 | 30,000 |
| Estimated number who will be unemployed and receive Income support/income-based jobseeker's allowance only[1] | 25,000 | 10,000 | 15,000 | 10,000 |
| Estimated number who will be unemployed and receive national insurance credits only | 20,000 | 10,000 | 15,000 | 10,000 |
| Estimated number who will receive income support without having to sign on as unemployed | 10,000 | 5,000 | 5,000 | 5,000 |

*Note:*

[1] Not receiving unemployment benefit/contributory jobseeker's allowance but may receive other benefits—for example, housing benefit, council tax benefit.

All estimates rounded to nearest 5,000. Totals may not sum due to rounding and because not all groups are included—for example, those found capable of work who do not register for employment or receive any other benefit.

**Mr. Simpson:** To ask the Secretary of State for Social Security, pursuant to his answer of 28 March, *Official Report,* column *557* (1) if he will break down by region the estimates of the numbers of *(a)* existing invalidity benefit claimants, *(b)* existing income support claimants, *(c)* new incapacity benefit claimants and *(d)* new income support claimants who will be found capable of work in each of the years (i) 1995–96, (ii) 1996–97 and (iii) 1997–98; [21019]

(2) if he will break down by gender the estimates of the numbers of *(a)* existing invalidity benefit claimants, *(b)* existing income support claimants, *(c)* new incapacity benefit claimants and *(d)* new income support claimants who will be found capable of work in (i) 1995–96, (ii) 1996–97 and (iii) 1997–98. [21017]

**Mr. Hague:** The information is not available in the form requested. Estimates are available only on a national basis. There is insufficient data to allow them to be broken down regionally, or by gender.

**Mr. Simpson:** To ask the Secretary of State for Social Security (1) how many of those who move off incapacity benefit in 1995 he estimates will not qualify for unemployment benefit for reasons of *(a)* failing the contribution test or *(b)* failing the availability test; [21011]

(2) pursuant to this answer of 28 March, *Official Report.* column *557,* how many of the people who will fail to qualify for contributory jobseeker's allowance will do so for reasons of *(a)* failing the contributions test or *(b)* failing the availability tests; [21022]

(3) how many people who move off incapacity benefit in 1995–96 he estimates will not qualify for unemployment benefit. [21012]

**Mr. Hague:** It is estimated that around 95,000[1] new and existing claimants found fit for work in 1995–96 will not qualify for unemployment benefit because of failure to satisfy the contribution conditions.

Information is not available as to the number of people who will not qualify for unemployment benefit or contributory jobseeker's allowance due to failure to satisfy the availability for work tests.

[1]Figure rounded to the nearest 5,000.

**Mr. Simpson:** To ask the Secretary of State for Social Security how many people who move off incapacity benefit in 1995–96 will qualify for contributory jobseeker's allowance in each of the years 1996–97 and 1997–98. [21013]

**Mr. Hague:** The information requested is not available.

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for Social Security which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board of committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20880]

**Mr. Hague:** The Occupational Pensions Board is the only executive non-departmental public body sponsored by this Department. There is no statutory requirement to admit members of the public to its board or committee meetings. However, there is a statutory requirement, under the provisions of the Occupational Pensions Board (Determinations and Review Procedure) Regulations 1973 to hold formal public hearings, in connection with reviews of the board's determinations, unless the board for any special reasons directs otherwise. If such a hearing is held privately, a member of the Council on Tribunals is entitled to attend.

## Child Support Agency

**Mr. Rogers:** To ask the Secretary of State for Social Security how many complaints have now been made to his Department or the Child Support Agency concerning the Child Support Agency. [19239]

**Mr. Burt:** The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

*Letter from Miss Ann Chant to Mr. Allan Rogers, dated 26 April 1995:*

I am replying to your Parliamentary Question to the Secretary of State for Social Security about the number of complaints received by the Child Support Agency.

The precise information you request is not available. Since launch to the end of February 1995, the Agency has recorded a total of

34,449 letters of complaint; but a significant proportion of those complaints concern areas such as general policy or the powers of this Agency. Many of these letters are from persons who are opposed to the legislation but not actually affected by it. The number of letters received that contain complaints specifically about the Agency's performance is not separately identified, but it is considerably less than the overall figure shown above.

I hope this is helpful.

**Mr. Dewar:** To ask the Secretary of State for Social Security what was the average amount of maintenance payable as a result of a full assessment by the Child Support Agency in cases where there are *(a)* one, *(b)* two and *(c)* more than two children, and the overall average figure excluding cases where the absent parent is on income support or other benefit and so paying the standard minimum contribution at the latest date for which figures are available. [19281]

**Mr. Burt:** The administration of the Child Support Agency is the responsibility of the chief executive, Miss Ann Chant. She will write to the hon. Member.

*Letter from Miss Ann Chant to Mr. Donald Dewar, dated 26 April 1995:*

I am replying to your recent Parliamentary Question to the Secretary of State for Social Security about the average amount of child maintenance payable following a full maintenance assessment by the Child Support Agency.

As at 11 March 1995, the average weekly maintenance payable by absent parents with income from employment, but excluding those receiving income support, following a full maintenance assessment, was £43.46. Information on the average maintenance payments broken down by the number of qualifying children involved is not available.

I hope this is of help.

**Mr. Frank Field:** To ask the Secretary of State for Social Security what was the total number to date of maintenance application forms issued by the Child Support Agency to parents with care that have not been returned, broken down to show *(a)* where good cause was accepted, *(b)* where good cause was investigated and not accepted, *(c)* where MAFs were issued at a parent with care's request which were subsequently found to have been duplicated, *(d)* where the parent with care ceased to claim benefit before returning the MAF and *(e)* the number of unreturned MAFs which were issued prior to 1 July 1994. [19152]

**Mr. Burt:** The administration of the Child Support Agency is a matter for the chief executive, Miss Ann Chant. She will write to the hon. Member.

*Letter from Miss Ann Chant to Mr. Frank Field, dated 26 April 1995:*

I am replying to your Parliamentary Question to the Secretary of State for Social Security about the number of maintenance application forms (MAF) issued by the Child Support Agency that have yet to be returned by the parent with care.

Since launch to the end of February 1995, a total of 1,217,941 maintenance application forms (MAF's) have been issued 867,883 of which have been returned, leaving an outstanding balance of 350,058. At that time 27,800 of the outstanding forms had only been issued during February. It is not possible to break the remaining 322,200 forms down into the categories that you request.

Some information that is available is as follows. The requirement to co-operate has been considered in a total of 146,790 cases. Good cause was accepted in 69,228 cases and refused in a further 53,174. The remainder (24,388) were cases where the parent with care (PWC) chose to name the absent parent (AP) before a decision on good cause was made.

Since September 1994, it has been possible to conduct good cause investigations without a MAF having been issued. No separate record is made of this type of investigation. Good cause may also be considered, for example, after a MAF has been returned if, in the case of a multiple assessment unit, the PWC chooses to name one or more APs while claiming good cause not to name one or more of the other APs, or where a MAF is returned incomplete but with a claim for good cause. The number of good cause investigations completed does not therefore provide a direct comparison with the number of MAF's not yet returned.

Cases where a MAF is issued and is subsequently found to have been a duplicate, along with cases where a PWC ceases to claim benefit before a maintenance assessment is completed, are recorded as "other" clearances or closures. This is regardless of whether the MAF has been returned or not. No data are collected on the number of closures falling into particular categories, except for cases where good cause is accepted. Other examples of closures are: reconciliation of AP and PWC; AP abroad; AP not traced. This list is not exhaustive.

At present the Agency cannot provide a detailed analysis of the age of those cases where a MAF has not been returned but future enhancements to the Child Support Computer System which will provide this information are planned. However, as at the end of February, 16,254 cases had been identified as part of the one off deferral exercise, announced in December 1994, referring to MAFs issued before 1 July 1994. This figure includes cases where no MAF had been returned and those where a partially completed form was received by the Agency and the PWC does not wish to pursue the matter.

## WALES

### West Wales Ambulance NHS Trust

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales if he will list, in respect of the newly established West Glamorgan and Dyfed ambulance trust, *(a)* the date when the trust commenced its operational duties, *(b)* the date on which the chief executive was appointed, *(c)* the date when the chairman was appointed, *(d)* the number of applications he has received for the executive positions and the date he will announce the appointments and *(e)* the number of applications he has received for the lay membership and the date he will announce the appointments. [19929]

**Mr. Richards:** The information requested is as follows:

a. The Trust became operational on 1 April 1995.

b. The appointment of the Chief Executive is a matter for the Trust Board (i.e. Chairman and non-Executive Director).

c. The appointment of Mr. Roger Hayes as Chairman of the Trust was announced on 27 March 1995 and took effect from 1 April 1995.

d. Responsibility for the appointment of the Executive Directors lies with the Trust Board, including the Chief Executive.

e. More than 300 applications have been received for the non-Executive Director posts of the five new NHS Trusts. I shall announce the names of those who have been appointed as soon as possible.

### General Dental Services

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales if he will publish information for Wales corresponding to that contained in table 23 on page 63 of the Department of Health's departmental report, cm 2812 (March 1995). [19918]

**Mr. Richards:** The information is given in the following table.

*Family Health Services—Key Statistics on General Dental Services*

| *General Dental Services*[1] | *1983–84* | *1989–90* | *1990–91* | *1991–92* | *1992–93* | *1993–94* | *Per cent. change 1983–84 to 1993–94* | *Per cent. change 1992–93 to 1993–94* |
|---|---|---|---|---|---|---|---|---|
| Gross expenditure (£ millions)[2] | 30.320 | 50.115 | 57.055 | 69.513 | 73.794 | 67.964 | 124.2 | -7.9 |
| Gross expenditure in real term (1994–95 prices) (£ millions) | 52.201 | 62.886 | 66.284 | 75.983 | 77.573 | 69.323 | 32.8 | -10.6 |
| Proportion of gross expenditure met from charges (per cent.)[3] | 23.5 | 33.3 | 31.8 | 28.9 | 27.7 | 28.0 | 19.1 | 1.1 |
| Number of general dental practitioners (GDPs)[4] | 702 | 827 | 837 | 832 | 831 | 843 | 20.1 | 1.4 |
| Adult courses of treatment (thousands) | 1,048 | 1,192 | 1,327 | 1,031 | 1,398 | 1,409 | 34.4 | 0.8 |
| Adult courses of treatment per GDP | 1,493 | 1,441 | 1,585 | 1,239 | 1,682 | 1,671 | 11.9 | -0.7 |
| Children registered into capitation (thousands)[5] | — | — | — | 338 | 416 | 431 | — | 3.6 |
| Children registered per GDP[6] | — | — | — | 407 | 501 | 511 | — | 2.0 |
| Average gross cost of adult courses of treatment in real terms (1994–95 prices) (£)[7] | 38.79 | 43.71 | 39.96 | 39.77 | 36.93 | 31.99 | -17.5 | -13.4 |
| Gross cost of general dental services per GDP in real terms 1994–95 prices) | 74,360 | 76,041 | 79,192 | 91,326 | 93,349 | 82,234 | 10.6 | -11.9 |

[1] General dental services are the care and treatment provided by independent dental practitioners, who provide services under arrangements made with local Family Health Services Authorities.
[2] Gross expenditure is based on Appropriation Account (cash) figures. It includes that proportion of costs met from patient charges and excludes charge refunds. Appropriation Account figures.
[3] Charge income collected from patients (net of refunds) as a proportion of gross expenditure.
[4] Principals and assistants at 30 September.
[5] Number of children registered as at 30 September. Capitation registration only began with the introduction of the new dental contract from 1 October 1990.
[6] Average number of children registered per dentist, including principals and assistants, although patient registrations are formally attributed to principals only.
[7] Average cost of adult courses of treatment, as measured by Dental Practice Board data recording only item of service fees payable for such treatments up to September 1990, from October 1990 onwards, costs are based on item of service fees payable and adult continuing care payments. Prior to 1986–87, data is only available on a calendar year basis.

### Health Authorities

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales what assessment he has made of whether all health authorities' members in Wales have now publicly declared any outside interests in which they participate. [19931]

**Mr. Richards:** At the annual review meetings to be held in June authorities will be asked to confirm that they have implemented a recently introduced requirement that they maintain a register of relevant private interests.

### Paramedical Services

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales what information is collected by his Department on the numbers employed, expressed as whole-time equivalents, and the total expenditure for each NHS provider in Wales on each of the paramedical services in the community, with particular reference to *(a)* community nurses, *(b)* health visitors, *(c)* chiropodists, *(d)* speech therapists, *(e)* occupational therapists, *(f)* physiotherapists and *(g)* community dentists. [19930]

**Mr. Richards:** The available information is in the following table. Reliable estimates of the numbers of nursing staff employed in specific occupational groups, such as community nursing and health visiting, are not available centrally. As the expenditure data relates to the financial year 1993–94, staffing figures for September 1993 and 1994 are given.

| | *Community nursing and midwifery* | | | *Chiropodists* | | | *Speech therapists* | | |
|---|---|---|---|---|---|---|---|---|---|
| | *Expenditure*[1] | *Staff in post (Wte)*[2] | | *Expenditure*[1] | *Staff in post (Wte)*[2] | | *Expenditure*[1] | *Staff in post (Wte)*[2] | |
| | | *September 1993* | *December 1994* | | *September 1993* | *December 1994* | | *September 1993* | *December 1994* |
| *Trusts* | | | | | | | | | |
| Bridgend and District | n/a | n/a | n/a | n/a | 8 | 9 | n/a | 6 | 5 |
| Carmarthen and District | 2,259.8 | n/a | n/a | 158.0 | 6 | 6 | 81.1 | 5 | 5 |
| Ceredigion and Mid Wales | 1,555.9 | n/a | n/a | 88.1 | 3 | 3 | 68.5 | 3 | 2 |
| Clwydian Community Care | 12,515.2 | n/a | n/a | 454.5 | 18 | 19 | 682.6 | 26 | 25 |
| Glan Clwyd General Hospital | 647.8 | n/a | n/a | 12.1 | — | — | 69.7 | 2 | 3 |
| Glan Hafren | 1,309.1 | n/a | n/a | 14.6 | — | — | 41.0 | — | — |
| Gwent Community | 11,200.5 | n/a | n/a | 510.4 | 23 | 27 | 337.0 | 24 | 20 |

| | Community nursing and midwifery | | | Chiropodists | | | Speech therapists | | |
|---|---|---|---|---|---|---|---|---|---|
| | Expenditure[1] | Staff in post (Wte)[2] | | Expenditure[1] | Staff in post (Wte)[2] | | Expenditure[1] | Staff in post (Wte)[2] | |
| | | September 1993 | December 1994 | | September 1993 | December 1994 | | September 1993 | December 1994 |
| Llandough Hospital | 360.0 | n/a | n/a | 3.1 | — | — | 20.8 | — | — |
| Llanelli/Dinefwr | 2,881.5 | n/a | n/a | 171.1 | 8 | 8 | 100.4 | 4 | 4 |
| Pembrokeshire | 3,902.7 | n/a | n/a | 242.1 | 5 | — | 115.7 | 5 | 4 |
| Powys Health Care | 3,697.0 | n/a | n/a | 333.8 | 15 | — | 225.2 | 8 | 10 |
| Swansea | 675.3 | n/a | n/a | 22.4 | — | — | 22.4 | — | 1 |
| Wrexham Maelor Hospital | 508.1 | n/a | n/a | 5.7 | — | — | 90.6 | 4 | 3 |
| *Directly Managed Units:* | | | | | | | | | |
| East Dyfed Mental Health Unit | 2,435.3 | n/a | n/a | 17.7 | 1 | 1 | 125.6 | 5 | 5 |
| North Gwent Unit | 396.2 | n/a | n/a | — | — | — | — | — | — |
| Gwynedd DHA[3] | 8,404.2 | n/a | n/a | 386.0 | 14 | 14 | 447.0 | 14 | 15 |
| Mid Glamorgan | | | | | | | | | |
| Hensol | 308.8 | n/a | n/a | — | — | — | 89.7 | 5 | 7 |
| Merthyr/Cynon | n/a | n/a | n/a | — | 10 | 10 | n/a | 5 | 7 |
| Rhondda | 4,169.4 | n/a | n/a | 279.4 | 11 | 11 | 97.4 | 6 | 7 |
| Rhymney Valley | 2,321.4 | n/a | n/a | 132.9 | 6 | 5 | 37.8 | 3 | 5 |
| Taff Ely | 1,074.0 | n/a | n/a | — | — | — | — | — | — |
| South Glamorgan | | | | | | | | | |
| Community | 10,746.9 | n/a | n/a | 736.0 | 29 | 30 | 550.8 | 33 | 29 |
| UHW/CRI | 333.0 | n/a | n/a | — | — | — | 26.1 | 1 | 1 |
| West Glamorgan DHA[4] | n/a | n/a | n/a | n/a | 35 | 35 | n/a | 17 | 16 |

| | Occupational therapists | | | Physiotherapists | | | Community dentists | | |
|---|---|---|---|---|---|---|---|---|---|
| | Expenditure[1] | Staff in post (Wte)[2] | | Expenditure[1] | Staff in post (Wte)[2] | | Expenditure[1] | Staff in post (Wte)[2] | |
| | | September 1993 | December 1994 | | September 1993 | December 1994 | | September 1993 | December 1994 |
| *Trusts* | | | | | | | | | |
| Bridgend and District | n/a | 24 | 21 | n/a | 19 | 19 | n/a | — | — |
| Carmarthen and District | 86.2 | 3 | 3 | 402.1 | 16 | 17 | 96.1 | 2 | 2 |
| Ceredigion and Mid Wales | 143.3 | 4 | 3 | 311.3 | 14 | 13 | 219.7 | 4 | 4 |
| Clwydian Community Care | 962.4 | 34 | 35 | 1,124.6 | 44 | 42 | 1,063.8 | 10 | 14 |
| Glan Clwyd General Hospital | 134.5 | 6 | 5 | 510.7 | 24 | 23 | — | — | — |
| Glan Hafren | 430.3 | 21 | 17 | 1,215.2 | 51 | 56 | — | — | — |
| Gwent Community | 1,172.4 | 34 | 40 | 378.0 | 20 | 23 | 910.0 | 14 | 12 |
| Llandough Hospital | 427.0 | 16 | 16 | 667.7 | 30 | 32 | — | — | — |
| Llanelli/Dinefwr | 181.6 | 8 | 9 | 362.7 | 14 | 15 | 197.2 | 2 | 3 |
| Pembrokeshire | 327.0 | 5 | — | 621.0 | 16 | — | 373.8 | 6 | 6 |
| Powys Health Care | 708.3 | 19 | 1 | 950.5 | 36 | 1 | 449.5 | 4 | 6 |
| Swansea | 166.8 | 4 | 7 | 742.9 | 21 | 24 | — | — | — |
| Wrexham Maelor Hospital | 166.1 | 8 | 7 | 517.4 | 24 | 26 | — | — | — |
| *Directly Managed Units* | | | | | | | | | |
| East Dyfed Mental Health Unit | 604.6 | 16 | 17 | 116.6 | 3 | 5 | — | — | — |
| North Gwent Unit | 274.9 | 13 | 11 | 517.6 | 23 | 23 | — | — | — |
| Gwynedd DHA[3] | 796.9 | 34 | 35 | 1,535.6 | 64 | 63 | 594.2 | 8 | 9 |
| Mid Glamorgan: | | | | | | | | | |
| Hensol | 178.8 | 4 | 7 | 124.6 | 3 | 4 | — | — | — |
| Merthyr/Cynon | n/a | 12 | 13 | n/a | 22 | 18 | n/a | — | — |
| Rhondda | 298.8 | 10 | 12 | 351.5 | 14 | 13 | — | — | — |
| Rhymney Valley | 81.7 | 3 | 3 | 172.7 | 8 | 7 | — | 3 | 1 |
| Taff Ely | 181.6 | 7 | 7 | 504.7 | 23 | 21 | — | 5 | 5 |
| South Glamorgan | | | | | | | | | |
| Community | 729.7 | 34 | 35 | 680.2 | 32 | 33 | 808.4 | 12 | 11 |
| UHW/CRI | 967.0 | 41 | 37 | 1,940.7 | 81 | 85 | — | 1 | 1 |
| West Glamorgan DHA[4] | n/a | 32 | 38 | n/a | 62 | 69 | n/a | 12 | 11 |

[1] £ thousands 1993–94.
[2] Qualified staff. Staff paid on local payscales for whom no details of occupation are available centrally are excluded from the table. In order that a comparison of the two figures can be made staff employed in provider units which obtained Trust status on 1 April 1994 are shown under their previous management unit.
[3] Includes staff employed by Gwynedd Acute NHS Trust, Gwynedd Community NHS Trust (Data for these were not available separately in 1993) and Gwynedd DHA.
[4] Includes staff employed centrally by West Glamorgan DHA.
n/a Information not available.

## Dental Caries

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales what percentage of children had caries-free permanent teeth in *(a)* 1973, *(b)* 1983 and *(c)* 1993, and what was the dental caries experience of deciduous teeth of five-year-old children in the same years. [19917]

**Mr. Richards:** Three national surveys of children's dental health have been carried out—1973, 1983 and 1993—by the social survey division of the Office of Population Censuses and Surveys and results were published by HMSO. The publications show separate information for Wales and copies are in the Library of the House. The ISBN numbers are as follows:

1973: ISBN 0 11 700687 4

1983: ISBN 0 11 691136 0

1993: ISBN 0 11 691136 0

### Environment Powers

**Mr. Ron Davies:** To ask the Secretary of State for Wales (1) if he will list those powers available to him, by order, to further the interest of the natural environment, forestry and agriculture; [19993]

(2) if he will list those powers available to him by executive action to further the interests of the natural environment, forestry and agriculture. [19992]

**Mr. Redwood:** This information could be obtained only at disproportionate cost.

### Official Receivers

**Mr. Flynn:** To ask the Secretary of State for Wales if he will publish in full the replies of the official receivers to the consultation on privatisation under the Deregulation and Contracting Out Act 1994. [20262]

**Mr. Redwood:** This is a matter for the President of the Board of Trade.

### Electoral Reviews

**Mr. Llwyd:** To ask the Secretary of State for Wales when he will next instigate a review of electoral wards by the Local Government Boundary Commission for Wales; and if he will make a statement. [20373]

**Mr. Gwilym Jones:** The reviews of local government electoral arrangements are instigated not by my right hon. Friend, but by the relevant provisions of the Local Government Act 1972. Section 64(1) of that Act, as substituted by section 6 of the Local Government (Wales) Act 1994, requires the Local Government Boundary Commission for Wales to undertake reviews of the electorial arrangements in each of the new unitary authorities "as soon as practicable" after the first elections to be held next month.

### Planning Policy Guidance

**Mr. Ron Davies:** To ask the Secretary of State for Wales if he will list *(a)* the planning policy guidance notes and *(b)* the mineral policy guidance notes that have been issued in England but not in Wales over the last five years; and if he will make a statement. [21051]

**Mr. Redwood:** The following is the information.

(a) Planning Policy Guidance—(PPG)—note 2 "Green Belts" (DOE: January 1995);

PPG9 "Nature Conservation" (DOE: October 1994);

PPG13 "Transport" (DOE/DOT: March 1994);

PPG15 "Planning and the Historic Environment" (DOE/DNH: September 1994);

PPG23 "Planning and Pollution Control" (DOE: July 1994); and

PPG24 "Planning and Noise" (DOE: September 1994).

(b) Minerals Planning Guidance note 6 "Guidelines for Aggregates Provision in England" (DOE: April 1994).

Draft planning policy guidance for Wales is currently being prepared and consultation with Welsh interests will follow.

### Housing

**Mr. Ainger:** To ask the Secretary of State for Wales what has been the percentage grant available to Welsh housing associations for new and existing properties in each year since Tai Cymru was established. [21083]

**Mr. Gwilym Jones:** Percentage rates for the standard housing association grant in Wales are set out as follows:

| *Date* | *Percentage* |
|---|---|
| 1989–90 | 72 |
| 1990–91 | 75 |
| 1991–92 | 70 |
| 1992–93 | 67 |
| 1993–94 | 65 |
| 1994–95 | 62 |
| 1995–96 | 58 |

## SCOTLAND

### Tourism

16. **Mr. Bill Walker:** To ask the Secretary of State for Scotland what representations he has received about the way in which Scottish Enterprise, Tayside supports tourist-related capital projects. [19585]

**Mr. Kynoch:** The only representations received by my right hon. Friend about the way in which Scottish Enterprise, Tayside supports tourist-related capital projects have been those made by my hon. Friend.

### Public Inquiries

17. **Sir David Steel:** To ask the Secretary of State for Scotland whether he will consider paying local authorities' costs of holding public inquiries where these are caused by his own amendments to local plans. [19586]

**Mr. Kynoch:** My right hon. Friend has no plans to make payments in respect of the costs to local authorities of holding public inquiries. Such costs are provided for within the rate support grant.

### Local Government

18. **Mr. Davidson:** To ask the Secretary of State for Scotland what plans he has to reorganise Scottish local government. [19587]

**Mr. Kynoch:** None.

24. **Mr. Nigel Griffiths:** To ask the Secretary of State for Scotland if he will re-evaluate his proposals for local government. [19593]

**Mr. Kynoch:** I refer to the reply given earlier to the hon. Member for Falkirk, West (Mr. Canavan) by my right hon. Friend.

26. **Mr. McMaster:** To ask the Secretary of State for Scotland when he next intends to meet representatives of the Convention of Scottish Local Authorities to discuss local government funding. [19595]

27. **Mrs. Adams:** To ask the Secretary of State for Scotland when he next plans to meet representatives of the Convention of Scottish Local Authorities to discuss local government finance. [19596]

**Mr. Kynoch:** My right hon. Friend and I are scheduled to meet representatives of the Convention of Scottish Local Authorities on 12 June as part of the normal consultation on local government finance matters.

### Psychiatric Hospitals

19. **Dr. Godman:** To ask the Secretary of State for Scotland when he last discussed the closure of psychiatric hospitals with the health boards; and if he will make a statement. [19588]

**Lord James Douglas-Hamilton:** My noble and learned Friend the Minister of State regularly meets representatives from all health boards to discuss health issues.

### Strathclyde Regional Council

21. **Mr. Watson:** To ask the Secretary of State for Scotland what plans he has to meet the leadership of Strathclyde regional council to discuss the resources available to the council in the current financial year. [19590]

**Mr. Kynoch:** My right hon. Friend has no plans for such a meeting; such discussions on local government finance are conducted with the Convention of Scottish Local Authorities.

### Scottish Homes

22. **Mr. McKelvey:** To ask the Secretary of State for Scotland when he next plans to meet officials of Scottish Homes to discuss transfer of properties. [19591]

**Lord James Douglas-Hamilton:** My right hon. Friend meets the board of Scottish Homes from time to time. He has issued guidance to Scottish Homes on the future ownership of its housing stock following which it has published procedures for the disposal of its stock.

### Nursery Education

23. **Mr. Chisholm:** To ask the Secretary of State for Scotland what proposals he has for the development of nursery education. [19592]

**Lord James Douglas-Hamilton:** The Government have given a commitment to provide, over time, quality pre-school places for all four-year-olds whose parents wish to take them up. Work is currently going on to develop the details of the policy and this has involved contacts with a number of organisations in Scotland. An announcement will be made as soon as possible.

### Dentistry

28. **Mr. Wray:** To ask the Secretary of State for Scotland how many dentists in Scotland are refusing to treat certain categories of NHS patients. [19597]

**Lord James Douglas-Hamilton:** The information requested is not available. General dental practitioners on health board NHS dental lists are free to decide in each case whether to provide NHS treatment to an individual patient.

### Inward Investment

29. **Mr. John Marshall:** To ask the Secretary of State for Scotland if he will make a statement about inward investment in Scotland. [19598]

**Mr. Kynoch:** The Government's pro-business policies have created a business climate in which companies can flourish and this continues to make Scotland—and indeed the United Kingdom as a whole—a very attractive location for inward investment.

In the five years to March 1994, Locate in Scotland and the Scottish Office industry department helped to attract to Scotland nearly 350 inward investment projects involving planned investment of £2.6 billion associated with the expected creation or safeguarding of over 47,000 jobs. That success was maintained during 1994–95, with Scotland attracting inward investment projects at the rate of almost two per week.

The success announced during the year to March 1995 included Motorola's decision to invest a further £250 million at its East Kilbride plant, creating 250 new jobs; NEC's decision to invest £530 million in setting up a new state-of-the-art wafer fabrication facility in Livingston, creating 430 new jobs; and BSkyB's decision to set up a new subscriber management centre in Dunfermline, creating up to 1,000 full-time jobs over the next few years.

Detailed figures for inward investment in Scotland in 1994–95 will be published in the Locate in Scotland annual review in June.

### Japanese Companies

30. **Mr. Stewart:** To ask the Secretary of State for Scotland what recent meetings he has had with Japanese companies concerning trade and investment; and if he will make a statement. [19599]

**Mr. Kynoch:** My right hon. Friend and I regularly meet representatives of Japanese companies to discuss trade and investment. My right hon. Friend's most recent such meeting was on 24 February when he accompanied my right hon. Friend the Prime Minister at a ground-breaking ceremony on the site of NEC's proposed new silicon wafer fabrication facility in Livingston.

My right hon. Friend the Secretary of State will also visit Japan later this year, when trade promotion activities and meetings with existing and potential inward investors will play a key part in his programme.

### Bus Services, Strathclyde

31. **Mrs. Ray Michie:** To ask the Secretary of State for Scotland when he plans to meet the director general of Strathclyde passenger transport executive to discuss bus services in Strathclyde. [19600]

**Lord James Douglas-Hamilton:** No such meeting has been arranged.

### Employment Prospects

32. **Mr. Ernie Ross:** To ask the Secretary of State for Scotland when he next intends meeting the chair of Scottish Enterprise to discuss employment prospects. [19601]

**Mr. Kynoch:** My right hon. Friend meets the chairman of Scottish Enterprise from time to time to discuss a range of issues affecting the Scottish economy. No date has yet been arranged for the next meeting.

### Monklands District Council

33. **Mr. David Shaw:** To ask the Secretary of State for Scotland how many police inquiries have been initiated into *(a)* Monklands district council's affairs and *(b)* those of its councillors in the last five years. [19602]

**Mr. Kynoch:** During this period Strathclyde police conducted one inquiry into the affairs of Monklands district council and two separate inquiries into those of some councillors.

### Education, South Lanarkshire

34. **Mr. McAvoy:** To ask the Secretary of State for Scotland if he will undertake to meet representatives of the new South Lanarkshire council to discuss educational priorities within the council area. [19603]

**Lord James Douglas-Hamilton:** The setting of educational priorities within its area will be an important matter for the new South Lanarkshire council. If the council in due course seeks a meeting, its request would be given full consideration as are all such requests for meetings. My hon. Friend the Minister for Local Government will wish to meet the new councils individually in due course.

### Arts Funding

35. **Mr. Maxton:** To ask the Secretary of State for Scotland when he next intends to meet the chairman of the Scottish Arts Council to discuss the funding of the arts in Scotland. [19604]

**Sir Hector Monro:** My right hon. Friend meets the chairman of the Scottish Arts Council from time to time to discuss a range of issues concerning the arts in Scotland. He has no current plans for a meeting.

### Non-domestic Rates

36. **Mr. Kirkwood:** To ask the Secretary of State for Scotland if he will review the system of non-domestic rates relief available to small businesses in Scotland; and if he will make a statement. [19605]

**Mr. Kynoch:** The Non-domestic Rates (Levying) (Scotland) Regulations 1995 introduced provisions to protect all ratepayers including small businesses from unexpected and significant increases in rates bills resulting from the combined effects of the 1995 Revaluation and the introduction of the national non-domestic rate in Scotland.

The Local Government etc. (Scotland) Act 1994 also introduced with effect from 1 April 1995 a power permitting rating authorities to remit any rate levied by them where the ratepayer would otherwise suffer hardship and where it would be in the interests of the authority's council tax payers to do so.

I have no plans to review further the arrangements for non-domestic rating relief.

### Drug-taking Kits

37. **Mr. David Marshall:** To ask the Secretary of State for Scotland if he will introduce legislation making it an offence for anyone to sell drug-taking kits; and if he will make a statement. [19606]

**Lord James Douglas-Hamilton:** It is already an offence under section 9A of the Misuse of Drugs Act 1971 for a person to supply any article which may be used for the administration of a controlled drug, if he believes that the article is to be so used in circumstances where the administration is unlawful. If the hon. Member has a specific issue in mind, he might wish to write to my right hon. Friend.

### EC Aid

**Sir David Steel:** To ask the Secretary of State for Scotland when he expects funds from the EC aid programme the borders objective 5b scheme to be made available to the appropriate authorities for distribution in the borders region; and what measures he is taking to ensure that receipt of funds is as soon as possible. [20249]

**Mr. Lang:** I understand the Commission will take the formal decision on the borders objective 5b single programme document before the end of April. To facilitate early release of funds, the monitoring committee met on 20 April and decided in principle which projects should be supported in the first round of applications under the programme. Formal offer letters will be issued to successful project sponsors immediately after the decisions of the committee are ratified, following the formal decision. Successful applicants can then claim structural funds grant against progress on their projects.

### Urban Programme

**Mrs. Adams:** To ask the Secretary of State for Scotland what powers he has to investigate *(a)* an inquiry, *(b)* an investigation and *(c)* an audit into the accounts or trading activities of community businesses established with public funds; and if he will make a statement. [21008]

**Lord James Douglas-Hamilton** *[holding answer 25 April 1995]:* Where financial assistance is being provided through the urban programme, my right hon. Friend has the right to ensure that the expenditure has been incurred for the purposes approved by him and seeks re-assurance from the sponsoring local authorities on this. My right hon. Friend has no powers in relation to community businesses once the period of any urban programme funding has expired.

### Auditors

**Mrs. Adams:** To ask the Secretary of State for Scotland which body is responsible for auditing the accounts or trading activities of FCB Enterprise Securities; and if he will make a statement. [21009]

**Lord James Douglas-Hamilton** *[holding answer 25 April 1995]:* Under the Companies Act 1985 all companies other than certain categories of small companies and dormant companies are required to appoint auditors. The Companies Act 1989 makes provision to secure that persons appointed as company auditors are appropriately qualified and independent. A copy of a company's annual accounts must be lodged, normally in the case of a private company within 10 months after the end of the company's financial year, with the Registrar of Companies. As my right hon. Friend is not involved in the running of FCB Enterprise Securities, he is unable to supply the information requested, which should be available from the Registrar of Companies.

### Large Combustion Plant Directive

**Mr. Ainger:** To ask the Secretary of State for Scotland how many installations in Scotland are covered by the large combustion plant directive; and if he will list them. [20845]

**Sir Hector Monro** *[holding answer 25 April 1995]:* In Scotland, 19 installations, as listed, are subject to control under the United Kingdom's programme and national plan for reducing emissions of sulphur dioxide and oxides of

nitrogen from existing large combustion plants which addresses the requirements of the large combustion plant directive in respect of existing plants. To date there is one plant at BP Chemicals Ltd. subject to the controls contained in the directive relating to new plants. The plants covered by the national plan are:

Electricity Supply Industry:
Longannet PS
Cockenzie PS
Peterhead PS
Kincardine PS
Refineries:
BP Oil Grangemouth Refinery Limited
Other Industry:
Methill PS
Roche Products Limited
Exxon Chemicals Olefins Inc
C. Davidson and Sons Limited
Nobels Explosives Co. Limited
BP Chemicals Limited
Tullis Russell Limited
Caledonian Paper plc
Michelin Tyre plc
Donside Paper Co. Limited
BP Sullom Voe Terminal
Ciba-Geigy plc
Royal Ordnance plc
Allied Distillers Limited

## TABASCO

**Mr. Davidson:** To ask the Secretary of State for Scotland what action has been taken by his Department to support the TABASCO application by Strathclyde regional council and others for EU 4th framework programme funding. [20799]

**Lord James Douglas-Hamilton** *[holding answer 25 April 1995]:* TABASCO is based on collaborative links actively promoted by The Scottish Office with partners in Germany. Within the TABASCO project the Scottish Office is leading the work modules relating to travel and traffic control and information management and regional traffic control. The Scottish Office is supporting the TABASCO project bid through the implementation of the forth estuary driver information and control system—FEDICS—its committed joint funding with Strathclyde region of the new CITRAC traffic control system and the plans to develop a Scottish travel information centre.

## Marine Discharges

**Mr. Ainger:** To ask the Secretary of State for Scotland how many installations in Scotland require consents for marine discharges; and if he will list them. [20841]

**Sir Hector Monro** *[holding answer 25 April 1995]:* Marine discharges are controlled either by the river purification authorities under the Control of Pollution Act 1974, part II as amended or, where relevant, by Her Majesty's industrial pollution inspectorate and river purification authorities acting together under the Environmental Protection Act 1990 part 1. Information relating to all such discharges is available for public inspection in registers maintained by river purification authorities, but a complete record is not held centrally.

# Written Answers to Questions

*Thursday 27 April 1995*

## PRIME MINISTER

### Turkey

8. **Mr. Corbyn:** To ask the Prime Minister what plans he has to visit Turkey to discuss the situation of Kurdish people. [19645]

**The Prime Minister:** I have no plans at present to visit Turkey.

### Local Education Authorities

**Mr. Fisher:** To ask the Prime Minister if he will identify the evidence in *Social Trends* for his figures on the ratio of local education authority administrators to teachers in schools. [21570]

**The Prime Minister:** The source is more appropriate and relevant for this issue than *Social Trends*. The figures are published by the Local Government Management Board, revealing that there are more than two non-teaching staff for every three teachers.

The figures show that in June 1994 local education authorities in England employed 376,665 full-time equivalent teachers and lecturers and 316,244 full-time equivalent other manual and non-manual staff involved in education.

This makes a ratio of 2.5 non-teaching staff to three teachers.

### Lockerbie

**Mr. Dalyell:** To ask the Prime Minister, pursuant to the answer to the hon. Member for Linlithgow from the Lord President of the Council, 3 April 1995, *Official Report*, column *1388*, whether it is Her Majesty's Government's policy to eschew further inquiry into the Lockerbie crime. [21402]

**The Prime Minister:** No. The criminal investigation into the Lockerbie bombing remains open.

### Regency Act 1937

**Mr. Mackinlay:** To ask the Prime Minister what is the parliamentary timetable for consideration of the proposal of the Law Commission to amend section 2(2) of the Regency Act 1937; what consultations have been held with the governments of other countries of which Her Majesty the Queen is head of state; and if he will make a statement. [20837]

**The Prime Minister** *[holding answer 25 April 1995]:* The Statute Law (Repeals) Bill received its Second Reading in the House of Lords on 20 April and has been referred to the Joint Committee on Consolidation Bills in accordance with the usual procedure for consolidation Bills.

No consultations have been held with the Governments of other countries of which Her Majesty the Queen is head of state.

**Mr. Mackinlay:** To ask the Prime Minister if he will make a statement on the implications of amending the Regency Act 1937 in relation to the provisions of the Statute of Westminster Act 1931. [20854]

**The Prime Minister** *[holding answer 25 April 1995]:* The proposed repeal of the words "and to the Government of India" in section 2(2) of the Regency Act 1937 has no implications in relation to the Statue of Westminster 1931. The reference to the Government of India in section 2(2) of the 1937 Act is there because India did not fall within the term "dominions" as defined by section 1 of the Statute of Westminster 1931.

## TRANSPORT

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Transport which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to the Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those bodies with a statutory base. [21155]

**Mr. Norris:** The information is as follows:

(a) None.

(b) The Disabled Persons' Transport Advisory Committee (DPTAC).

(c) DPTAC.

DPTAC has a statutory base.

### Marine Safety Report

**Mr. Neil Hamilton:** To ask the Secretary of State for Transport if he will consider making available the final report of the National Marine Safety Steering Committee. [21575]

**Mr. Norris:** Copies of the report are being placed in the Libraries of both Houses and are also available from the Marine Safety Agency, Marine Information Centre, Spring Place, 105 Commercial Road, Southampton, SO15 1EG, Tel: 01703 329297.

### Ferry Inspections

**Ms Walley:** To ask the Secretary of State for Transport (1) if he will place in the Library copies of the inspection reports of the roll-on roll-off ferries inspected at the port of Folkestone over the last six months; [19386]

(2) if he will place in the Library copies of the inspection reports of roll-on roll-off ferries inspected at the port of Dover over the last six months. [19385]

**Mr. Norris:** The Government believe that there is no benefit to the travelling public to be gained from the release of the results of routine inspections. The technical content of the report would not be easily comprehensible and could be open to misinterpretation. Moreover, to release information only on inspections carried out in an individual port could unfairly disadvantage operators to that port.

In cases where an inspection of a foreign registered roll-on roll-off ferry reveals serious deficiencies which lead to its detention, the details would be included in the list of ships detained in UK ports, which is published monthly by the Marine Safety Agency.

## EMPLOYMENT

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Employment which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to the Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those bodies with a statutory base. [21164]

**Miss Widdecombe:** I refer the hon. Member to the reply given by the then Minister of State for Employment to the hon. Member for Liverpool, Walton (Mr. Kilfoyle) on 27 June 1994, *Official Report*, column *452*.

## ENVIRONMENT

### Single Regeneration Budget

**Mr. Gordon Prentice:** To ask the Secretary of State for the Environment (1) if he will publish the recommendations from each Government office on bids to the single regeneration budget challenge fund in 1995–96; [20395]

(2) which bids for single regeneration budget monies in 1994–95 were recommended for acceptance by the relevant Government office but were rejected by the government. [20401]

**Sir Paul Beresford:** In line with established practice in relation to documents which are the subject of Cabinet Committee proceedings, there are no plans to publish the internal advice to Ministers from the directors of the Government offices for the regions on bids for support from the single regeneration budget challenge fund in 1995–96.

**Mr. Gordon Prentice:** To ask the Secretary of State for the Environment how the latest criteria for judging bids to the single regeneration budget challenge fund have been influenced by the experiences of the 1995–96 bidding round. [20396]

**Sir Paul Beresford:** Following the success of the first round of the single regeneration budget challenge fund there have only been a few detailed, positive changes to the bidding guidance. Copies have been placed in Library of the House.

### Residential Institutions (Change of Use)

**Mr. David Atkinson:** To ask the Secretary of State for the Environment what representations he has received to change the C2 class of the 1987 Use Classes Order to allow local authorities control of change of use of residential institutions; and if he will make a statement. [20468]

**Sir Paul Beresford:** Since 1 January 1995, we have received two representations to change class C2—residential institutions—of the Town and Country Planning (Use Classes) Order 1987. Present arrangements reflect the assessment that a change from one kind of residential institution to another does not fundamentally affect the nature of the use of the site.

### Leigh Mill, Wigan

**Mr. Redmond:** To ask the Secretary of State for the Environment when he hopes to announce the results of the public inquiry held in November in respect of Leigh Mill, Wigan; and if he will make a statement. [20726]

**Sir Paul Beresford:** My right hon. Friend the Secretary of State issued on 8 February his decision to refuse listed building consent for the removal of a mill engine from Leigh Mill.

### Butterflies

**Mr. Flynn:** To ask the Secretary of State for the Environment what action he taking about the decline in numbers of the *(a)* swallowtail, *(b)* large blue, *(c)* pearl-boarded fritillary, *(d)* high brown fritillary and *(e)* marsh fritillary butterflies; and if he will make a statement. [20896]

**Sir Paul Beresford:** I refer the hon. Member to the reply that I gave on 27 October 1994, *Official Report*, column *816*, in which I advised on the development of targets for species conservation, announced in "Biodiversity: The UK Action Plan."

English Nature is already part-funding a three-year project by Butterfly Conservation, preparing conservation plans for the scarcer butterfly species, including the five about which the hon. Member is concerned.

The Biodiversity Steering Group is also considering a number of scarce butterfly and other species as candidates for action plans to improve their conservation status. The group will report later this year.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for the Environment which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to the Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those bodies with a statutory base. [21163]

**Sir Paul Beresford:** My Department sponsors the following advisory non-departmental public bodies which have a statutory base:

Inland Waterways Amenity Advisory Council,
Advisory Committee on Hazardous Substances,
Advisory Committee on Releases to the Environment,
Buildings Regulations Advisory Committee,
Local Government Commission for England, and
Local Government Staff Commission

The following advisory bodies have a statutory requirement to publish their advice to Government on certain matters: the Inland Waterways Amenity Advisory Council and the Local Government Commission for England. The Advisory Committee on Releases to the Environment has a statutory requirement to maintain a public register containing specific information.

None of the advisory bodies has a statutory requirement to publish an annual report or lay it before Parliament.

### Ordnance Survey

**Mr. Sykes:** To ask the Secretary of State for the Environment when he intends to publish a new framework document for the Ordnance Survey Executive Agency. [21783]

**Mr. Atkins:** The framework document for Ordnance Survey has been published today and copies have been placed in the Library of the House.

## HOUSE OF COMMONS

### Parliamentary Broadcasting

**Mr. Allen:** To ask the Lord President of the Council, pursuant to his answer of 9 March, *Official Report*, columns *283-84*, when the parliamentary channel stopped being available to electors with a moveable satellite dish; when United Artists digitalised the parliamentary channel signal in order to share the transponder with wire TV; and if he will request that the Parliamentary Broadcasting Unit Ltd. consider selling decoders to electors to enable then to have access to the televised proceedings of Parliament. [19115]

**Mr. Newton:** Until June 1994, the parliamentary channel was distributed to cable-head ends via the Intelsat transponder, from which it was possible for viewers with large rotatable satellite dishes to pick up the signal directly rather than via a local cable service. From that date, the parliamentary channel switched its delivery mechanism to a different transponder and at the same time digitalised and compressed the signal. Although it was not the intention behind the change in the delivery system, one consequence was that those viewers with moveable satellite dishes who had previously been able to receive the signal were no longer able to do so.

At a meeting on 27 June 1994, the Select Committed on Broadcasting considered a number of complaints from viewers who were no longer able to receive the channel. While regretting the understandable disappointment of those affected, the Committee noted that the parliamentary channel was established as a cable service. Even though, quite fortuitously some people had been able, prior to the change to digitalisation, to eavesdrop on the signal via the distribution satellite, this did not seem to the Committee grounds for questioning United Artists' fulfilment of its original undertaking regarding the availability of the signal.

As a result of the savings achieved by digitalisation, the parliamentary channel is extending its service to include coverage of Committees at weekends from 7 May 1995.

Decoders which enable the digitalised signal to be unscrambled are available only to cable-head ends for cable distribution. They are manufactured specifically for that market and are not otherwise sold.

## NATIONAL HERITAGE

### National Lottery

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage what directions he has issued under section 26(1) of the National Lottery etc. Act 1993; if he will make a statement on their content; and if he will place copies in the Library. [20983]

**Mr. Dorrell:** My predecessor issued directions under section 26(1) and (2) of the National Lottery etc. Act 1993 on 20 June last year. Copies were placed in the Library of the House.

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage, pursuant to the answer given by the Director-General of Oflot on 28 March in his letter to the hon. Member for Islington, South and Finsbury, what proportion of the £3 million cost of Oflot is recovered from *(a)* the national lottery distribution fund and *(b)* licencing fees. [20992]

**Mr. Dorrell:** In the 1994–95 financial year, £2,910,000 or 97 per cent. of the expenditure of the Office of the National Lottery will have been recovered from the national lottery distribution fund and £90,000 or 3 per cent. will have been from the payment of licence fees.

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage on what grounds the draft guidelines issued by the National Lottery Charities Board allowed for the exclusion of charities concerned with environmental matters. [20984]

**Mr. Nicholas Baker:** I have been asked to reply.

The issue of these guidelines is a matter for the board. I understand, however, that their purpose is to indicate only those areas to which the board intends to give priority. It must consider all applications from all eligible bodies, including charities concerned with environmental matters, on their merits and can not wholly exclude any. Decisions in individual cases are a matter for the board.

**Mr. Chris Smith:** To ask the Secretary of State for the National Heritage what is the legal basis for the issuing of draft guidelines for the disbursement of funds by the National Lottery Charities Board. [20982]

**Mr. Nicholas Baker:** I have been asked to reply.

Section 26(1) of the National Lottery etc. Act 1993 provides that the National Lottery Charities Board, inter alia, shall comply with any directions given to it by the Secretary of State as to the matters to be taken into account in determining the persons to whom, the purposes for which and the conditions subject to which it distributes any money. The board is currently being consulted on the proposed directions as required by section 26(5) of that Act. The issue by the board of guidelines to applicants on how, in the light of the directions, it intends to set about the disbursement of the funds available to it, is a matter for the board.

### Rugby Football

**Mr. Morgan:** To ask the Secretary of State for National Heritage what consultation he has had with the chairman of the Sports Council concerning discrimination by the rugby league authorities against the Australian rugby league in international matches; and if he will make a statement in relation to the principle of discrimination within rugby league and between rugby union and rugby league. [21327]

**Mr. Sproat:** I have had no such consultation. I have, of course, read the National Heritage Select Committee's report on relations between rugby union and rugby league and will be responding to the issues raised, including discrimination, in due course.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for National Heritage if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20661]

**Mr. Dorrell** *[holding answer 25 April 1995]:* My Department's executive non-departmental public bodies are listed in "Public Bodies 1994". The functions and responsibilities of each body are specified in its founding legislation or charter. The information requested is as follows:

(a) Bodies subject to the jurisdiction of the Parliamentary Commissioner for Administration are listed in schedule 2 to the Parliamentary Commissioner Act 1967 as amended. This includes:

Arts Council of Great Britain

British Film Institute

British Library Board

Crafts Council

English Tourist Board

Historic Buildings and Monuments Commission (English Heritage) Museums and Galleries Commission

Trustees of the National Heritage Memorial Fund

Register of Public Lending Right

Sports Council

(b) None.

(c) All of my Department's executive NDPBs are subject to scrutiny by the Comptroller and Auditor General with the exception of the national film development fund.

(d) There are no statutory provisions on open government which apply to executive NDPBs, although all NDPBs subject to the jurisdiction of the PCA will be covered by the non-statutory code of practice on access to Government information.

(e) Performance indicators for my Department's executive NDPBs can be found in their annual reports.

(f) The principles of the citizens charter apply to all the Department's executive NDPBs.

## HEALTH

### Dental Services

**Mr. Redmond:** To ask the Secretary of State for Health (1) what funds were provided to Derbyshire family health services authority for reallocation to the other family health service authorities in Trent for dental peer group review in each year since 1991; [20674]

(2) what amounts were reallocated by each family health service authority within Trent regional health authority by Derbyshire family health services authority of the funds provided for dental peer group review in each year since 1991. [20675]

**Mr. Malone:** Since the start of the peer review scheme in August 1991, the Department has reimbursed Derbyshire family health services authority the amounts as shown, for payment to dentists who participated in peer review. Derbyshire family health services authority has been nominated to make all peer review payments to dentists in the Trent region and no reallocation of funds by it to other family health services authorities is required.

| *1991–92* £ | *1992–93* £ | *1993–94* £ | *1994–95* £ | *Total* £ |
|---|---|---|---|---|
| 3,965 | 44,736 | 127,176 | 223,096 | 398,973 |

**Mr. Redmond:** To ask the Secretary of State for Health (1) what action she intends to take to improve value for money in the community dental service; [20704]

(2) what out of hours emergency service she intends to require the community dental service to provide to cover shortfalls in the general dental service. [20679]

**Mr. Malone:** The community dental service is the responsibility of health authorities and national health service trusts. It is for these authorities to ensure that the service is run efficiently and meets the needs of people in the locality, who cannot get treatment in the general dental service. The Government have recently announced their intention to strengthen the "safety net" role of the CDS. Health authorities and trusts will be considering all aspects of this, including the provision of emergency service.

**Mr. Redmond:** To ask the Secretary of State for Health, what recommendations in the Bloomfield dental report *(a)* have been implemented and *(b)* are planned for implementation. [20691]

**Mr. Malone:** Sir Kenneth Bloomfield was not asked to make recommendations but rather to identify the options for change. I refer the hon. Member to the reply that I gave to my hon. Friend the Member for Carshalton and Wallington (Mr. Forman) on 5 April at cols. *1213–15,* on the package of reforms which was consistent with Sir Kenneth's report.

### Manchester Family Health Services Authority

**Mr. Redmond:** To ask the Secretary of State for Health what action she is taking to remove the chairman and non-executive directors of Manchester family health services authority following their unlawful use of funds when promoting fundholding general practitioners. [20682]

**Mr. Malone:** None. The chairman and chief executive of Manchester family health services authority who were in post during the events which led to the judicial review left the authority in 1992.

### Information for Patients

**Mr. Redmond:** To ask the Secretary of State for Health if she will require all NHS trusts to display prominently at the accident and emergency reception and at the main reception the name and telephone number of the duty manager. [20700]

**Mr. Malone:** The patients charter sets out the right for patients to be given information on local health services. It is for trusts to decide locally how to make this information available.

### Foundation Trust, Stafford

**Mr. Redmond:** To ask the Secretary of State for Health when she expects to set up a Department of Health inquiry

into the dismissal of Mr. Michael Murray from his post as chief executive of the Foundation Trust, Stafford; and when the findings will be made public. [20673]

**Mr. Malone:** I have no plans to do so.

### Neuroleptic Drugs (Deaths)

**Ms Rachel Squire:** To ask the Secretary of State for Health what decision has been taken, following discussions with the Royal College of Psychiatrists, to begin research into the deaths of psychiatric patients associated with neuroleptic drugs. [20730]

**Mr. Bowis:** It has been agreed in principle that the remit of the confidential inquiry into homicide and suicides by mentally ill people should be extended to cover the deaths of patients associated with neuroleptic drugs. Further discussions will be held about the arrangements for examining these deaths.

### Mental Health Spending

**Mr. Redmond:** To ask the Secretary of State for Health what percentage of the budget of each local authority's social services department is currently spent on mental health services. [20826]

**Mr. Bowis:** Information is not yet available for the current year. The information for 1994–95 is shown in the table.

*Personal social services: percentage of total budgeted expenditure on mental health services 1994–95*

| | *Per cent.* |
|---|---|
| City of London | 19.5 |
| Camden | 8.3 |
| Greenwich | 5.1 |
| Hackney | 6.9 |
| Hammersmith and Fulham | 11.5 |
| Islington | 3.6 |
| Kensington and Chelsea | 8.2 |
| Lambeth | 5.7 |
| Lewisham | 6.5 |
| Southwark | 4.8 |
| Tower Hamlets | 12.0 |
| Wandsworth | 6.8 |
| Westminster | 8.6 |
| Barking and Dagenham | 4.3 |
| Barnet | 6.3 |
| Bexley | 3.2 |
| Brent | 6.1 |
| Bromley | 4.3 |
| Croydon | 6.4 |
| Ealing | 6.3 |
| Enfield | 6.8 |
| Haringey | 7.1 |
| Harrow | 7.5 |
| Havering | 3.0 |
| Hillingdon | 5.1 |
| Hounslow | 6.6 |
| Kingston upon Thames | 5.1 |
| Merton | 5.5 |
| Newham | 6.6 |
| Redbridge | 3.0 |
| Richmond upon Thames | 7.0 |
| Sutton | 2.4 |
| Waltham Forest | 7.7 |

*Personal social services: percentage of total budgeted expenditure on mental health services 1994–95*

| | *Per cent.* |
|---|---|
| Bolton | 5.7 |
| Bury | 5.2 |
| Manchester | 8.7 |
| Oldham | 6.0 |
| Rochdale | 5.9 |
| Salford | 2.4 |
| Stockport | 3.3 |
| Tameside | 2.7 |
| Trafford | 5.4 |
| Wigan | 1.6 |
| Knowsley | 7.5 |
| Liverpool | 7.8 |
| St. Helens | 4.9 |
| Sefton | 4.8 |
| Wirral | 4.5 |
| Barnsley | 4.0 |
| Doncaster | 3.4 |
| Rotherham | 4.0 |
| Sheffield | 4.5 |
| Gateshead | 11.8 |
| Newcastle upon Tyne | 6.2 |
| North Tyneside | 4.6 |
| South Tyneside | 4.5 |
| Sunderland | 4.5 |
| Birmingham | 4.9 |
| Coventry | 2.5 |
| Dudley | 5.1 |
| Sandwell | 8.9 |
| Solihull | 4.7 |
| Walsall | 3.1 |
| Wolverhampton | 5.3 |
| Bradford | 3.9 |
| Calderdale | 2.6 |
| Kirklees | 5.9 |
| Leeds | 2.4 |
| Wakefield | 2.8 |
| Isles of Scilly | 0.5 |
| Avon | 4.4 |
| Bedfordshire | 3.1 |
| Berkshire | 5.8 |
| Buckinghamshire | 5.8 |
| Cambridgeshire | 2.0 |
| Cheshire | 5.0 |
| Cleveland | 3.5 |
| Cornwall | 3.5 |
| Cumbria | 1.1 |
| Derbyshire | 4.0 |
| Devon | 4.9 |
| Dorset | 3.3 |
| Durham | 3.4 |
| East Sussex | 4.8 |
| Essex | 1.1 |
| Gloucestershire | 2.6 |
| Hampshire | 5.9 |
| Hereford and Worcester | 6.2 |
| Hertfordshire | 3.5 |
| Humberside | 4.1 |
| Isle of Wight | 6.4 |
| Kent | 3.5 |
| Lancashire | 4.3 |
| Leicestershire | 6.5 |
| Lincolnshire | 3.7 |
| Norfolk | 4.2 |
| Northamptonshire | 6.9 |
| Northumberland | 2.6 |
| North Yorkshire | 4.5 |
| Nottinghamshire | 3.9 |
| Oxfordshire | 4.9 |
| Shropshire | 5.9 |
| Somerset | 6.7 |
| Staffordshire | 0.9 |
| Suffolk | 5.2 |

*Personal social services: percentage of total budgeted expenditure on mental health services 1994–95*

| | *Per cent.* |
|---|---|
| Surrey | 8.0 |
| Warwickshire | 6.1 |
| West Sussex | 5.0 |
| Wiltshire | 4.4 |

Based on budget returns provided by local authorities on form RA95.

### Out-patient Travelling Expenses

**Mr. Redmond:** To ask the Secretary of State for Health (1) if she will issue guidance reminding NHS trusts of the rights of out-patients to travelling expenses and requiring them to draw patients' attention to such rights in their in their out-patient appointment documentation; [20693]

(2) if she will take immediate steps to ensure out-patients are not deprived of their rights to travelling expenses. [20697]

**Mr. Bowis:** The Department has already issued guidance to the national health service setting out the arrangements for payment of travel costs to all those hospital patients entitled to it. This guidance advises hospitals to send details of these arrangements with appointment or admissions letters.

### Voluntary Staff

**Mr. Nicholas Brown:** To ask the Secretary of State for Health what guidance her Department offers to health authorities and trusts concerning the appointment of voluntary staff to clerical and administrative posts. [21053]

**Mr. Malone:** HSG(92)15 issued to national health service trusts, health authorities and community health councils on 17 March 1992 provided guidance on voluntary work in hospitals. Copies of the guidance are available in the Library.

### Bradford Plastic Surgery and Burns Unit

**Mr. Dalyell:** To ask the Secretary of State for Health what assessment she has made of the standard of treatment of and research into scar tissue as a result of burns; and what evaluation she has made of the effect on the treatment and research relating to scar tissue which will result as a consequence of the closure of the Bradford unit. [19945]

**Mr. Bowis:** Treatment of and research into scar tissue as a result of burns is carried out in several plastic surgery units in this country. The standard of both treatment and research is excellent. I understand that the Bradford plastic surgery and burns unit, a charity, makes a helpful contribution in this field. I hope that the Bradford unit will succeed in its bid for further charitable funding so that it can continue to complement the work done by the other units.

### District General Hospitals

**Mrs. Beckett:** To ask the Secretary of State for Health what is her estimate of the approximate population to be served by a district general hospital. [21070]

**Mr. Malone:** There is no fixed population to be served by a district general hospital as such hospitals do not just serve the needs of the local population. It is the responsibility of district health authorities, as the main purchasers of health care for their populations, to ensure that local health care needs are met through the placing of contracts with hospitals both inside their boundaries and, where appropriate, outside.

**Mrs. Beckett:** To ask the Secretary of State for Health what guidance she gives on the percentage of a district general hospital area that should be within a 30-minute blue light travel time from a district general hospital. [21071]

**Mr. Sackville:** There is no central guidance on this matter. It is for the district health authority to take relevant issues into account when placing contracts for services.

### GP Fundholders (Hospital Referrals)

**Mrs. Beckett:** To ask the Secretary of State for Health what evidence she has on trends in hospital referrals by general practitioner fundholders. [21072]

**Mr. Malone:** A report by Professor Angela Coulter in the *British Medical Journal* of February 1993, based on the first two years of fundholding, showed no evidence of any changes in general practitioner fundholder referral patterns. Other studies have shown that fundholders have improved services for patients, including the reduction of waiting times.

### Royal Marsden Hospital

**Mrs. Beckett:** To ask the Secretary of State for Health (1) what meetings she has had in the last six months about the future of the Royal Marsden hospital; [21086]

(2) what plans she has to close the Royal Marsden hospital. [21087]

**Mr. Malone:** None.

### Polio

**Mr. Burden:** To ask the Secretary of State for Health what is the position in respect of eradication of the wild polio virus from the United Kingdom; and if she will make a statement. [21320]

**Mr. Sackville:** The World Health Organisation considers the United Kingdom as being one of those countries which have eliminated polio due to wild virus. This is due to the great success of our childhood immunisation programme which has resulted in the incidence of childhood diseases being at their lowest ever levels. Today, 95 per cent. of all children have been unimmunised against polio by two years of age. However, despite this achievement, nobody should remain immunised against polio, whatever age they are. Unimmunised people can be at some risk of catching polio from recently immunised babies if standard hygiene procedures are not carefully followed; travellers to areas of the world where polio is still endemic should ensure that they are appropriately protected.

**Mr. Burden:** To ask the Secretary of State for Health what medical research her Department is aware of suggesting that a return to the inactivated polio vaccine would reduce the remote risk of vaccine damage to children; and whether this position is being reviewed. [21326]

**Mr. Bowis:** Oral polio vaccine and inactivated polio vaccine are both efficacious vaccines. However, whereas both vaccines provide protection against poliomyelitis for the individual immunised, only OPV produces "herd immunity" whereby susceptible contacts are protected as well. OPV is the vaccine used in the United Kingdom.

On average there are between one and two vaccine-associated cases of poliomyelitis reported in England and Wales each year. During 1994–95 over 7 million doses of OPV were issued to the national health service. The National Institute of Biological Standards and Controls undertakes research on the neurovirulence of oral polio vaccine. The Joint Committee on Vaccination and Immunisation keeps matters such as vaccine-associated poliomyelitis under careful review and believes that OPV is the most appropriate product for United Kingdom circumstances. OPV is the vaccine recommended by World Health Organisation for global polio eradication.

### Measles and Rubella Vaccination

**Mr. Burden:** To ask the Secretary of State for Health what are the results of the study into the 17 cases of severe adverse reaction from the 1994 mass measles and rubella vaccination. [21325]

**Mr. Bowis:** The 17 cases referred to were spontaneous reports of suspected adverse reactions to measles and rubella vaccine which predominantly affected the nervous system. Doctors who reported these cases have been contacted to obtain further details of the reaction and the progress of these patients. Thirteen are known to have recovered from their reaction, two have not yet recovered and further information is not yet available in two cases. These figures are out of nearly 6.5 million children who were immunised during the campaign.

### Whooping Cough Vaccine

**Mr. Burden:** To ask the Secretary of State for Health what studies have been made and what records are available from the Committee on Safety of Medicines concerning adverse reactions to whooping cough vaccine. [21322]

**Mr. Bowis:** The Committee on Safety of Medicines keeps records of suspected reactions to whooping cough vaccine. Receipt of a report does not indicate that the vaccine caused the reaction, merely that the reporter suspected that this may have been the case. Whooping cough vaccine is usually given in a combined preparation with diphtheria and tetanus vaccine and at the same time as vaccines for haemophilus influenzae type B and poliomyelitis. This makes it difficult to identify the cause of an adverse reaction.

### General Medical Services Budgets

**Mrs. Beckett:** To ask the Secretary of State for Health what was the general medical services cash-limited budget in each family health services authority area in each year since 1990–91; and what is the planned budget for the next three years.

**Mr. Malone** *[holding answer 21 April 1995]:* The information requested is not available centrally. Allocations to family health services authorities are made by regional health authorities. The allocations to RHAs for cash-limited general medical services are shown in the tables. Allocations are made for one financial year ahead only.

*GMS cash limited allocations*

*£ million*

| *RHA* | *1990–91* | *1991–92* | *1992–93* | *1993–94* |
|---|---|---|---|---|
| Northern | 26.8 | 32.1 | 36.4 | 36.7 |
| East Anglian | 24.4 | 31.8 | 34.4 | 35.1 |
| Mersey | 21.6 | 26.9 | 30.2 | 30.0 |
| West Midlands | 41.5 | 52.2 | 59.1 | 60.1 |
| South Western | 39.2 | 48.0 | 52.9 | 53.2 |
| Oxford | 25.3 | 33.2 | 36.6 | 36.7 |
| Wessex | 29.3 | 37.7 | 41.6 | 41.8 |
| SW Thames | 28.6 | 35.7 | 39.9 | 40.7 |
| SE Thames | 37.4 | 46.1 | 51.1 | 52.3 |
| NE Thames | 34.7 | 43.5 | 48.7 | 50.1 |
| NW Thames | 33.9 | 43.3 | 48.7 | 49.3 |
| Trent | 41.8 | 53.5 | 59.2 | 59.4 |
| Yorkshire | 39.2 | 42.6 | 47.2 | 47.2 |
| North Western | 33.7 | 38.0 | 42.7 | 43.7 |
| Total allocation | 457.40 | 564.60 | 628.70 | 636.30 |

*GMS cash limited allocations*

*£ million*

| *RHA* | *1994–95* | *1995–96* |
|---|---|---|
| Northern and Yorkshire | 88.8 | 94.5 |
| Trent | 63.1 | 67.1 |
| Anglia and Oxford | 81.9 | 85.0 |
| North Thames | 98.0 | 101.7 |
| South Thames | 99.0 | 102.8 |
| South and West | 98.9 | 102.6 |
| West Midlands | 64.5 | 70.2 |
| North West | 80.1 | 86.4 |
| Total Allocation | 674.30 | 710.30 |

## DUCHY OF LANCASTER

### Public Bodies

**Dr. Wright:** To ask the Chancellor of the Duchy of Lancaster if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20652]

**Mr. Horam** *[pursuant to his answer, 25 April 1995, c. 412]:* I regret that the Engineering and Physical Sciences Research Council was omitted from the list of executive non-departmental public bodies sponsored by the Office of Public Service and Science.

## ATTORNEY-GENERAL

### Agency Job Losses

**Mr. Macdonald:** To ask the Attorney-General if he will list the number and location of Government Property Lawyers offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [19970]

**The Attorney-General:** I have responsibility for the Government Property Lawyers, which is an agency of the Treasury Solicitor's Department, whose remit extends only to England and Wales. It follows that no work of that agency has been or would be transferred either to or from Scotland.

## LORD CHANCELLOR'S DEPARTMENT

### Personal Injury Claims

**Mr. Allen:** To ask the Parliamentary Secretary, Lord Chancellor's Department what proposals he has in respect of personal injury claims through the small claims court; and if he will make a statement. [21149]

**Mr. John M. Taylor:** Procedures affecting small personal injury claims, among others, are within the scope of Lord Woolf's comprehensive review of civil justice. The Lord Chancellor is awaiting the first report of this review, and any decisions will be taken in that context.

### Freemasonry

**Mr. Boateng:** To ask the Parliamentary Secretary, Lord Chancellor's Department (1) how many *(a)* Lords of Appeal, *(b)* Lord Justices of Appeal, *(c)* High Court judges, *(d)* chairmen of tribunals for which his Department is responsible and *(e)* members of non-judicial bodies for which his Department is responsible, are former members of the Freemasons, according to his departmental files; [21256]

(2) how many *(a)* Lords of Appeal, *(b)* Lord Justices of Appeal, *(c)* High Court judges, *(d)* chairmen of tribunals for which his Department is responsible and *(e)* members of non-judicial bodies for which his Department is responsible, are currently members of the Freemasons, according to his departmental files. [21255]

**Mr. John M. Taylor:** Such information is not collected either on candidates for appointment or on serving judges or office-holders, so the information requested is not available from my Department's files.

### Legal Aid

**Mr. John Marshall:** To ask the Parliamentary Secretary, Lord Chancellor's Department what were the total costs to the legal aid fund in the case of Alistair Green *v.* Ministry of Defence; and what costs were incurred by the legal aid fund after the Ministry had paid £32,000 into court. [19903]

**Mr. John M. Taylor:** No final bill has been received in this matter and, therefore, the total cost to the legal aid fund is not yet known. However, £80,000 has been paid to date on account to lawyers representing Mr. Green. It is not possible to identify separately costs incurred after the Ministry of Defence had paid moneys into court.

### Public Trustee

**Mr. Alex Carlile:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on the actions of the public trustee in relation to legal proceedings brought by Miss Phoebe Winch. [19998]

**Mr. John M. Taylor:** I am unable to comment on individual cases where legal proceedings have been brought against the public trustee, who is also chief executive of the Public Trust Office. Whilst she is accountable for her actions as public trustee, she is also an independent statutory office holder and the decisions she takes in exercise of her statutory functions are those of her office and are not taken on behalf of the Government.

As the question concerns a specific case, I have asked the chief executive to reply direct.

*Letter from Julia Lomas to Mr. Alex Carlisle, dated 25 April 1995:*

The Lord Chancellor has asked me to reply to your Question about the actions of my Office in relation to legal proceedings brought by Miss Phoebe Winch.

I think you may be mistaken in your reference to Miss Phoebe Winch and mean Miss Mary Agnes Winch who has brought proceedings against the Public Trustee and I am replying to your Question on the basis that it meant to refer to Miss Mary Agnes Winch and not Miss Phoebe Winch.

In 1982 Miss Mary Agnes Winch brought proceedings against the Public Trustee in relation to the administration of the estate of her mother the late Mrs Violet Winch. These proceedings were defended.

The case was very complicated and the hearing was anticipated to be lengthy and expensive. I therefore authorised in 1994 the payment of £15000 into Court to settle the matter. Miss Winch accepted this settlement which was made with no admission of liability on the part of the Public Trustee.

The Public Trustee have always been confident that had the case been fought the Public Trustee would have won, albeit at a disproportionate cost to public funds. The payment into Court was, and remains, regarded by me as a payment to save public funds, rather than any admission as to the merits of Miss Winch's claim.

### Agency Job Losses

**Mr. Macdonald:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the number and location of HM Land Registry, Public Record and Public Trust offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [19969]

**Mr. John M. Taylor:** Neither Her Majesty's Land Registry nor the Public Record and Public Trust Offices have ever had offices or jobs in Scotland and neither have these agencies transferred any offices or jobs to Scotland to date. Accordingly, the situations referred to in the question have not arisen.

### Agency Performance Targets

**Mr. Luff:** To ask the Parliamentary Secretary, Lord Chancellor's Department what are the key performance targets for Her Majesty's Land Registry, the Public Record Office and the Public Trust Office executive agencies for 1995–96. [21854]

**Mr. John M. Taylor:** The following tables set out the key performance targets that the Lord Chancellor has set for Her Majesty's Land Registry, the Public Records Office and the Public Trust Office for 1995–96.

*Her Majesty's Land Registry Executive Agency*
*Key Performance Targets 1995–96*

| *Indicator* | *Target* |
|---|---|
| 1. *Financial* | |
| return on average capital employed[1] : | 6 per cent. |
| External Financing Limit: | £0 |
| 2. *Efficiency* | |
| Cost per unit in real terms[2] : | £28.70 (2.9 per cent. reduction over the 1994–95 target of £29.56) |
| Cost per unit in cash terms: | £31.15 |
| 3. *Productivity* | |
| Unit output per post (per day): | 3.202 units (9.1 per cent. increase over the 1994–95 target of 2.935 units) |
| 4. *Speed of Service* | |
| Percentage of pre-completion applications handled within 2 working days at every district land registry: | Not less than 96 per cent. |
| Average processing time for post-completion applications at every district land registry: | Where no requisitions arise, no more than 19 working days |
| 5. *Quality of Service* | |
| Percentage of pre-completion applications handled free of error at every district land registry: | No less than 99.75 per cent. |
| Percentage of post-completion applications handled free of error at every district land registry: | No less than 98.30 per cent. |
| 6. *Development of Land Registration* | |
| Number of computerised registers: | To increase the number of registered titles in computerised format to 12.50 million. |

[1] A revised target for return on average capital employed will be agreed for 1995–96 following the conclusion of discussions with HM Treasury. The purpose of the discussions is to enable an element of surpluses arising up to 31 March 1995 to be carried over to 1995–96 and future years. This will allow the registry to reduce or contain future fee levels.

[2] The real term unit cost in the base year of 1992–93 was £31.30.

*Note:*

Fuller details of the registry's performance targets are given in its business plan, which is available from Her Majesty's Land Registry.

*Public Record Office*
*Key Performance Targets 1995–96*

| *Indicator* | *Target* |
|---|---|
| *1. Efficiency* | |
| Unit cost of selecting and accessioning records (per unit): | Targets: (a) standard accessions £25.69 and (b) Open Government accessions £94.71 |
| Unit cost of providing storage space per linear metre: | Target: £5.19 |
| Unit cost of documents produced to readers, per document: | Target: £16.84 |
| Unit cost of census reader services, per reader visit: | Target: £4.93 |
| Unit cost of other reader services, per reader visit: | Target: £31.65 |
| Backlog of records reported by departments as being over 30 years old and awaiting review: | To reduce the current known backlog of such records (2,700 linear metres) by 675 metres |
| Provision of acceptable storage conditions: | 81 per cent. of records to be stored to the preservation and environmental standard recommended by *BS5454: 1989 Recommendations for storage and exhibition of archival documents* (BSI 1989) |
| The timely destruction of records not worthy of preservation: | Departments to have in place specified key features of records management as described in the PRO Manual of Records Administration |
| Management efficiency in running support services and projects: | To reduce the running costs of corporate services in relation to the total running costs of the Office from 9.83 per cent. to 9.74 per cent. |
| *2. Quality of service* | |
| Readers' views on services provided, as discovered through biannual satisfaction surveys: | 82 per cent. of reader satisfaction survey forms returned to have an overall assessment of "good" or better |
| Response times for answering correspondence: | To send replies to letters requiring a stock letter within one week<br>To send replies to other letters (including those requiring estimates for copies) within three weeks |
| Documents production times: | To make documents available to readers within the following maximum times:<br>Kew: 35 minutes<br>Chancery Lane: 40 minutes |
| The speed of the reprographic service and quality of copies (subject to the preservation needs of the documents): | (a) Electrostatic copies (except A2 size), up to 15 copies: same day counter service for readers<br>(b) Electrostatic copies (A2 size), up to 10 copies: same day counter service for readers<br>(c) Electrostatic copies, up to 75 copies: 5 working days<br>(d) Electrostatic copies, over 75 copies: 20 working days<br>(e) Prints from existing microfilm, up to 75 copies: 5 working days<br>(f) Prints from existing microfilm, over 75 copies: 20 working days<br>(g) Prints from new microfilm: 3 weeks<br>(h) Microfilm from existing negatives, up to 1000m: 4 weeks<br>(i) Microfilm where there is no existing negative, up to 350m: 22 weeks<br>(j) Bromide prints: 3 weeks |

*Public Record Office*
*Key Performance Targets 1995–96*

| *Indicator* | *Target* |
|---|---|
| | (k) Self service copying from microfilm: a service will be available in the microfilm reading rooms during opening times |
| Quality of copying: | No more than 4 per cent. to be required to be re-taken |
| The quality and usefulness of finding aids to the records: | To continue work on bringing the current guide up to date:<br>—to produce a new edition in hard copy;<br>—to write or expand 10 new sections or sub-sections |

*Notes:*
1. Some of these targets will be subject to suspension or modification on occasion due to the major disruption to the Office's services and activities which will be caused in 1995–96 by the closure of the Chancery Lane building, the removal of records to Kew and the refurbishment of the existing Kew building. Where appropriate, supplemental targets have been set in order to mitigate the effect on users.
2. Fuller details of the office's performance targets and of anticipated disruptions to services and activities are given in its business plan, which is available from the Public Record Office.

*Public Trust Office Executive Agency*
*Key Performance Targets 1995–96*

| *Indicator* | *Target* |
|---|---|
| 1. To carry out accounting transactions within target times. | To bring to account at least 97 per cent. of receipts and payments transactions within turnaround targets by volume weighted performance against those targets. |
| 2. To achieve investment targets. | To pay annually not less than the rate provided by the average of a model set of comparators for special rate and basic rate at 75 per cent. of special rate; on an annual basis to ensure that 85 per cent. of all measured funds perform in line or better than their model based on stock market indices. |
| 3. To achieve Charter Standards. | To achieve 98 per cent. of Charter Standards. |
| 4. To achieve unit costs in activity areas. | To reduce unit costs so that the weighted mean percentage reduction of the PTO's activities, taken with achievement in 1994–95, will be at least 4 per cent. against the baseline year of 1993–94. |
| 5. Percentage of full costs recovered. | To ensure that 100 per cent. of full costs are recovered. |

*Note:*
Fuller details of the office's performance targets are given in its business plan, which is available from the Public Trust Office.

### Marriage Guidance and Research Organisations

**Mr. Luff:** To ask the Parliamentary Secretary, Lord Chancellor's Department what plans the Government have for the future responsibility for the funding of marriage guidance and research organisations from the Home Office to the Lord Chancellor's Department. [21853]

**Mr. John M. Taylor:** With the approval of my right hon. Friend the Prime Minister, responsibility for the funding of marriage guidance and research organisations has been transferred from the Secretary of State for the Home Department to the Lord Chancellor.

### Divorce

**Mr. Luff:** To ask the Parliamentary Secretary, Lord Chancellor's Department what plans the Government has to bring forward reforms to the law of divorce in England and Wales following the publication of the consultation paper in December 1993; and if he will make a statement. [21855]

**Mr. John M. Taylor:** The Lord Chancellor has today laid before Parliament a White Paper, "Looking to the future. Mediation and the ground for divorce". This paper sets out the Government's proposals in relation to the introduction of family mediation, reform of the ground for divorce and related matters.

### Appointments (Consultation)

**Mr. Boateng:** To ask the Parliamentary Secretary, Lord Chancellor's Department if he or his private office is consulted by the Lord Chancellor or his private office, either formally or informally, about *(a)* candidates for appointment as magistrates, tribunal members and senior full-time judges, *(b)* candidates for non-judicial public appointments and *(c)* candidates for appointments of chief executives of executive agencies and non-departmental bodies for which his Department is responsible. [21412]

**Mr. John M. Taylor:** It is not the practice to disclose internal consultation between Ministers.

## WALES

### NHS Expenditure

**Mr. Gareth Wardell:** To ask the Secretary of State for Wales if he will publish for each financial year since 1991–92 the hospital and community health services gross current expenditure by sector and by age; and if he will separately distinguish the expenditure on the hospital and community health service for each age group, expressed as a cost per head of population. [19897]

**Mr. Richards:** The gross current expenditure on hospital and community health services for the years 1991–92 to 1993–94 is as follows. Information on expenditure by sector and age is not held centrally.

| | £ |
|---|---|
| 1991–92 | 1,200,616,000 |
| 1992–93 | 1,296,607,000 |
| 1993–94 | [1]1,296,629,000 |

*Source:*
Health authority and NHS trust annual accounts.
*Note:*
[1] Provisional.

### Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Secretary of State for Wales: (1) how much staff time, and at what estimated

cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990. [20169]

(2) what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [29170]

**Mr. Redwood:** Costs are not separately attributable to the departmental report of much of the information there presented, which is collected for other purposes. At a rough estimate, staff costs of the editing, design and translation of the 1995 Report, Cm 2815, were £37,000, and for previous years would be broadly comparable in real terms.

The Department operates a system of divisional and group plans which ensures that both programme and running cost provision are identified for key objectives and targets.

### Environmentally Sensitive Areas

**Mr. Macdonald:** To ask the Secretary of State for Wales how many farmers in Wales received environmentally sensitive area payments greater than *(a)* £100,000, *(b)* £50,000, *(c)* £10,000, *(d)* £5,000 or *(e)* £1,000 in the last year for which figures are available. [20001]

**Mr. Gwilym Jones:** The total number of farmers in Wales in 1994–95 who received environmentally sensitive area payments in each band is as follows:

| | *Number* |
|---|---|
| *(a)* | 0 |
| *(b)* | 2 |
| *(c)* | 29 |
| *(d)* | 30 |
| *(e)* | 190 |

In addition, 501 scheme participants received payments of less than £1,000.

**Mr. Macdonald:** To ask the Secretary of State for Wales what amount of environmentally sensitive area grant budget for 1994–95 is still uncommitted *(a)* in cash and *(b)* as a percentage of the budget: and if he will make a statement on underspending in the environmentally sensitive areas budget for 1993–94 and 1994–95. [20000]

**Mr. Gwilym Jones:** Expenditure in 1994–95 was £1,533,000 or 22 per cent. of the total budget of £6,863,000.

Five new areas were launched in Wales during 1994, bringing the total number of designations in Wales to eight. I expect expenditure in Wales to increase as more farmers enter the new schemes.

### Houses in Multiple Occupation

**Mr. Gale:** To ask the Secretary of State for Wales what assessment he has made of the adequacy of the standard and enforcement of fire safety regulations in houses in multiple occupation in Wales. [20783]

**Mr. Gwilym Jones:** The Government have consulted widely on both fire safety and houses in multiple occupation; decisions will be announced in due course.

### Housing Association Rents

**Mr. Ainger:** To ask the Secretary of State for Wales if he will list the average rent charged by each Welsh housing association for *(a)* one-bedroom, *(b)* two-bedroom and *(c)* three-bedroom properties in each year since Tai Cymru was established. [21084]

**Mr. Gwilym Jones:** This information is not available in the form requested. Information for 1994–95 is, however, held by Housing for Wales and I have asked the chief executive to write to the hon. Member.

### A44

**Mr. Alex Carlile:** To ask the Secretary of State for Wales what plans he has to carry out road improvements during the next three years on the A44 trunk road between Ponterwyd, Cardiganshire and Llangurig Montgomeryshire. [21104]

**Mr. Redwood:** There are no plans for any major improvements to this section of road. However, a small scheme to provide a footway near Ponterwyd is under consideration and some localised side support works are planned at Gelli Bends and Bont Rhydgaled.

### Health Service Survey

**Mr. Morgan:** To ask the Secretary of State for Wales if he will make a statement on the survey on the future needs and aims of the Welsh health service. [21319]

**Mr. Redwood:** The survey will help my Department and the NHS in Wales identify priority areas for improving both the health of the population and the responsiveness of the service to the needs and expectations of patients.

**Mr. Morgan:** To ask the Secretary of State for Wales if he will name the company administering the Welsh health service random sample questionnaire survey and the principle components of the work specified in that company contracts; and if the company was chosen after competitive tender. [21318]

**Mr. Redwood:** The contract for the Welsh health survey was awarded to the South East Institute of Public Health. The main components of the contract are: testing the questionnaire and the survey method; drawing the sample; printing and posting the letters, questionnaires, and reminders; entering the answers from the completed questionnaires into a computer database; analysis of the data and production of a report.

The contract was advertised in the *Official Journal* of the European Communities and awarded by competitive tender.

### NHS Trusts

**Mr. Morgan:** To ask the Secretary of State for Wales, pursuant to his answers of 24 April, *Official Report*, columns *371–72*, if he will make a statement on the guidelines he issued on financial viability of trusts as a consideration in contract setting by NHS providers and on what date he issued them *(a)* in draft and *(b)* in final form; and what representations he has received concerning their content from (i) purchasers and (ii) providers. [21414]

**Mr. Redwood:** I refer the hon. Member to the reply that I gave him on 25 April, *Official Report*, column *515*.

### Higher Education Funding Council

**Sir Wyn Roberts:** To ask the Secretary of State for Wales when he expects to announce the new membership of the Higher Education Funding Council for Wales and if he will make a statement. [21981]

**Mr. Redwood:** The following have accepted invitations to be members of the Higher Education Funding Council for Wales.

Sir Idris Pearce, Chairman
Dr. Eleri Edwards
Professor Richard Griffiths
Sir Philip Jones CB
Mr. Alfred Morris
Dr. Brynley Roberts
Dr. Ann Robinson
Professor Roger Williams

Dr. Edwards and Professor Williams have been appointed for three years from 6 May 1995, and the other members reappointed for two years from the same date.

Dr. R. H. Jones continues as a member until 30 June 1995 and Professor Andrews as chief executive and member until 5 May 1997.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Wales which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20876]

**Mr. Redwood** *[holding answer 26 April 1995]:* Only the Residuary Body for Wales, as a levying body, is bound by a statutory requirement, under the Public Bodies (Admission to Meetings) Act 1960, to open its board meetings to the public. No NDPB has a statutory requirement to hold open meetings for the public.

## OVERSEAS DEVELOPMENT ADMINISTRATION

### Turkey

**Mr. Cox:** To ask the Secretary of State for Foreign and Commonwealth Affairs what financial aid is now being given to Turkey from organisations in which the United Kingdom has a vote; and if he will list the organisations. [20741]

**Mr. Baldry:** A detailed breakdown of financial aid by international agencies to Turkey is not available. According to OECD Development Assistance Committee statistics, in 1993, the latest year for which figures are available, total multilateral aid to that country was $3 million in loans and $25.8 million in grants. Taking into account receipts, net multilateral assistance was minus $8.7 million.

The following agencies in which the UK has a vote currently have programmes in Turkey:

The World Bank
United Nations Development Programme
Food and Agriculture Organisation
International Atomic Energy Agency
United Nations Population Fund
United Nations Conference on Trade and Development
World Food Programme
United Nations Industrial Development Organisation
World Health Organisation
United Nations Childrens Fund
United Nations Department of Development Support and Management Services
World Intellectual Property Organisation
World Meteorological Organisation
International Civil Aviation Organisation
International Maritime Organisation
International Labour Organisation

European Community assistance provided to Turkey in the form of grants and loans under the first three EC/Turkey financial protocols and the special programme of assistance agreed in 1981 has now been fully disbursed. A fourth financial protocol which should have come into force in 1981 remains suspended for political reasons. Turkey is eligible for support under a number of other EC budget lines, including horizontal cooperation in the Mediterranean and support for Turkish NGOs providing aid for Kurdish refugees.

### Afghanistan

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many British non-governmental organisations have, over the last five years, been working in Pakistan and elsewhere in support of refugees and displaced persons from Afghanistan; what funding each has received in each year; and what funding each is to receive over the next two years. [21150]

**Mr. Baldry:** We have provided assistance to the British non-governmental organisations as detailed in the table over the last five years for their work with Afghan refugees and displaced persons. We are unable to predict how much funding may be made available to any organisation for emergency aid over the next two years.

*£000s*

| | *1990* | *1991* | *1992* | *1993* | *1994* |
|---|---|---|---|---|---|
| Afghanaid[1] | 800 | 700 | 1,307 | 599 | 787 |
| CAFOD | 0 | 20 | 29 | 19 | 18 |
| Ockenden Venture | 0 | 50 | 0 | 0 | 0 |
| SGAA | 14 | 0 | 0 | 0 | 0 |
| Save the Children | 50 | 110 | 0 | 0 | 0 |

[1] Includes rehabilitation work.

In addition the following three British non-governmental organisations received grants for immediate disaster response work. Figures are available for 1993 and 1994 only.

*£000s*

| | *1993* | *1994* |
|---|---|---|
| CARE | 0 | 828 |
| Ockenden Venture | 0 | 47 |
| Oxfam | 110 | 323 |

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations have been made to Her Majesty's Government directly and indirectly through international organisations to invest in infrastructure development in Afghanistan; what is the total amount agreed by Her Majesty's Government to be spent in such development projects over the next three

years; and what assessment has been made of the need for development investment in Afghanistan to facilitate the return of refugees to that country. [21151]

**Mr. Baldry:** Frequent discussions on the needs of Afghanistan are held with international development agencies, the Government of Pakistan and UK non-governmental organisations.

We take the view that long-term infrastructure and development programmes are only possible when the political and security situation is stable. At present, the main focus of our assistance for Afghanistan will remain emergency aid and refugee relief and resettlement programmes. We give funding through international agencies and UK NGOs, some of which operate small rehabilitation projects in the more peaceful parts of the country.

We understand that the United Nations development programme have plans for a meeting to discuss with the international community the prospects for a transition from humanitarian assistance for Afghanistan to longer term rehabilitation.

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs what is the policy of Her Majesty's Government regarding financial inducements to Afghan refugees and displaced persons in Pakistan and elsewhere to assist their return to Afghanistan; and what contribution Her Majesty's Government have agreed to make to such programmes over the next two years. [21152]

**Mr. Baldry:** UNHCR provides repatriation grants to assist the return of Afghan refugees from Pakistan and Iran. We support UNHCR's work with Afghan refugees, both politically and financially. Whilst we do not earmark funds given to UNHCR specifically for repatriation grants, such use is not excluded. We are unable to make advance commitments about the use of emergency aid funds.

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment has been made by the United Nations Commissioner for Refugees on the likely implications of closing schools located in Afghan refugee camps in Pakistan; and if he will make a statement. [21167]

**Mr. Baldry:** UNHCR have no plans to cease primary education for all Afghan refugee children in Pakistan.

## SOCIAL SECURITY

### Benefit Statistics

**Mr. Frank Field:** To ask the Secretary of State for Social Security, if he will list the average length of time a claimant who was *(a)* retired *(b)* sick or disabled, *(c)* a single parent and *(d)* unemployed remained on benefit 30 years ago; and if he will give what those averages are at the latest available date. [20389]

**Mr. Hague:** Information is not available for 30 years ago.

Current available information is as follows:

(1) The average length of time for retirement pensioners to remain on benefit until death is 16.5 years.

(2) The average length of time a claimant is sick or disabled and on benefit is as follows: sickness benefit—114 days; invalidity benefit—3.4 years; severe disablement allowance—6.1 years.

(3) At 10 May 1994 the average length of time a claimant registered as unemployed was 410 days.

This information does not include recipients who receive only income support.

Information for lone parents is not available.

### War Pensions

**Ms Rachel Squire:** To ask the Secretary of State for Social Security what was the number of war pension appeals in *(a)* 1979 and *(b)* 1993 and the average length of time which elapsed between the lodging of an appeal and the appeal being heard. [20734]

**Mr. Arbuthnot:** During 1979, 1,816 war pension appeals were lodged against decisions on entitlement and 1,872 appeals on the assessment of the degree of disablement. During 1993, 11,079 entitlement and 9,147 assessment appeals were lodged. The average length of time in 1993 between the lodging of an entitlement appeal and the appeal being heard was 349 days. The time scale in 1993 for an assessment appeal was 288 days. Comparable information for 1979 is not available.

**Ms Rachel Squire:** To ask the Secretary of State for Social Security (1) if he will make a statement on claims for war disablement pensions in respect of bilateral noise-induced sensorineural hearing loss. [20731]

(2) if he will make a statement on the restriction on claims for war disablement pensions due to bilateral noise-induced sensorineural hearing loss arising from *(a)* the absence of any award where the assessment of disability is less than 20 per cent. and *(b)* the non-inclusion of the condition of tinnitus where assessed disablement is less than 20 per cent. [20732]

**Mr. Arbuthnot:** The war pensions scheme provides compensation for disablement arising from injury or disease which is due to service in the armed forces.

Where the degree of disablement in respect of bilateral noise-induced sensorineural hearing loss is assessed at 20 per cent. or more, a war pension may be paid. Below this level, no award is made in respect of such hearing loss or any condition or symptom, such as tinnitus, which is attributable to the same basic injurious process.

I remain satisfied that bilateral noise-induced sensorineural hearing loss of less than 20 per cent. is not the sort of disablement which should be compensated under a war pensions scheme.

The provisions on this type of hearing loss, which came into effect on 7 January 1993, brought war pensions rules more into line with the rules covering occupational deafness under the industrial injuries scheme. They formed part of a package which increased considerably, from April 1993, the war pensions of the most severely disabled.

### Child Support

**Mrs. Angela Knight:** To ask the Secretary of State for Social Security what plans he has to make payments to those recipients of family credit and disability working allowance who lose income for the balance of the period of their existing claim to benefit as a result of the child support regulation changes to be introduced on 18 April, and if he will make a statement. [21900]

**Mr. Burt:** The Department intends to make such payments as soon as it is administratively possible to do so once the loss to the individual has been identified and calculated. This compensation will equal half of the difference between the previous maintenance assessment and the new maintenance assessment for the outstanding period in that claim to family credit or disability working allowance. Although awards of these benefits are not normally changed for variations in income once made, the Government have recognised that it is unreasonable not to offer compensation to working parents with care who are modestly paid, particularly as the structure of income support offers automatic adjustment for the incomes of those parents with care not at work and dependent on income support.

It would also be wrong to wait until the Child Support Bill received Royal Assent, before considering compensation, as this would result in a delay of several months which could cause hardship. Accordingly, payments will be made in advance of Royal Assent. Parliamentary approval for this service will be sought in a Supplementary Estimate for the Department of Social Security's central government administered Social Security benefits and other payments vote, class XIII, vote 1. Pending that approval, urgent expenditure estimated at £1,000,000 will be met by repayable advances from the Contingencies Fund.

### Income Support (Deductions)

**Mr. Streeter:** To ask the Secretary of State for Social Security what agreements his Department and the Benefits Agency have with the utility industries regarding deductions from income support. [21901]

**Mr. Roger Evans:** The Department of Social Security and the Benefits Agency have negotiated a joint statement of intent with the fuel and water industries, a copy of which has been placed in the Library. Its purpose is to ensure the continuity of an essential supply to claimants and to prevent disconnection of that supply. It outlines procedures for direct payment for fuel and water bills from income support by reflecting regulations and providing guidance on how the direct payment system should operate in practice. The JSI is not a contract between the parties but works as a "best practice" guide.

### Mortgage Interest

**Mr. Nicholas Winterton:** To ask the Secretary of State for Social Security what estimate he has so far made of the number of individuals annually who change from a fixed rate to a variable rate mortgage; if such individuals would be considered under his current proposals to have obtained a new mortgage and be ineligible for the existing range of social security assistance with mortgage interest; and if he will make a statement. [21106]

**Mr. Roger Evans:** No such estimate has been made. Under our proposals for changes to the rules on income support help with mortgage interest payments, a borrower with existing housing costs who changes from a fixed rate to a variable rate mortgage after 1 October this year will only be subject to the rules affecting new housing costs if they have entered into a new mortgage agreement while doing so. The full details of the new rules will not be completed until we have given full consideration to the report of the Social Security Advisory Committee. We are currently awaiting this report which will be based on representations that were made to the committee during its consultation period.

### War Widows Pension

**Mr. Dalyell:** To ask the Secretary of State for Social Security what recent discussions he has had with ex-service and other organisations about war widows' pensions. [213328]

**Mr. Arbuthnot:** The Minister with special responsibility for war pensions meets regularly with members of the war pension committees and twice-yearly (in June and December) with members of the Central Advisory Committee on War Pensions. At these meetings, matters of concern to both war disablement pensioners and war widows are discussed. He also met on 25 April with Major General Sir Laurence New CB CBE, to discuss the campaign by the Officers' Pensions Society, the War Widows Association of Great Britain, the RAF Widows Association and Help the Aged, for improvements to the pension provision for war and service widows. During that meeting our decision announced on 24 April to restore the war widow's pension to those former war widows who had become widowed for a second time, divorced or legally separated was discussed.

### State Retirement Pensions

**Mr. Welsh:** To ask the Secretary of State for Social Security (1) what information he has on the projected level of the state retirement pension for each of the following five years for each of the European Union member states; and what percentage change this represents relative to the projection for the previous year; [21258]

(2) what is the current level of state retirement pension paid in each European Union member state; and what percentage increase or decrease this represents relative to the previous year. [21257]

**Mr. Arbuthnot:** The information is not available in the form requested, as most European Union member states operate wholly earnings-related state retirement pension schemes, unlike the United Kingdom.

Information on retirement pensions in the EU, and their annual adjustments, is contained in the "MISSOC" tables, "Social Protection in the Member States of the Community", published by the European Commission. Information about retirement pensions in the three new member states, Austria, Finland, and Sweden, may be found in "Comparative tables of social security schemes in Council of Europe member states, published by the Council of Europe. Copies of both publications are in the Library."

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Social Security which of the advisory non-departmental public bodies sponsored by his Department are under statutory requirement to *(a)* publish their advice to the Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those bodies with a statutory base. [21156]

**Mr. Hague:** The advisory non-departmental public bodies sponsored by this Department are listed in "Public Bodies 1994".

All of the bodies have a statutory basis, but none is under statutory requirement to publish advice or reports, although most such reports are published.

### Vaccine Damage Payments

**Mr. Burden:** To ask the Secretary of State for Social Security (1) what compensation is available for those who are severely or partially damaged by *(a)* polio vaccination and *(b)* measles and rubella vaccination; [21324]

(2) whether the Government will seek to amend the Vaccine Damage Payment Act 1979 to provide adequate compensation for the children and families affected by all degrees of vaccine damage. [21321]

**Mr. Hague:** The Vaccine Damage Payment Act 1979 provides for a single, tax-free payment of £30,000 for people who, on the balance of probability, have suffered severe mental and/or physical disablement of 80 per cent. or more as a result of vaccination against one, or a group, of the specified diseases. The specified diseases include poliomyelitis, measles and rubella.

The payment is not compensation, but is designed to ease the present and future burdens of those suffering from vaccine damage and their families.

The Government are satisfied that the scheme operates fairly and effectively in its present form.

## SCOTLAND

### Pensions Agency

**Mr. Stewart:** To ask the Secretary of State for Scotland what key performance targets he has set the Scottish Office Pensions Agency for 1995–96. [21804]

**Mr. Lang:** I have set the Scottish Office Pensions Agency the following key targets for 1995–96, which cover important areas of service delivery and steps to improve efficiency and effectiveness.

1. To ensure that awards and transfer payments are accurate to within 1 per cent. of their value in 99 per cent. of cases, as compared with the 1994–95 target of 1 per cent. in 98 per cent. of cases.
2. To pay on time 99 per cent. of all pensions and lump sums where the target date for receipt of claims is met.
3. To make transfer payments within four weeks of members' final instructions to transfer pension rights.
4. To carry out a survey to measure customer satisfaction with administration of the teachers' superannuation scheme, taking account of experience gained from the 1994–95 NHS survey.
5. To keep the development and supply of a new pension administration IT system on course for completion by June 1996, by reaching the last key 1995–96 milestone in the implementation plan.
6. To optimise use of budgetary provision while keeping within direct running cost limits.
7. To provide policy advice which is consistent with public service pension policy and takes account of operational objectives of Scottish Office departments, within the required time scales.

### Departmental Annual Report

**Mr. Mathew Taylor:** To ask the Secretary of State for Scotland how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990. [20179]

**Mr. Lang:** Much of the information collected for publication in the Scottish Office departmental report is also used for other purposes. Therefore the total staff time commitment to the report is not readily estimated. The editor of the 1995 report spent approximately four months in its compilation at an estimated cost of £15,000. Costs for previous years were broadly comparable.

**Mr. Mathew Taylor:** To ask the Secretary of State for Scotland what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [20180]

**Mr. Lang:** Estimates are made annually, in the light of previous years' experience, of the time commitment which will be required of the departmental report editor and of the costs of pre-production design work and of purchase and distribution of copies of the report.

### Illiteracy

**Mr. Redmond:** To ask the Secretary of State for Scotland what is the current reported rate of illiteracy; and what was the rate in each of the previous four years. [20701]

**Lord James Douglas-Hamilton:** Information on the rate of illiteracy is not held centrally by the Scottish Office. In 1990 the Scottish Community Education Council was funded by the Scottish Office to undertake a small study of literacy and numeracy. This indicated that 9 per cent. of a sample of adults had difficulties with either reading, writing or numeracy.

The Scottish Office will continue to support initiatives addressing problems of adult literacy and numeracy. We will also continue to tackle the problem in schools by encouraging appropriate support for pupils with special needs.

### Electricity Privatisation

**Mr. Wallace:** To ask the Secretary of State for Scotland (1) what is the actual cost incurred to date by his Department meeting the obligation to provide pension incentives to eligible applicants under the pensioner priority offer for shares on the flotation of ScottishPower and Scottish Hydro-Electric; [20597]

(2) what estimate he originally made of the likely cost to his Department of the offer announced by him on 12 March 1991 making available to pensioners of ScottishPower and Scottish Hydro-Electric preferential arrangements and pension incentives on the public flotation of these companies; [20598]

(3) what estimate he has made of the savings to his Department as a result of the non-completion of the pensioner incentive section of the pensioner priority offer application form submitted by eligible pensioners of ScottishPower and Scottish Hydro-Electric; [20595]

(4) how many pensioners of ScottishPower and Scottish Hydro-Electric purchased shares in these companies by completing the pensioner priority offer application form;

and how many eligible applicants omitted to apply for the pensioner incentives. [20599]

**Mr. Lang** *[holding answer 26 April 1995]:* As part of the arrangements for the flotation of ScottishPower and Scottish Hydro-Electric, all employees and pensioners of the two Scottish electricity boards who applied for shares were given priority access to up to £15,350 worth of shares when the allocation of shares to applicants was made. Quite separately, all applicants were able to elect to receive bonus shares if they held the shares they had purchased for a specified period and met certain other criteria; 1,170,000 applicants did so. Apart from the initial priority allocation arrangement, therefore, there were no special incentives offered to electricity board pensioners.

## TREASURY

### Mortgage Protection Policies

**Mr. Nicholas Winterton:** To ask the Chancellor of the Exchequer what assessment he has made of the possible effect of taxation on those benefits paid under insurance policies purchased to provide protection to mortgage holders following his proposed changes to income support for mortgage interest; what specific proposals he has for the tax treatment of such benefits with particular reference to any period for which they would be untaxed; and if he will make a statement. [21107]

**Sir George Young:** Under the Secretary of State for Social Security's proposals, there will be no entitlement to income support in respect of mortgage interest payments for a period of nine months for new borrowers. Benefits paid under mortgage protection insurance policies that provide cover for this period are not liable to tax, provided the maximum period during which benefits can be paid does not exceed one year.

### European Community Finances

**Mr. Matthew Banks:** To ask the Chancellor of the Exchequer when he will publish the statement on the 1995 Community budget; and what information it will contain. [21856]

**Mr. Heathcoat-Amory:** I have today laid before Parliament the statement on the 1995 Community budget, entitled "European Community Finances". This White Paper is the 15th in the series. As in the past, it covers annual budgetary matters. It also describes the Budget for 1995 as adopted by the European Parliament and the United Kingdom's gross and net contribution to the Community budget over the years 1992 to 1995.

This year, the annual statement includes for the first time details of recent developments in EC financial management and in countering fraud against the Community budget. This reflects an undertaking that I gave in December 1994 during the passage of the European Communities (Finance) Bill.

Copies of the White Paper are being placed in the Libraries of both Houses.

### Monetary Policy

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer what effect on the nominal exchange rate it was Her Majesty's Government's policy to engender in the decisions to increase the interest rates on *(a)* 12 September 1994, *(b)* 7 December 1994 and *(c)* 2 February; and if he will publish his estimate of the effect on real interest rates together with the export unit value of United Kingdom manufacturers as a percentage of the fourth quarter 1986 figure in dollar terms. [21413]

**Mr. Nelson:** Interest rates are set in order to meet the Government's objective of permanently low inflation. Movements in the exchange rate are considered part of the general assessment of monetary conditions in setling monetary policy. The basis of all decisions on interest rates are fully set out in the published minutes of my right hon. and learned Friend the Chancellor of the Exchequer's meetings with the Governor of the Bank of England. Copies of the minutes are in the House of Commons Library. It is impossible to quantify effects of interest rate changes on real interest rates and export unit values.

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer if he will publish the evidence of overheating on which be based his decision in *(a)* September 1994, *(b)* December 1994 and *(c)* February 1995 to raise interest rates. [21403]

**Mr. Nelson:** The basis of all the interest rate decisions on my right hon. and learned Friend the Chancellor of the Exchequer is set out fully in the published minutes of his meetings with the Governor and in the Treasury's monthly monetary report, published on the same day as the meetings. Copies of these publications are in the House Library.

### Privatisation

**Mr. Duncan:** To ask the Chancellor of the Exchequer if he will produce a table showing the gross proceeds of all privatisations since 1979 and the net proceeds after taking account of *(a)* underwriting fees and sales commissions, *(b)* accounting, banking, legal and consultancy fees, *(c)* marketing and advertising costs, *(d)* the actual or estimated cost of employee and small shareholder incentives, *(e)* any other expenses associated with the sale, *(f)* any small shareholder incentives, *(g)* any tax or debt write-offs agreed ahead of the sale and *(h)* interest income or other offsetting receipts, itemising each of these costs separately, and expressing total costs as a percentage of total gross proceeds. [19894]

**Sir George Young:** It is not practical to list all companies that have been privatised as many were subsidiaries of nationalised industries and were sold by the parent body, not the Government; consequently, information is not held centrally for all such sales. The table shows the companies privatised by the Government since 1979. Non-sale costs are shown where this information is held centrally; in some cases, costs are initial estimates rather than outturns. The administrative costs incurred by the vendor department are not included. To the extent that the costs shown in the table include non-cash costs—debt written off and the cost of bonus shares—they would not normally be set against the net proceeds which are measured in cash terms. Receipts from privatisation have amounted to £60 billion over the past 15 years.

*Privatisation Costs (£million)*

| Privatisation | Year of sale | gross proceeds of sale: equity | gross proceeds of sale: debt | gross proceeds of sale: total | [1]Sale Costs | Cash injection | [1]Debt written off | Employee incentives | Loyalty incentives | Intereston application monies | Total costs | As per cent. of total gross proceeds | Net proceeds |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| British Aerospace[2] | 1981 | 149 | — | 149 | 6 | 100 | 60 | — | — | — | 166 | 111.4 | -17 |
| Cable and Wireless[2] | 1981 | 224 | — | 224 | 9 | 35 | — | — | — | — | 44 | 19.6 | 180 |
| Amersham International | 1982 | 63 | — | 63 | 3 | — | — | — | — | 3 | 0 | 0 | 63 |
| NFC | 1982 | 54 | — | 54 | 0 | 49 | 100 | — | — | — | 149 | 278.5 | -96 |
| Britoil | 1982 | 549 | — | 549 | 13 | — | — | — | — | — | 13 | 2.3 | 536 |
| Associated British Ports[2] | 1983 | 48 | 25 | 73 | 3 | — | 81 | 1 | — | — | 85 | 116.1 | -12 |
| Enterprise Oil | 1984 | 392 | — | 392 | 11 | — | — | — | — | 1 | 10 | 2.5 | 382 |
| BT[2] | 1984 | 3,916 | 3,500 | 7,416 | 185 | — | 2,790 | 56 | 82 | 4 | 3,109 | 41.9 | 4,307 |
| British Gas[2] | 1986 | 5,434 | 2,500 | 7,934 | 187 | — | — | 37 | 185 | 7 | 402 | 5.1 | 7,532 |
| British Airways | 1987 | 892 | — | 892 | 35 | — | 160 | 15 | 8 | 4 | 213 | 23.9 | 679 |
| Royal Ordance | 1987 | 190 | — | 190 | 4 | — | — | 1 | — | — | 5 | 2.7 | 185 |
| Rolls-Royce | 1987 | 1,348 | — | 1,348 | 34 | 283 | — | 14 | — | 5 | 326 | 24.2 | 1,022 |
| BAA | 1987 | 1,225 | — | 1,225 | 46 | — | 44 | 3 | 17 | 2 | 108 | 8.8 | 1,117 |
| National Seed Development Organisation | 1987 | 66 | — | 66 | 1 | 37 | — | — | — | — | 38 | 58.3 | 28 |
| Professional and Executive Recruitment | 1988 | 6 | — | 6 | 1 | — | — | — | — | — | 1 | 15.0 | 5 |
| British Steel | 1988 | 2,500 | — | 2,500 | 58 | — | 4,489 | 18 | — | 2 | 4,564 | 182.5 | -2,064 |
| General Practice Finance Corporation | 1989 | 145 | — | 145 | 1 | — | — | — | — | — | 1 | 0.4 | 145 |
| Harland and Wolff | 1989 | 8 | — | 8 | 1 | 205 | 422 | — | — | — | 629 | 8,275 | -621 |
| Short Brothers | 1989 | 30 | — | 30 | 2 | 366 | 390 | — | — | 759 | 2,529 | 2,529 | -729 |
| Regional Electicity Companies | 1990 | 5,182 | 2,815 | 7,997 | [3]202 | — | — | 51 | 64 | 34 | [6]— | [6]— | [6]— |
| Generating Companies[2] | 1991 | 2,228 | 768 | 2,996 | [3]85 | — | — | 24 | 41 | 6 | [6]— | [6]— | [6]— |
| Scottish Electricity Companies | 1991 | 2,918 | 626 | 3,544 | 114 | — | 1,044 | 11 | 53 | 1 | 1,219 | 34.4 | 2,325 |
| NTL | 1991 | 48 | 22 | 70 | 2 | — | — | — | — | — | 2 | 3.1 | 68 |
| Insurance Services Group | 1991 | [4]70 | — | [4]70 | 7 | 50 | — | — | — | — | 57 | 81.0 | 13 |
| BTG | 1992 | 28 | — | 28 | 3 | — | — | — | — | — | 3 | 10.5 | 25 |
| Northern Ireland Electricity | 1992–93 | 704 | 70 | 774 | 29 | — | — | 2 | 15 | — | 47 | 6.0 | 727 |
| DVOIT | 1993 | 5 | — | 5 | 2 | — | — | — | — | — | 2 | 50.0 | 2 |
| Forward | 1994 | 5 | — | 5 | 1 | — | — | — | — | — | 1 | 10.9 | 4 |
| DTELS | 1994 | 7 | — | 7 | 2 | | — | — | — | — | 2 | 27.3 | 5 |
| Belfast International Airport | 1994 | 33 | 15 | 48 | 4 | — | — | — | — | — | 4 | 7.4 | 44 |
| British Coal | 1994 | 963 | — | 963 | 35 | — | 1,633 | — | — | — | 1,669 | 173.3 | -706 |

*Notes:*

[1] Costs to Government (often some costs will fall to the company).

[2] Excludes costs and proceeds of secondary sales(s).

[3] Since 1979.

[4] Includes up to £5 million to be paid in 1996.

[5] Costs to 31 December 1991 excluding VAT and stamp duty.

[6] Lack of information on VAT and stamp duty costs means this is not available on a consistent basis.

## Value Added Tax

**Mr. Nicholas Winterton:** To ask the Chancellor of the Exchequer which directorate and commissioner are responsible for taking forward the proposals contained in European Commission document COM (94) 584 on the subject of the establishment of a common system of value added tax. [20981]

**Mr. Heathcoat-Amory:** Directorate General XXI of the European Commission has responsibility for "Customs and Indirect Taxation" and for matters relating to VAT. The commissioner responsible for DGXXI is Mr. Monti. Document COM (94) 584 is essentially a report produced by the European Commission on the operation of the VAT system in the Community, with particular reference to the rates of tax applicable in member states. The only specific proposal which is made in the context

of this document relates to an option for member states to apply a reduced rate of VAT to certain non-food agricultural products, such as cut flowers.

**Mr. Nicholas Winterton:** To ask the Chancellor of the Exchequer (1) whether he has yet had chance to consider European Commission Document COM (94) 584 on the subject of the establishment of a common system of value added tax, what response he has made to those parts of that document which propose the abolition of zero rating for new houses; and if he will make a statement; [20977]

(2) whether it is his policy to endorse the recommendations of the European Commission Document COM (94) 584 on the subject of the establishment of a common system of value added tax in respect of *(a)* the scheduled establishment in January 1997 of a definitive value added tax regime and *(b)* the inclusion within that regime of the ending zero rating of all outstanding items including housing. [20978]

**Mr. Heathcoat-Amory:** Document COM (94) 584 is a routine report produced by the European Commission in accordance with the requirements of the sixth VAT directive. It is largely concerned with the operation of the VAT system within the Community, with particular reference to the rates of tax applicable in member states. I have noted its contents, and, in particular, its principal conclusion that the current VAT rates and structures applicable in the Community do not present any serious problems for the satisfactory operation of the single market.

The report makes no specific proposals in respect of zero rates, although it makes reference to them in the context of the proposed move to a definitive system for VAT. Separate proposals from the Commission in respect of a definitive system are expected later this year. The Government have already made it clear that a condition of any move to a definitive system would be that such a system made provision for the UK to continue to apply any zero rates which are in force at the time any new system is introduced.

**Mr. Nicholas Winterton:** To ask the Chancellor of the Exchequer what assessment he has made of the possible impact on the United Kingdom housing market of the implementation of the proposals of European Commission Document COM (94) 584 on the subject of the establishment of a common system of value added tax; and if he will make a statement. [20980]

**Mr. Heathcoat-Amory:** Document COM (94) 584 does not contain any specific proposals in relation to the VAT treatment of housing. To the extent that the document addresses the status of zero rates, it does so in the context of the proposed move to a definitive system. Substantive discussions on any such definitive system have yet to begin, but the UK has consistently made it clear that one condition of a move to any such system would be that it made provision for the UK to continue to apply any zero rates which are in force at the time any new system is introduced.

**Mr. Nicholas Winterton:** To ask the Chancellor of the Exchequer if he will list all those items which are currently zero rated for value added tax purposes and which would be affected by the recommendations for the ending of such zero rating included within the provisions of European Commission document COM (94) 584 on the subject of the establishment of a common system of value added tax. [20979]

**Mr. Heathcoat-Amory:** Document COM (94) 584 makes no specific proposals for the ending of UK zero rates. It addresses only the status of zero rates in the context of the proposed move to a definitive system. The Government have consistently made it clear that, as a condition of any move to a definitive system for VAT, such a system must make provision for the UK to continue to apply any zero rates which are in force at the time any new system is introduced.

### Building Societies

**Mr. Redmond:** To ask the Chancellor of the Exchequer if he will take action to compel directors of building societies to declare publicly in full the benefits they will gain personally when takeovers, amalgamations and conversions into banks are promoted and recommended. [20683]

**Mr. Nelson:** Regulations made under the Building Societies Act 1986 require the disclosure of information about the interests of the directors of a society in any transfer of business, the compensation or other consideration proposed to be paid to directors or other officers of the society attributable to the transfer and the manner in which the salary and other benefits of officers of the society will be affected by appointment to any position by the successor company. This information must be contained in the transfer statement, which is sent to all members eligible to vote.

**Mr. Duncan:** To ask the Chancellor of the Exchequer if he will introduce changes to the Building Societies Act 1986 so that when the Building Societies ombudsman confirms that maladministration is proven against the interest of a category of saver, all such savers shall be recompensed, and not only those who have registered a complaint. [20975]

**Mr. Nelson:** The purpose of the building societies ombudsmen scheme is to provide an alternative to legal action for settling individual disputes between societies and their customers. Each case must be decided by the ombudsman on its merits and the details of any two complaints are seldom identical, so it would not be appropriate for the decision of the ombudsman in one particular case to be applied automatically to a number of other cases which had not been submitted to him.

### Government Borrowing

**Mr. Cohen:** To ask the Chancellor of the Exchequer what is the current level of Government borrowing; what was the level in April 1992; what he estimates the level will be in April next year; and at what level of borrowing he thinks it would be prudent to contemplate tax cuts. [21075]

**Mr. Nelson:** The public sector borrowing requirement in 1991–92 was £13.9 billion. In 1994–95, the PSBR was £35.6 billion. The PSBR is expected to fall to £21½ billion in 1995–96 and is projected to be in surplus by the end of the decade.

Tax cuts will be made only when it is in the best interests of the economy.

### Manufacturers

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer what estimate he has made of the relative competitiveness on price of United Kingdom exports of

manufactures at the current rates of exchange and at those in the fourth quarter of 1986. [21303]

**Mr. Nelson:** I refer the hon. Member to the answer I gave him on 13 March, *Official Report*, column *360*.

### Mortgage Statistics

**Mr. Redmond:** To ask the Chancellor of the Exchequer (1) if he will list by region the current average amount where a home owner's mortgage debt exceeds or falls short of the value of their property; what the national average is; and what were the equivalent figures for each of the four previous years; [20721]

(2) if he will list by region the number of home owners whose current property value is at a negative equity figure; and what were the figures for each of the previous four years. [20729]

**Mr. Nelson:** Estimates of the number of households with, and the average value per household of, negative equity by region in the years 1990–1994 are shown in the tables. Figures for households with positive equity are not available.

Estimates of negative equity are sensitive to assumptions made about average house prices. These estimates are based on Department of the Environment house price data.

On this basis, the number of UK households with negative equity in the fourth quarter of 1994 had fallen by 45 per cent. since its peak in the fourth quarter of 1992. The total value of negative equity fell by 64 per cent. over the same period.

*Table 1: The number of households with negative equity, by region, 1990–94*

*Thousands*

| | *1990* | *1991* | *1992* | *1993* | *1994* |
|---|---|---|---|---|---|
| South East | 129 | 230 | 425 | 447 | 361 |
| Greater London | 20 | 61 | 141 | 148 | 107 |
| South West | 41 | 75 | 126 | 143 | 111 |
| East Anglia | 26 | 39 | 60 | 69 | 58 |
| East Midlands | 16 | 28 | 42 | 50 | 22 |
| West Midlands | 11 | 9 | 32 | 33 | 14 |
| Wales | 5 | 11 | 12 | 14 | 11 |
| Yorkshire and Humberside | 4 | 5 | 23 | 10 | 21 |
| North West | 6 | 4 | 4 | 27 | 9 |
| North | 1 | 4 | 6 | 4 | 6 |
| Scotland | 6 | 4 | 1 | 4 | 5 |
| Northern Ireland | 5 | 4 | 2 | 2 | 3 |
| United Kingdom | 270 | 475 | 875 | 952 | 729 |

*Table 2: The average value of negative equity per household, by region, 1990–1994*

£

| | *1990* | *1991* | *1992* | *1993* | *1994* |
|---|---|---|---|---|---|
| South East | 3,540 | 4,332 | 6,306 | 6,449 | 5,101 |
| Greater London | 2,455 | 3,004 | 6,091 | 5,648 | 3,792 |
| South West | 3,555 | 3,476 | 4,314 | 4,770 | 3,745 |
| East Anglia | 4,900 | 4,795 | 5,246 | 5,026 | 4,603 |
| East Midlands | 1,080 | 1,319 | 1,486 | 1,813 | 1,658 |
| West Midlands | 1,411 | 955 | 1,550 | 1,496 | 1,280 |
| Wales | 1,178 | 2,570 | 1,872 | 1,692 | 1,428 |
| Yorkshire and Humberside | 488 | 602 | 1,165 | 1,447 | 835 |
| North West | 588 | 958 | 388 | 1,003 | 516 |
| North | 1,004 | 1,635 | 1,264 | 1,414 | 730 |

*Table 2: The average value of negative equity per household, by region, 1990–1994*

£

| | *1990* | *1991* | *1992* | *1993* | *1994* |
|---|---|---|---|---|---|
| Scotland | 649 | 721 | 168 | 634 | 463 |
| Northern Ireland | 809 | 1,145 | 1,902 | 1,365 | 1,480 |
| UK | 3,160 | 3,685 | 5,295 | 5,269 | 4,207 |

### Council Tax Bands

**Mr. Redmond:** To ask the Chancellor of the Exchequer what are the charter standards for the speed with which the Inland Revenue notifies local authorities of amendments to a property's council tax band. [20690]

**Mr. Nelson:** Listing officers of the Valuation Office Agency are responsible for maintaining council tax bandings.

There is no charter standard for the speed with which listing officers notify local authorities of amendments to a property's council tax band but they would aim to do this within three months of becoming aware of the need for an amendment.

### Medicash

**Mr. Redmond:** To ask the Chancellor of the Exchequer what fee was paid by Medicash to the Paymaster General's office for sending private health care mailshots to NHS pensioners; and how many were sent out. [20678]

**Mr. Heathcoat-Amory:** The information requested falls within the operational responsibility of the chief executive of PAYMASTER, whom I have asked to reply.

*Letter from Keith Sullens to Mr. Martin Redmond, dated 26 April 1995:*

I am replying to your written parliamentary question of 21 April, that you asked The Chancellor of the Exchequer. I have been asked to reply because it falls within my area of responsibility as Chief Executive of the Office of HM Paymaster General, known as the Agency PAYMASTER.

On behalf of Medicash we forwarded informative material to 152,000 pensioners. Medicash were charged £21,379 including VAT.

### British Manufacture and Research Company

**Mr. Byers:** To ask the Chancellor of the Exchequer if he will refer the conduct of the former directors of the British Manufacture and Research Company to the Customs and Excise for it to consider an investigation into possible breaches of the arms embargo with Iran. [20487]

**Mr. Heathcoat-Amory** *[holding answer 24 April 1995]:* Decisions on whether to investigate possible breaches of UK export controls are for the Commissioners of Customs and Excise in exercise of their law enforcement responsibilities. They will consider all relevant information available to them in deciding whether an investigation is appropriate and would welcome any information which the hon. Member or others may provide.

### Cable Companies

**Mr. Key:** To ask the Chancellor of the Exchequer how the uniform business rate is calculated for franchised

cable companies; and what is the rate set for 1994–95 and for 1995–96. [19111]

**Mr. Nelson** *[holding answer 25 April 1995]:* Valuations of the franchised cable companies for uniform business rate purposes, in the absence of reliable rental evidence, have been based on the cost of installing the systems.

In 1994–95 the rateable value for England for franchised cable companies is estimated to be £5.5 million. For 1995–96 the equivalent figure is estimated to be £22.5 million.

### Public Sector Occupational Pension Schemes

**Mr. Flynn:** To ask the Chancellor of the Exchequer what information is available regarding the expenditure of public sector occupational pension schemes on pensions, lump sums on death and lump sums on retirement, comparable to that given for self-administered private sector schemes in table 4.4 of the Government Actuary's report, "Occupational Pension Schemes 1991"; and what was the total expenditure of public sector schemes under each of these heads in 1991 and in the financial year 1992–93. [19990]

**Sir George Young** *[holding answer 25 April 1995]:* Information in the form requested is held centrally only for the public service pension schemes covering local government, teaching, the NHS, the civil service and the armed forces. It is given in the following table. Similar information for other public sector occupational pension schemes may be available from employing authorities or the managers of those schemes.

The Central Statistical Office publishes information obtained on a different sampling basis from that used by the Government Actuary—its survey of income and expenditure of funded private and public sector schemes in table 4.3 of "Business Monitor MQ5".

*£ million*

| | *1991–92* | *1992–93* | | | | |
|---|---|---|---|---|---|---|
| | *Pensions* | *Lump sums* | | | | |
| | *Members and dependents* | *Death* | *Pensions Retirement* | *Lump sums Members and dependents* | *Death* | *Retirement* |
| Local Government | 1,760 | 34 | 478 | 1,951 | 31 | 533 |
| Teaching | 1,892 | 14 | 433 | 2,092 | 16 | 526 |
| NHS | 1,340 | 17 | 283 | 1,497 | 18 | 317 |
| Civil Service | 1,670 | 32 | 271 | 1,773 | 32 | 318 |
| Armed Forces | 1,109 | 190 | | 1,195 | 286 | |

## EDUCATION

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Education which of the advisory non-departmental public bodies sponsored by her Department are under a statutory requirement to *(a)* publish their advice to the Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if she will list those bodies with a statutory base. [21165]

**Mr. Boswell:** There are no advisory non-departmental public bodies sponsored by this Department.

### Drugs

**Mr. Hawksley:** To ask the Secretary of State for Education what changes there have been in circulars giving guidance to schools concerning the reporting to police of pupils caught with soft drugs. [21279]

**Mr. Forth:** The Department issued for consultation last November a draft circular on drug prevention and schools. That made it clear that my right hon. Friend expects schools to notify the police when illegal drugs are found on a pupil or on school premises. That remains our view. Any instances of possession, use or supply of illegal drugs on school premises should be regarded with the utmost seriousness. The final circular will be published next month.

### University Science Parks

**Mr. Sheerman:** To ask the Secretary of State for Education how many university science parks are now in operation; and how many acres of land they occupy. [21061]

**Mr. Boswell:** There are currently 49 science parks in the UK with UK Science Park Association membership. We understand that there are also a small number of independent science parks. Figures on acreage of land occupied are not available centrally. The total amount of science park property floor space occupied by UKSPA members in 1994 was 675,000 sq. m.

### School Meals

**Mr. Thurnham:** To ask the Secretary of State for Education if she will list, in ranking order, the amount of subsidy per pupil for school meals for each local education authority in England and Wales, giving in the form of a table the income, expenditure and the subsidy, both in absolute amounts and per pupil, and relate the absolute subsidy to the cost of teachers' pay award in each authority. [20720]

**Mr. Robin Squire:** The table shows, in ranking order of cost per pupil, the expenditure and income in cash terms for local education authority school catering services in 1992–93, the latest year for which final figures are available. The table also shows the notional cost of the increase in teacher salaries in 1995–96 in England only; this information is not collected centrally in Wales. The figures in the table take no account of changes in

teacher numbers or other factors that affect the teachers' pay bill.

*School catering services*

| | *1992–93 expenditure £000* | *1992–93 income £000* | *1992–93 difference £000* | *1992–93 cost per pupil £* | *1995–96 estimated increase teachers' salary £000* |
|---|---|---|---|---|---|
| Corporation of London | 108 | 18 | 90 | 433 | 12 |
| Walsall | 11,025 | 1,808 | 9,217 | 206 | 1,634 |
| Lambeth | 5,421 | 876 | 4,545 | 183 | 1,271 |
| Kensington and Chelsea | 2,204 | 446 | 1,758 | 182 | 450 |
| Islington | 10,265 | 6,332 | 3,933 | 176 | 1,138 |
| Tower Hamlets | 6,229 | 808 | 5,421 | 172 | 1,614 |
| Hackney | 4,688 | 633 | 4,055 | 168 | 1,189 |
| Manchester | 13,163 | 2,349 | 10,814 | 151 | 2,769 |
| Hammersmith | 2,737 | 606 | 2,131 | 150 | 709 |
| Southwark | 5,304 | 1,022 | 4,282 | 145 | 1,214 |
| Camden | 3,536 | 562 | 2,974 | 140 | 1,037 |
| Derbyshire | 28,192 | 9,873 | 18,319 | 136 | 5,273 |
| Wandsworth | 4,079 | 991 | 3,088 | 135 | 1,170 |
| Greenwich | 5,388 | 1,034 | 4,354 | 125 | 1,620 |
| Newcastle upon Tyne | 6,554 | 1,838 | 4,716 | 119 | 1,531 |
| Haringey | 4,286 | 1,118 | 3,168 | 115 | 1,303 |
| Lewisham | 4,471 | 1,063 | 3,408 | 111 | 1,237 |
| North Tyneside | 5,071 | 1,673 | 3,398 | 110 | 1,226 |
| Knowsley | 3,549 | 607 | 2,942 | 110 | 986 |
| Gwynedd | 5,814 | 2,021 | 3,793 | 108 | |
| Humberside | 21,208 | 6,743 | 14,465 | 103 | 5,209 |
| Dyfed | 8,420 | 2,599 | 5,821 | 103 | |
| Newham | 4,873 | 1,063 | 3,810 | 102 | 1,555 |
| Waltham Forest | 4,388 | 1,240 | 3,148 | 102 | 1,388 |
| Cleveland | 14,836 | 4,530 | 10,306 | 101 | 3,839 |
| Bradford | 12,781 | 4,355 | 8,426 | 101 | 3,212 |
| Mid Glamorgan | 14,688 | 5,097 | 9,591 | 101 | |
| Durham | 15,029 | 5,615 | 9,414 | 101 | 3,449 |
| Brent | 4,370 | 1,147 | 3,223 | 100 | 1,371 |
| Wakefield | 8,500 | 3,689 | 4,811 | 98 | 1,837 |
| South Tyneside | 3,887 | 1,457 | 2,430 | 98 | 896 |
| Barnsley | 5,014 | 1,829 | 3,185 | 98 | 1,131 |
| Wolverhampton | 5,017 | 1,422 | 3,595 | 94 | 1,490 |
| Birmingham | 22,908 | 7,046 | 15,862 | 93 | 6,401 |
| Kirklees | 9,161 | 3,588 | 5,573 | 93 | 2,341 |
| Westminster | 2,045 | 536 | 1,509 | 92 | 820 |
| Rochdale | 4,935 | 1,836 | 3,099 | 91 | 1,249 |
| Salford | 4,931 | 1,757 | 3,174 | 86 | 1,459 |
| Isles of Scilly | 43 | 19 | 24 | 86 | 17 |
| Sandwell | 6,015 | 1,929 | 4,086 | 84 | 1,893 |
| Ealing | 4,261 | 1,391 | 2,870 | 83 | 1,370 |
| Avon | 17,438 | 6,477 | 10,961 | 82 | 5,068 |
| Liverpool | 8,782 | 2,456 | 6,326 | 81 | 2,993 |
| Sheffield | 8,824 | 3,383 | 5,441 | 79 | 2,681 |
| Bolton | 6,075 | 2,672 | 3,403 | 78 | 1,656 |
| Powys | 1,476 | 58 | 1,418 | 77 | |
| Nottinghamshire | 19,059 | 7,560 | 11,499 | 77 | 5,759 |
| Coventry | 4,716 | 1,062 | 3,654 | 76 | 1,924 |
| Doncaster | 7,620 | 3,894 | 3,726 | 75 | 1,722 |
| Gateshead | 3,331 | 1,124 | 2,207 | 75 | 1,168 |
| Gwent | 9,532 | 4,074 | 5,458 | 75 | |
| Suffolk | 7,115 | 526 | 6,589 | 74 | 3,556 |
| Enfield | 4,740 | 1,812 | 2,928 | 74 | 1,613 |
| Tameside | 5,265 | 2,685 | 2,580 | 72 | 1,299 |
| Northumberland | 7,386 | 3,854 | 3,532 | 71 | 1,768 |
| South Glamorgan | 7,185 | 2,533 | 4,652 | 71 | |
| Bury | 3,782 | 1,890 | 1,892 | 69 | 953 |
| Barking | 2,572 | 898 | 1,674 | 69 | 963 |
| East Sussex | 10,152 | 4,322 | 5,830 | 68 | 3,252 |
| Hounslow | 3,328 | 1,120 | 2,208 | 68 | 1,374 |
| Sefton | 4,799 | 1,692 | 3,107 | 68 | 1,655 |
| St. Helens | 3,271 | 1,274 | 1,997 | 67 | 1,146 |
| Leeds | 12,622 | 5,602 | 7,020 | 66 | 4,081 |
| Lancashire | 24,451 | 10,704 | 13,747 | 65 | 8,188 |

*School catering services*

| | *1992–93 expenditure £000* | *1992–93 income £000* | *1992–93 difference £000* | *1992–93 cost per pupil £* | *1995–96 estimated increase teachers' salary £000* |
|---|---|---|---|---|---|
| Bedfordshire | 11,733 | 6,293 | 5,440 | 64 | 3,292 |
| Sutton | 2,037 | 764 | 1,273 | 64 | 735 |
| Norfolk | 11,020 | 4,801 | 6,219 | 64 | 3,664 |
| Barnet | 4,669 | 2,200 | 2,469 | 63 | 1,741 |
| Trafford | 3,432 | 1,531 | 1,901 | 62 | 1,115 |
| Calderdale | 3,527 | 1,645 | 1,882 | 62 | 1,141 |
| Richmond upon Thames | 1,492 | 440 | 1,052 | 61 | 732 |
| Stockport | 4,003 | 1,342 | 2,661 | 61 | 1,639 |
| Dudley | 3,623 | 968 | 2,655 | 59 | 1,732 |
| Hertfordshire | 18,214 | 9,785 | 8,429 | 59 | 5,523 |
| Clywd | 7,108 | 3,267 | 3,841 | 59 | |
| West Glamorgan | 4,983 | 1,575 | 3,408 | 59 | |
| Wirral | 5,520 | 2,441 | 3,079 | 59 | 2,017 |
| Wigan | 5,414 | 2,485 | 2,929 | 58 | 2,038 |
| Isle of Wight | 1,017 | 24 | 993 | 56 | 684 |
| Croydon | 4,510 | 2,345 | 2,165 | 52 | 1,590 |
| Warwickshire | 6,916 | 3,393 | 3,523 | 51 | 2,563 |
| Surrey | 13,850 | 8,155 | 5,695 | 50 | 4,286 |
| Shropshire | 7,134 | 4,063 | 3,071 | 50 | 2,469 |
| Cambridgeshire | 9,338 | 4,631 | 4,707 | 49 | 3,420 |
| Cornwall | 5,394 | 2,088 | 3,306 | 49 | 2,446 |
| Hampshire | 20,463 | 10,198 | 10,265 | 48 | 7,944 |
| Leicestershire | 10,912 | 4,205 | 6,707 | 48 | 5,415 |
| Devon | 9,541 | 3,075 | 6,466 | 48 | 5,053 |
| Rotherham | 4,869 | 2,853 | 2,016 | 48 | 1,677 |
| Sunderland | 4,485 | 2,251 | 2,234 | 46 | 1,814 |
| Oxfordshire | 4,949 | 1,712 | 3,237 | 44 | 2,882 |
| Bromley | 1,180 | 0 | 1,180 | 43 | 1,045 |
| Solihull | 3,353 | 2,013 | 1,340 | 41 | 1,259 |
| Cumbria | 5,405 | 2,608 | 2,797 | 40 | 2,673 |
| Oldham | 3,981 | 2,377 | 1,604 | 40 | 1,625 |
| Staffordshire | 15,433 | 8,944 | 6,489 | 40 | 5,690 |
| Havering | 1,527 | 130 | 1,397 | 40 | 1,402 |
| Cheshire | 11,863 | 6,169 | 5,694 | 37 | 5,453 |
| Wiltshire | 2,844 | −18 | 2,862 | 36 | 2,967 |
| Redbridge | 1,198 | 0 | 1,198 | 36 | 1,359 |
| West Sussex | 4,528 | 1,173 | 3,355 | 36 | 3,614 |
| Essex | 12,270 | 5,665 | 6,605 | 33 | 7,887 |
| North Yorkshire | 6,815 | 3,677 | 3,138 | 31 | 3,890 |
| Gloucestershire | 2,075 | 203 | 1,872 | 28 | 2,470 |
| Somerset | 1,763 | 56 | 1,707 | 27 | 2,365 |
| Kent | 5,323 | 0 | 5,323 | 26 | 7,259 |
| Dorset | 2,102 | 107 | 1,995 | 25 | 2,814 |
| Kingston upon Thames | 496 | 89 | 407 | 24 | 752 |
| Hillingdon | 596 | 24 | 572 | 24 | 926 |
| Northamptonshire | 2,151 | 219 | 1,932 | 22 | 3,318 |
| Buckinghamshire | 2,111 | 131 | 1,980 | 21 | 3,289 |
| Harrow | 653 | 135 | 518 | 19 | 1,083 |
| Berkshire | 1,940 | 61 | 1,879 | 19 | 3,776 |
| Hereford and Worcester | 2,157 | 580 | 1,577 | 16 | 3,763 |
| Merton | 1,037 | 694 | 343 | 16 | 970 |
| Lincolnshire | 1,282 | 365 | 917 | 12 | 2,676 |
| Bexley | 1,748 | 1,683 | 65 | 2 | 1,219 |
| Total | 782,880 | 294,230 | 488,650 | 68 | 265,910 |

### North Yorkshire County Council

**Mr. Robert Banks:** To ask the Secretary of State for Education what was the budget for the employment of staff in the education department of North Yorkshire county council for each of the last 10 years. [20830]

**Mr. Robin Squire:** The table shows North Yorkshire county council expenditure on staff involved in service strategy and regulation, management and administration, inspection and advisory service in cash and real terms from 1984–85 to 1993–94, the latest year for which provisional outturn figures are available. These figures have not been adjusted for any changes of function.

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*North Yorkshire*

| *Administration and inspection expenditure* | *Total (cash terms) £000* | *Total (1994–95 prices) £000* |
|---|---|---|
| 1984–85 | 2,850 | 4,672 |
| 1985–86 | 2,893 | 4,496 |
| 1986–87 | 3,024 | 4,563 |
| 1987–88 | 3,340 | 4,785 |
| 1988–89 | 3,412 | 4,581 |
| 1989–90 | 4,093 | 5,136 |
| 1990–91 | 3,931 | 4,567 |
| 1991–92 | 4,179 | 4,568 |
| 1992–93 | 3,652 | 3,839 |
| 1993–94[1] | 3,980 | 4,060 |

[1] Provisional.

### Class Sizes

**Mr. Cohen:** To ask the Secretary of State for Education what is her estimate of the cost of adopting a policy which ensures that no class sizes in state schools exceed 30 pupils. [20463]

**Mr. Robin Squire:** The financial implications of any policy setting arbitrary limits on class size would depend on the resulting decisions taken at school level about the deployment of teachers and pupils.

### Education Expenditure, Leicestershire

**Mr. Duncan:** To ask the Secretary of State for Education how much is budgeted to be paid directly to schools in Leicestershire in the current financial year; how much will be spent elsewhere by the LEA on central administration or for other purposes; and what were the figures for each of the four previous years. [19934]

**Mr. Robin Squire:** The figures in the table are derived from the budget and outturn statements published by the Leicestershire local education authority under section 42 of the Education Reform Act 1988 in respect of schools covered by its scheme for the local management of schools. The general schools budget represents total expenditure, or planned expenditure, on the authority's county, voluntary and—from 1 April 1994—special schools; the aggregated schools budget is that portion of the GSB which is allocated to the schools themselves. The difference represents funding retained by the authority for central administration and other purposes relating to the schools covered by the local management of schools scheme.

| *Financial year* | *GSB (£k)* | *ASB (£000)* |
|---|---|---|
| 1995–96 (budget) | 318,103 | 237,430 |
| 1994–95 (budget) | 319,137 | 232,660 |
| 1993–94 (outturn) | 295,008 | 220,634 |
| 1992–93 (outturn) | 310,190 | 224,483 |
| 1991–92 (outturn) | 296,805 | 204,956 |

## TRADE AND INDUSTRY

### Equalisation Reserves

**Mr. Heald:** To ask the President of the Board of Trade when he will be issuing a consultation document on the subject of equalisation reserves. [22006]

**Mr. Jonathan Evans:** In his speech on Second Reading of the Insurance Companies (Reserves) Bill, my hon. Friend the Member for Hertfordshire, North (Mr. Heald) indicated that the Government proposed to issue a consultation document in the spring to invite comments on proposals for regulations introducing a requirement for equalisation reserves for some types of non-life business. I am pleased to be able to tell the House that the DTI and Inland Revenue are today jointly issuing the consultation document to which he referred. Copies have been placed in the Libraries of both Houses.

The insurance industry has argued for some years that it is at a disadvantage compared to its overseas competitors because some countries allow tax relief on transfers made into equalisation reserves for non-life business. These representations have been made in the light of the emerging single European market in insurance, and in particular the EC third non-life directive, which came into force on 1 July 1994 and which enables insurers to operate anywhere throughout the Community under a single authorisation and regulation by their home state. In some EC member states insurers are able to build up equalisation reserves free of tax to assist them in responding to exceptional claims and many UK companies believe this gives such companies a competitive advantage both in European and world insurance markets.

Claims equalisation reserves are used to set aside funds in good years to assist the meeting of losses in bad ones, resulting in a smoothing of insurers' underwriting results over time. Much insurance business that can suffer catastrophe or exceptional claims is written as one year contracts and taxed on the results for a single year. It is in the nature of such business, however, that its true profitability emerges only over a longer period. It is therefore argued that tax should be able to be deferred in respect of prudential sums set aside to reserves in good years since such sums are not really profit at all but will be needed to pay claims in bad years.

The supervisory proposals in the consultation document could be the basis of regulations if the provisions of the Insurance Companies (Reserves) Bill become law. The consultation document suggests that it would be appropriate for companies writing certain types of business to set aside a certain proportion of net written premium each year up to a maximum limit based on the amount of premium written over five years. Withdrawals would be triggered when a company's claims ratio for a financial year exceeded a set amount. The types of business which it is proposed be covered are: property, consequential loss, mortgage indemnity, marine, nuclear, proportional reinsurance of that business and all non-proportional reinsurance.

I am grateful to the industry, and in particular to the Association of British Insurers, for the work done to assist the development of these proposals. We hope that all interested parties will consider the proposals carefully and indicate whether they are content to proceed on that basis.

Representations should be sent by 7 July 1995 either to the DTI or the Inland Revenue.

### Radio Spectrum Review

**Mr. Heald:** To ask the President of the Board of Trade when the Government's response to stage 3 Radio spectrum review report will be published. [22007]

**Mr. Heseltine:** I am pleased to announce that, in agreement with the Secretaries of State for Defence, for the Home Department, for Scotland and for National Heritage, the Government's response to the recommendations made in the report of the radio spectrum review committee, "Stage 3: 28–470 MHz", will be published today. The review committee was chaired by Sir Colin Fielding and its report presented to Ministers on 19 January 1994.

Today's response and the progress which will be made in implementing the recommendations is a further example of the steps we are taking to improve the efficiency of spectrum management and usage in the UK to promote competition and choice for the benefit of all users of the radio spectrum.

The review committee made 28 recommendations, 24 of which have been accepted by the Government without reservation; the remaining four are accepted in principle. The recommendations cover both defence and civil use of the review spectrum and a number of them have already been acted upon. Part of an existing defence frequency band has already been released for a new digital radio broadcasting service for the UK. Further defence spectrum has been released in co-operation with NATO to provide the emergency services with an opportunity to develop a new radio system. This in turn will also assist with the resolution of the long-standing continental radio interference problems in the UHF frequency bands in England and Wales.

Some of the review committee's recommendations addressed spectrum management issues which were also the subject of the consultative document on the future management of the radio spectrum. Therefore it was decided to delay the completion of the Government's response to the stage three review until after consideration of the submissions to the consultative document.

### Cable Television Operators

**Sir Nicholas Bonsor:** To ask the President of the Board of Trade what assessment has been made of the damage to trees in the borough of Havering by the work undertaken by Encom; and what steps have been taken to prevent further damage. [20719]

**Mr. Ian Taylor:** Havering borough council, in conjunction with Encom, has carried out a survey of 14,000 trees in the borough to assess damage to trees by cabling activity. The company have agreed that any tree damaged as a result of their contractors' activity will be replaced by two new specimens. A code of practice has been agreed with the borough council to minimise the potential for further damage. The code commits Encom's contractors to hand digging in the vicinity of trees.

**Sir Nicholas Bonsor:** To ask the President of the Board of Trade what powers local authorities have to control the activities of cable television operators within their area; and what residual powers Her Majesty's Government have in this area. [20717]

**Mr. Ian Taylor:** The street works activities of cable TV operators, in common with other statutory undertakers, are governed by the New Roads and Street Works Act 1991, and its associated regulations. Local authorities may bring prosecutions under the Act for offences which include failure to reinstate, failure to comply with requirements on reinstatement materials and workmanship standards, failure to sign, guard and light the works as required and failure to co-operate with the street authority. The Telecommunications Act 1984, under which cable TV operators are licensed to install and run their systems, empowers the Secretary of State to modify the system installation conditions of cable operators' licences should he consider it expedient to do so.

**Mr. McMaster:** To ask the President of the Board of Trade what monitoring his Department carries out to ensure that cable television companies do not abuse their franchise by causing serious, unnecessary and unacceptable disruption to other local services and local residents; what recourse is available where this happens; and if he will make a statement. [19003]

**Mr. Ian Taylor:** Cable TV operators are licensed under the Telecommunications Act 1984 to install their systems in the maintainable highway and, with appropriate consent, on private land. Their licences include conditions designed to ensure that they operate in a responsible manner and adhere to all relevant street works legislation. Street works in the maintainable highway are subject to the New Roads and Street Works Act 1991, and its associated regulations, which is enforced by local highway authorities. The Act imposes a duty on the cable operator to co-operate with the local highway authority in the interests of safety, to minimise the inconvenience to persons using the street and to protect the structure of the street and the integrity of apparatus in it. The DTI monitors the performance of individual cable operators using a variety of statistical and empirical measures. The Department, in conjunction with local authorities, take action to ensure street works do not cause unnecessary disruption.

### Cable Communications (Schools)

**Ms Coffey:** To ask the President of the Board of Trade, pursuant to his oral answer to the hon. Member for Milton Keynes, North-East (Mrs. Butler) of 5 April, *Official Report*, column 1722, if he will place in the Library a copy of the Cable Communications Association undertaking to ensure that all schools in the areas for which it has franchises will be connected. [21023]

**Mr. Ian Taylor:** I welcome the decision by the Cable Communications Association to offer a free connecting to every school passed by cable TV networks. More than 350 schools are already benefiting from this policy, which was agreed by the association's board on 16 February. A copy of the policy has been placed in the Library of the House.

### Shipbuilding

**Mr. Davidson:** To ask the President of the Board of Trade what is his Department's policy on support for the shipbuilding industry from 1 January 1996. [20733]

**Mr. Eggar:** With the exception of the shipbuilding intervention fund and the home credit guarantee scheme, no changes are planned to the Department's policies on the shipbuilding industry after 1 January 1996.

The shipbuilding intervention fund scheme will be abolished from that date. The United Kingdom will abide by the terms of the OECD's agreement respecting competitive conditions in the commercial shipbuilding and repair industry, signed in December 1994, which abolishes all direct subsidies to these industries on a multilateral basis. However, payments made under commitments entered into before 1 January 1996 may be continued until 31 December 1998.

The future of the home credit guarantee scheme is being reviewed in the light of the OECD agreement.

### Land Sales (British Coal)

**Mr. Illsley:** To ask the President of the Board of Trade if he will identify all the parcels of land currently being offered by sale by British Coal. [20829]

**Mr. Page:** This is a matter for British Coal. I understand that the corporation is considering the composition of the property packages which it is to offer for sale.

### Crown Post Offices

**Mrs. Roche:** To ask the President of the Board of Trade what guidance his Department gives to the Post Office regarding consultation procedures for proposed changes to Crown post offices. [20890]

**Mr. Page:** The implementation of any changes to Crown post offices is a matter for Post Office Counters Ltd.

**Mrs. Roche:** To ask the President of the Board of Trade how many Crown post offices he expects there to be in each of the next five years. [20891]

**Mr. Page:** The ownership of its outlets is a matter for Post Office Counters Ltd.

**Mrs. Roche:** To ask the President of the Board of Trade how many representations he has received from members of the public regarding converting Crown post offices to agency status; how many of those have been in favour of such a change; and how many against. [20893]

**Mr. Page:** Since the Post Office started its Crown conversion programme in 1989 my Department has received a wide range of correspondence commenting on the programme, most commonly on proposals for individual offices. However, summary records of the numbers of letters received and the views expressed in them are not maintained.

**Mrs. Roche:** To ask the President of the Board of Trade what guidance he issues on the categories of shops and businesses in which it is *(a)* appropriate and *(b)* inappropriate to situate post offices. [20894]

**Mr. Page:** The location and ownership of its outlets is a matter for Post Office Counters Ltd.

**Mrs. Roche:** To ask the President of the Board of Trade how many Crown post offices there were in *(a)* 1979, *(b)* 1985, *(c)* 1990 and *(d)* the last year for which figures are available. [20895]

**Mr. Page:** I understand from the Post Office that the information requested is as follows:

| *Date* | *Number of Crown Post Offices* |
|---|---|
| 31 March 1979 | 1,580 |
| 3 April 1985 | 1,553 |
| 28 March 1990 | 1,339 |
| 28 February 1995 | 735 |

The total number of post offices offering the full range of Post Office services is currently 1,506.

**Mrs. Roche:** To ask the President of the Board of Trade if he will ensure that Post Office guidelines about suitable outlets for agency post offices are published in the *Official Report* and placed in the Library. [21026]

**Mr. Page:** The location and ownership of its outlets is a matter for Post Office Counters Ltd.

### Trade Visit (South Africa)

**Mr. Worthington:** To ask the President of the Board of Trade if he will make a statement on the outcomes of the recent visit by the trade Minister to South Africa and on future plans for trade development with South Africa. [19913]

**Mr. Needham:** During my visit to South Africa in March, 80 business men were involved in technical seminars on the royal yacht, on-shore business-to-business meetings and meetings with key figures in the South African Government of National Unity.

Nearly 50 of the business party travelled to Johannesburg during the middle of the week to discuss issues with the financial community and to talk to their opposite numbers in the electricity utility, Eskom, brewing conglomerate, South African Breweries, and urban regeneration planners and engineers at the Johannesburg Transitional metropolitan council.

British companies announced a series of major deals during the week which are expected to lead millions of pounds of additional business.

An Anglo-South African partnership initiative is to be established, comprising some of the most important business men in both countries, which will promote trade between the two countries. This is expected to be formally inaugurated in September, when we will be staging a major "British Week" in Johannesburg. This will feature sporting and cultural events as well as a major all-British trade exhibition under the title "Britain means Business".

## HOME DEPARTMENT

### Immigration Service and Police Raids

**Mrs. Roche:** To ask the Secretary of State for the Home Department what plans he has to reform the named offender procedure with regard to immigration service and police raids. [20889]

**Mr. Nicholas Baker:** There are no plans to change the present policy that in all cases every reasonable effort should be made to establish the names of people whom it is suspected will be found and to check them against immigration records. Visits to private addresses will continue to be authorised only where there is good reason to suspect that an identified person is there in breach of the immigration laws. However, in relation to places of work, my right hon. and learned Friend and I have decided that in future, where there is reason to believe that efforts to enlist the co-operation of the employer would undermine the effectiveness of a planned operation, visits will be authorised where there is apparently reliable information that immigration offenders will be found.

Particular account will be taken of whether there is a history of the premises being used by offenders.

### Closed Circuit Television

**Mrs. Roche:** To ask the Secretary of State for the Home Department if he will list the closed circuit television bids which were considered to be of good or very good quality. [21024]

**Mr. Maclean:** The information, by police authority area, is as follows:

*Avon and Somerset*
- Easton and St. Agnes, Bristol
- Spike Island, Bristol
- Clifton, Bristol
- Bath
- Bridgewater bus station, Somerset
- Bridgewater railway station, Somerset
- Nailsea, Bristol

*Bedfordshire*
- Bedford
- Cranfield University
- Sandy

*Cambridgeshire*
- Ely
- Huntingdon, Ramsey, St. Ives and St. Neots
- March
- Peterborough
- Cambridge
- Wisbech

*Cheshire*
- Chester
- Congleton
- Macclesfield
- Neston
- Northwich

*Cleveland*
- Easterside library and Redcar library
- Billingham
- Thornaby
- Redcar further education centre
- Skippers Lane industrial estate, Langbaurgh
- Mill Lane primary school, Stockton
- Teesside retail park, Thornaby

*Cumbria*
- Carlisle
- Penrith
- West Cumberland hospital

*Derbyshire*
- Chesterfield
- Derby
- Dronfield and Killamarsh sports centres
- Ilkeston
- Buxton, Glossop, Chapel en le Frith, New Mills and Whaley Bridge
- Long Eaton

*Devon and Cornwall*
- Barnstaple
- Bodmin
- Exeter
- Falmouth
- South Hams hospital, Kingsbridge
- Newquay
- Truro, Devon
- Westland upper school, Torquay
- Torquay town centre
- Tiverton town centre
- Tiverton business centre
- St. Austell town centre

*Dorset*
- Boscombe town centre

*Durham*
- Darlington centre
- Durham city centre
- Chester le Street town centre
- Bishop Auckland town centre

*Dyfed-Powys*
- Haverfordwest town centre
- Carmarthen town centre

*Essex*
- Laindon shopping centre
- Harlow town centre
- The Blackshots centre, Thurrock
- Chelmsford town centre
- Shenfield and Brentwood centre

*Gloucestershire*
- Stroud town centre
- Gloucester city centre
- Dursley town centre
- Cirencester town centre
- Cheltenham town centre
- Rowanfield infants and junior schools, Cheltenham
- Beaufort Community School, Gloucester

*Greater Manchester*
- Richmond Park estate, Ashton under Lyne
- Bolton town centre
- Mancroft avenue housing estate, Bolton
- Bury town centre
- Middleton town centre
- Rochdale town centre
- Stepping Hill general hospital, Stockport
- Droylsden town centre
- Denton town centre
- Ashton-under-Lyne town centre
- Stalybridge town centre
- Tameside business development centre
- Hyde town centre
- Saymour Park primary school, Old Trafford
- Westhoughton town centre
- Wigan town centre
- Marsh green, Wigan
- Howe Bridge sports centre car park, Wigan
- Wythenshawe hospital
- Wythenshawe park
- Wythenshawe town centre

*Gwent*
- Cwmbran
- Gwent-Bettsw school
- Cwmbran-Croesyceilog school
- Ebbw Vale-Rassau industrial estate

*Hampshire*
- Basingstoke
- Eastleigh
- Gosport
- Southsea-Fawcett Road shopping centre
- Havant
- Portsmouth-Kingston road
- Portsmouth-NHS trust hospital
- Portsmouth-The Mountbatten centre
- Portsmouth-Commercial road
- Southampton
- Southsea

*Hertfordshire*
- North Herts-Hitchen and Letchworth business park
- Stevenage
- Welwyn Garden city

*Humberside*
- Brigg
- Cleethorpes
- Driffield
- Goole
- Grimsby-Yarborough estate
- -Grimsby general hospital
- Hull-Sutton Fields industrial estate

*Kent*
- Ashford
- Dartford
- Dover and Deal
- Folkestone
- Gillingham
- Maidstone
- Ramsgate
- Rochester
- Sandwich
- Swale
- Tonbridge and West Malling

*Lancashire*
- Blackpool
- Burnley
- Chorley
- Clitheroe
- Lancaster
- Morecambe

*Leicestershire*
- Ashby de la Zouch
- Loughborough
- Market Harborough
- Melton Mowbray
- Moira village

*Lincolnshire*
- Boston-Kirton
- Boston
- Donington
- Gainsborough

*Merseyside*
- Bootle leisure centre and North park
- Huyton sports centre car park
- Kirkby railway station
- Liverpool
- Picton sports centre, Liverpool
- Five Schools in Sefton
- St. Helens
- Southport and Formby maternity unit

*Metropolitan*
- Prince of Wales drive, Battersea
- Brent
- Bromley, Beckenham and Orpington
- Deptford, Lewisham and Catford
- Earl's Court road
- Edgware general hospital and Barnet general hospital
- Edmonton green
- Elephant and Castle
- Erith
- Greenwich
- Harrow
- Hillingdon-mobile system
- Hounslow
- Archway mall, Islington
- Patrick Conan house, Islington
- Calshot neighbourhood, Islington
- Market estate and St. Luke's estate, Islington
- King's College hospital, Denmark Hill
- Morden
- Henniker point, Newham
- Rathbone estate, Newham
- Plaistow
- Woodside Park synagogue, North Finchley
- Richmond
- South Westminster
- Sunbury cross, Spelthorne
- Northern wards of London borough of Sutton
- Mayday University hospital, Thornton Heath
- Chrisp street, Tower Hamlets
- Plough lane, Wimbledon
- Wood Green
- North Walthamstow industrial estates
- Potters lane subway, Wandsworth

*Norfolk*
- Dereham, Swaffham, Watton, Thetford and Attleborough
- Hardwick industrial estate, King's Lynn
- North Lynn youth and community centre

*Northamptonshire*
- Daventry
- Kettering
- Wellingborough road, Northampton

*Northumbria*
- Coronation street car park, South Shields
- Saville street and Winchester street car parks, South Shields
- Fielding court, South Shields
- Multi-storey car park, South Shields
- Alnwick and Amble
- Berwick upon Tweed
- Blaydon
- Team Valley trading estate, Gateshead
- Gateshead
- Hebburn, south Tyneside
- Jarrow, including community centre, South Shields
- Jarrow town centre tower blocks, South Shields
- Hexham, Northumberland
- Royal Victoria infirmary, Newcastle upon Tyne
- New Bridge Street car park, Newcastle upon Tyne
- Silksworth sports complex, Sunderland
- Monkwearmouth/Roker seafront, Sunderland
- Whitley Bay, North Tyneside

*North Wales*
- Caernarfon, Gwynedd
- Seven schools in Clwyd
- Colwyn bay
- Rhyl
- Wrexham, Clwyd

*North Yorkshire*
- Boroughbridge
- Harrogate
- Rydale—Malton
  Pickering
- Scarborough
- York

*Nottinghamshire*
- Mansfield
- Nottingham—Mobile CCTV unit

*South Wales*
- Merthyr Tydfill
- Neath
- Swansea—enterprise park
- Taff Ely—railway line
- West Glamorgan—mobile CCTV unit
- Rhondda—Ystrad

*South yorkshire*
- Doncaster—Brodsworth, community centre and playing field
- Doncaster—Balby Street school
- Doncaster
- Hillsborough

Rotherham
Sheffield
Sheffield—industrial estates

*Staffordshire*
Burton Upon Trent
Lichfield
South Staffordshire—five schools
Tamworth

*Suffolk*
Forest Heath—Newmarket
Mildenhall
Brandon
Ipswich

*Surrey*
Addlestone
Chertsey
Egham
Guildford
Kingston

*Sussex*
Eastbourne
Hailsham
Hastings
Horsham
Newhaven
Worthing

*Thames Valley*
Banbury, Oxfordshire
Bicester, Oxfordshire
Kildington, Oxfordshire
Chesham, Buckinghamshire
Newbury, Berkshire
Oxford
Windsor, Maidenhead and Eton
Wokingham, Berkshire
High Wycombe, Buckinghamshire

*Warwickshire*
Nuneaton and Bedworth
Stratford on Avon

*West Mercia*
Bridgnorth endowed school, Shropshire
Bridgnorth, Shropshire
Hereford
Ledbury, Herefordshire
Shrewsbury
Tenbury Wells, Worcestershire
Whitchurch, Shropshire
Worcester

*West Midlands*
Villa road and Lozells road, Birmingham
Cannon Hill park, Birmingham
Coventry
Rugby
Solihull
Stockingford middle school, Nuneaton, Warwickshire
Broad street car park, Wolverhampton
Yew Tree Estate, Walsall
West Bromwich
Cape hill, Sandwell
Galton village community centre, Sandwell

*West Yorkshire*
Bingley
Canterbury estate, Bradford
Keighley, Bradford
Elland
Halifax
Kettlethorpe high school, Wakefield
Outwood Grange school, Wakefield

*Wiltshire*
Salisbury
West Wiltshire—mobile system

**Mrs. Roche:** To ask the Secretary of State for the Home Department, pursuant to his answer of 31 March, *Official Report*, column *854*, what criteria were used by Ministers to decide which of the bids for closed circuit TV funding assessed by the panel as being of good or very good quality would receive funding. [21025]

**Mr. Maclean:** The criteria used to assess all of the bids for funding for CCTV in the recent challenge competition were those published in the bidding guidance document issued on 9 November 1994.

## Private Security Companies

**Mr. Parry:** To ask the Secretary of State for the Home Department if he has sought the opinion of the Merseyside police authority on the Protect-U-Rite private security company based in Liverpool; and if he will make a statement. [21145]

**Mr. Maclean:** No.

**Mr. Parry:** To ask the Secretary of State for the Home Department what assessment he has made of any link between the setting up of a private security company on Merseyside and the reduction in the Merseyside police budget and if he will make a statement. [21147]

**Mr. Maclean:** There is no link between the setting up of private security companies in a particular area and the budget of the local police force. Merseyside police authority has taken advantage of the additional funds made available for 1995–96 and has set this year's force budget at £218.56 million. That is an increase of £5.33 million, or 2.5 per cent., over the base budget for 1994–95.

**Mr. Parry:** To ask the Secretary of State for the Home Department what assessment he has made of the process used by private security companies to check on possible criminal records of their employees; and if he will make a statement. [21148]

**Mr. Maclean:** It is for private security companies themselves to decide what checks to carry out in assessing the suitability of prospective employees. They do not at present have access to criminal records, but we are looking at the case for such access as part of our wider review of the arrangements for disclosure of criminal records.

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for the Home Department which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to the Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those bodies with a statutory base. [21160]

**Mr. Howard:** The information is as follows:

*(a) Advisory NDPBs required by statute to publish their advice*
Firearms Consultative Committee
Parliamentary Boundary Commission for England
Parliamentary Boundary Commission for Wales

*(b) Advisory NDPBs required by statute to publish an annual report*
The Animal Procedures Committee
Firearms Consultative Committee
The Parole Board

*(c) Advisory NDPBs required by statute to lay an annual report before Parliament*

The Animal Procedures Committee
Firearms Consultative Committee
The Parole Board

*(d) Advisory NDPBs with a statutory basis*

Advisory Council on the Misuse of Drugs
Animal Procedures Committee
Central Fire Brigades Advisory Council
Firearms Consultative Committee
Parliamentary Boundary Commission for England
Parliamentary Boundary Commission for Wales
Parole Board
Poisons Board
Police Negotiating Board

### Computer Pornography

**Mr. Timms:** To ask the Secretary of State for the Home Department how many police officers have been trained to deal with computer pornography on the Internet; and how many of these are outside the specialist obscene publication branches in London and Manchester. [21187]

**Mr. Maclean:** It is for chief officers to decide, in the light of their operational requirements, what training should be given on detecting computer pornography. Records of the number of officers so trained are not held centrally.

### Extradition (Singapore)

**Mr. MacShane:** To ask the Secretary of State for the Home Department what are the grounds for extraditing a British citizen to Singapore from the United Kingdom. [21128]

**Mr. Nicholas Baker:** The United Kingdom's extradition arrangements with Singapore are governed by part III of the Extradition Act 1989. This permits extradition for offences committed within Singapore's legal jurisdiction, provided that a prima facie case can be shown, that the alleged offence carries a sentence of one year or more on conviction and that the alleged offence would also be an offence in this country.

### National Lottery

**Mr. Chris Smith:** To ask the Secretary of State for the Home Department when he intends to report to Parliament the initial findings of his officials' monitoring exercise on the impact of the national lottery on charities and charity lotteries. [20987]

**Mr. Nicholas Baker:** My right hon. and learned Friend will wish to report on the level of charitable income following the introduction of the national lottery once he has sufficient relevant data and after it has been analysed. The Government are now looking into the practicalities of the necessary data collection and my right hon. and learned Friend will decide on the timing of his report in the light of that consideration.

**Mr. Chris Smith:** To ask the Secretary of State for the Home Department how many of his officials are engaged in the exercise to monitor the impact of the national lottery on charities and charity lotteries. [21002]

**Mr. Nicholas Baker:** Consideration is still being given to how best to measure any changes in charitable income following the introduction of the national lottery and to the staffing implications of the exercise.

### Mr. Nicholas Hill

**Mr. Mike O'Brien:** To ask the Secretary of State for the Home Department when Nicholas Anthony Hill, convicted in 1990 at Birmingham Crown court, will be considered for *(a)* parole and *(b)* weekend leave; and what is his estimated date of release. [20646]

**Mr. Maclean:** The third review of Mr. Hill's eligibility for parole is currently under way, his previous two applications having been unsuccessful. Under the new system of release on temporary licence, which came into effect on 25 April, Mr. Hill is eligible at the same time to be considered for resettlement licence although he has no automatic entitlement to it. If he is not granted parole, Mr. Hill will be released from prison on 20 April 1998.

### Metropolitan Police

**Mr. Mike O'Brien:** To ask the Secretary of State for the Home Department how many applications have been received by the Metropolitan police for police recruitment in each of the last 12 months. [20650]

**Mr. Maclean:** The following is the information requested:

| *Month* | *Male* | *Female* |
|---|---|---|
| April 1994 | 16 | 8 |
| May 1994 | 19 | 7 |
| June 1994 | 2,015 | 557 |
| July 1994 | 1,323 | 322 |
| August 1994 | 59 | 12 |
| September 1994 | 846 | 249 |
| October 1994 | 759 | 233 |
| November 1994 | 378 | 183 |
| December 1994 | 1,060 | 276 |
| January 1995 | 37 | 8 |
| February 1995 | 493 | 138 |
| March 1995 | 1,178 | 373 |

These figures exclude applications to join the special constabulary.

### Illegal Passengers

**Dr. Howells:** To ask the Secretary of State for the Home Department (1) how many immigration surveillance units, equipped with trained dogs, are currently monitoring the entry through the port of Dover of heavy goods vehicles; [20749]

(2) how many immigration surveillance units, equipped with trained dogs, are currently monitoring the entry of heavy goods vehicles through east coast ports between the Thames ports in London and North End and Newcastle; [20751]

(3) how many immigration surveillance units, equipped with trained dogs, are currently monitoring the transportation of heavy goods vehicles through the channel tunnel; and where those units are based; [20747]

(4) how many immigration surveillance units, equipped with trained dogs, are currently monitoring the entry of heavy goods vehicles through the channel ports, from Ramsgate to Plymouth. [20748]

**Mr. Nicholas Baker:** There is one unit, based at Dover, equipped with dogs specially trained for the purpose of detecting people hidden in vehicles. The use of dogs in this way forms part of the operational measures to combat illegal entry. In addition to the ports in the south-east district, the dogs have been deployed at Felixstowe, Harwich, Newhaven, Southampton, Portsmouth and Poole.

**Dr. Howells:** To ask the Secretary of State for the Home Department what equipment is being used in and around the channel tunnel to detect the possible presence of illegal passengers in the freight containers of heavy goods vehicles using the tunnel. [20760]

**Mr. Nicholas Baker:** No special equipment is used by the immigration service in and around the channel tunnel in order to detect the presence of illegal entrants. However, there is scope for using specially trained dogs at Cheriton for this purpose.

**Dr. Howells:** To ask the Secretary of State for the Home Department (1) how many immigration officers currently employed on permanent contracts to monitor the movement of illegal passengers are based permanently at *(a)* Ramsgate, *(b)* Dover, *(c)* Newhaven, *(d)* Portsmouth, *(e)* Southampton, *(f)* Poole and *(g)* Plymouth; [20750]

(2) how many United Kingdom immigration officers are currently employed on permanent contracts to monitor the movement of illegal passengers in and around the channel tunnel and where those officers are based. [20746]

**Mr. Nicholas Baker:** The detection of passengers attempting to enter illegally forms part of the duties of all immigration officers. The number of immigration officers in post on 31 March 1995 at the ports cited was as follows: *(a)* Ramsgate: 12, *(b)* Dover: 188.5, *(c)* Newhaven: 18.5, *(d)* Portsmouth: 30, *(e)* Southampton: 11, *(f)* Poole: 3, and *(g)* Plymouth: 8. There were a further 62 immigration officers based at Waterloo international terminal and 22.5 at Cheriton. Immigration officers based at Dover and Cheriton staff the channel tunnel control at Coquelles in France.

**Dr. Howells:** To ask the Secretary of State for the Home Department how many individuals have been apprehended during 1994–95 by the United Kingdom authorities *(a)* at a port of entry in the act of attempting to obtain illegal entry to the United Kingdom by hiding in the freight containers of heavy goods vehicles and *(b)* at inland locations, the vehicles having passed through the port of entry. [20761]

**Mr. Nicholas Baker:** A total of 1,742 illegal entrants who arrived by clandestine means were detected in the year ended 31 December 1994, the latest period for which statistics—currently provisional—are available. A breakdown of this figure by method of clandestine entry and by port of detection is not available.

**Dr. Howells:** To ask the Secretary of State for the Home Department what measures he is taking in co-operation with Europol/Interpol and with his counterparts in other EU member states to combat the activities of criminals in Italy and France engaged in smuggling illegal immigrants into the United Kingdom. [20759]

**Mr. Maclean:** At their meeting on 9 and 10 March 1995, European Union Interior and Justice Ministers agreed to extend the remit of the Europol drugs unit to include the exchange and analysis of intelligence on crimes involving illegal immigration networks and the criminal organisations involved. Through the national criminal intelligence service UK police and immigration officers are actively involved in planning the work of the EDU in this field. There are already good bilateral links between the UK, France and Italy.

### Identity Cards

**Dr. Howells:** To ask the Secretary of State for the Home Department what assessment he has made of the relevance of the expertise of United Kingdom Passport Agency staff to work involved in any national identity card scheme which he is considering announcing. [20767]

**Mr. Nicholas Baker:** I am well aware of the valuable expertise which the Passport Agency has available in considering applications for and issuing identity documents in the form of British passports. Consequently, my officials have kept closely in touch with the Passport Agency in preparing the forthcoming Green Paper on identity cards.

**Dr. Howells:** To ask the Secretary of State for the Home Department what are the estimated costs of introducing comprehensive identity card schemes for the United Kingdom utilising *(a)* a smart card capable of being processed by electronic equipment and *(b)* a standard paper document. [20770]

**Mr. Nicholas Baker:** To establish a separate comprehensive identity card scheme covering all the adult population has been estimated to cost in the region of £600 million or possibly more depending on the type of scheme. These costs could be substantially lower if the card were associated with an existing form of official documentation. The precise cost would depend on the detailed arrangements, including the type of card—a "smart" card incorporating an electronic chip could cost up to £5 to produce compared with up to £1 for an ordinary plastic photocard—and the nature of the scheme.

My right hon. and learned Friend will be publishing a consultation document on identity cards shortly which will contain some estimates of costs of different kinds of schemes.

### Firearms

**Mr. Gale:** To ask the Secretary of State for the Home Department how many licensed gun dealers are located within the Metropolitan police area. [20787]

**Mr. Maclean:** The information requested is published in the annual Home Office statistical bulletin "Firearm certificate statistics, England and Wales 1993", issue 22/94, table 5, copies of which can be found in the Library.

**Mr. Gale:** To ask the Secretary of State for the Home Department how many *(a)* firearm and *(b)* shotgun licences were issued in the Metropolitan police area during the last year for which figures are available. [20785]

**Mr. Maclean:** The information requested is published in the annual Home Office statistical bulletin "Firearm certificate statistics, England and Wales 1993", issue 22/94, tables 2 and 4, copies of which can be found in the Library.

*Table 2: Firearm certificates: applications for grant, renewal and variation, granted and refused; revocations; certificates on issue at 31 December by police force area*

*England and Wales 1993* — *Numbers*

| Police force area | Applications: Grant of new certificate: Granted | Grant of new certificate: Refused | Renewal of certificate: Granted | Renewal of certificate: Refused | Variation of certificate: Granted | Variation of certificate: Refused | Revocations | Firearm certificates on issues at 31 December |
|---|---|---|---|---|---|---|---|---|
| Avon and Somerset | 267 | 3 | 1,508 | 11 | 143 | 8 | 6 | 5,306 |
| Bedfordshire | 121 | 3 | 386 | 2 | 44 | 2 | 4 | 1,374 |
| Cambridgeshire | 196 | 2 | 796 | 5 | 88 | 2 | 6 | 2,951 |
| Cheshire | 200 | 4 | 700 | — | — | — | 3 | 2,642 |
| Cleveland | 68 | — | 196 | — | 45 | — | — | 855 |
| Cumbria | 190 | — | 957 | — | 151 | 2 | 2 | 3,324 |
| Derbyshire | 255 | — | 612 | — | 70 | — | 3 | 2,323 |
| Devon and Cornwall | 606 | 5 | 2,307 | 3 | 201 | 4 | 9 | 8,595 |
| Dorset | 204 | 2 | 740 | 2 | 78 | — | — | 2,511 |
| Durham | 146 | — | 591 | — | 53 | — | 1 | 2,114 |
| Essex | 323 | 4 | 1,181 | 8 | 381 | — | 8 | 4,125 |
| Gloucestershire | 170 | 1 | 710 | — | 168 | — | 2 | 2,443 |
| Greater Manchester | 256 | 1 | 653 | — | 52 | — | 3 | 2,674 |
| Hampshire | 437 | 19 | 1,333 | 37 | 558 | 2 | 9 | 5,360 |
| Hertfordshire | 139 | — | 523 | — | 487 | — | 4 | 1,873 |
| Humberside | 208 | 2 | 860 | — | 154 | 1 | 2 | 2,878 |
| Kent | 299 | 9 | 1,707 | 6 | 100 | 1 | 4 | 4,366 |
| Lancashire | 200 | 4 | 822 | 8 | 80 | 1 | 1 | 2,896 |
| Leicestershire | 136 | — | 473 | 3 | 49 | 1 | 3 | 1,918 |
| Lincolnshire | 230 | — | 909 | — | 80 | — | 2 | 3,470 |
| London, City of | 2 | — | 7 | — | 6 | — | — | 39 |
| Merseyside | 128 | 2 | 387 | — | 34 | — | 6 | 1,722 |
| Metropolitan Police District | 827 | 20 | 2,458 | 24 | 276 | — | 9 | 9,248 |
| Norfolk | 320 | 5 | 967 | 4 | 453 | 2 | 5 | 3,535 |
| Northamptonshire | 144 | — | 544 | — | 165 | — | 3 | 2,244 |
| Northumbria | 311 | 3 | 267 | 4 | 152 | — | 4 | 3,610 |
| North Yorkshire | 299 | 1 | 1,536 | 1 | 183 | 3 | — | 5,500 |
| Nottinghamshire | 182 | — | 494 | — | — | — | 4 | 1,979 |
| South Yorkshire | 184 | — | 385 | — | 54 | — | 1 | 1,597 |
| Staffordshire | 232 | 1 | 719 | — | 276 | — | 2 | 3,042 |
| Suffolk | 284 | — | 746 | 2 | 87 | 2 | 2 | 3,567 |
| Surrey | 269 | — | 696 | 3 | 70 | — | 2 | 2,622 |
| Sussex | 402 | — | 1,597 | — | 166 | — | — | 5,524 |
| Thames Valley | 591 | 10 | 1,648 | 17 | 579 | 4 | 18 | 6,425 |
| Warwickshire | 127 | 2 | 511 | — | 34 | — | — | 1,663 |
| West Mercia | 492 | 9 | 1,707 | 12 | 257 | 21 | 5 | 5,081 |
| West Midlands | 214 | — | 673 | 1 | 646 | — | 2 | 2,448 |
| West Yorkshire | 295 | 8 | 914 | 11 | 591[1] | 3[1] | 7 | 3,212 |
| Wiltshire | 220 | — | 656 | — | 242 | — | — | 2,589 |
| Dyfed-Powys | 252 | — | 951 | 1 | 152 | — | 1 | 3,319 |
| Gwent | 71 | 1 | 229 | 1 | 157[1] | 1[1] | 1 | 822 |
| North Wales | 196 | 1 | 617 | 1 | 149 | — | 1 | 2,353 |
| South Wales | 201 | 2 | 614 | — | 46 | — | 2 | 2,280 |
| All forces | 10,894 | 124 | 37,287 | 167 | 8,040[2] | 60[2] | 147 | 138,419 |

[1] Total number of variations only available from these forces—see note 3.
[2] Includes estimates made centrally for two forces.

*Table 4: Shotgun certificates: applications for grant and renewal, granted and refused; revocations; certificates on issue at 31 December by police force area*

*England and Wales 1993* — *Numbers*

| Police force area | Applications: Grant of new certificate: Granted | Grant of new certificate: Refused | Renewal of certificate: Granted | Renewal of certificate: Refused | Revocations | Shotgun certificates on issue at 31 December |
|---|---|---|---|---|---|---|
| Avon and Somerset | 812 | 16 | 7,965 | 10 | 26 | 24,329 |
| Bedfordshire | 278 | 9 | 2,172 | — | 12 | 7,305 |
| Cambridgeshire | 862 | 18 | 5,716 | 13 | 21 | 16,674 |

*Table 4: Shotgun certificates: applications for grant and renewal, granted and refused; revocations; certificates on issue at 31 December by police force area*

*England and Wales 1993* — *Numbers*

| | *Applications* | | | | | |
|---|---|---|---|---|---|---|
| | *Grant of new certificate* | | *Renewal of certificate* | | | |
| *Police force area* | *Granted* | *Refused* | *Granted* | *Refused* | *Revocations* | *Shotgun certificates on issue at 31 December* |
| Cheshire | 526 | 6 | 4,103 | 4 | 17 | 14,193 |
| Cleveland | 109 | 3 | 788 | — | 2 | 2,935 |
| Cumbria | 401 | 9 | 3,590 | — | 11 | 11,864 |
| Derbyshire | 892 | 3 | 4,182 | 2 | 16 | 13,380 |
| Devon and Cornwall | 1,169 | 17 | 12,733 | 8 | 34 | 39,591 |
| Dorset | 443 | 4 | 3,749 | — | 13 | 12,711 |
| Durham | 278 | 5 | 2,154 | — | 4 | 7,076 |
| Essex | 1,241 | 18 | 7,152 | 10 | 30 | 22,577 |
| Gloucestershire | 550 | 5 | 3,957 | 1 | 5 | 12,891 |
| Greater Manchester | 450 | 3 | 3,065 | — | 7 | 10,990 |
| Hampshire | 1,207 | 19 | 6,700 | 17 | 17 | 23,532 |
| Hertfordshire | 782 | 14 | 2,881 | — | 10 | 10,277 |
| Humberside | 363 | 11 | 3,433 | 3 | 12 | 11,094 |
| Kent | 1,019 | 32 | 11,487 | 5 | 23 | 23,870 |
| Lancashire | 660 | 14 | 4,454 | 6 | 22 | 13,819 |
| Leicestershire | 474 | — | 3,686 | 6 | 3 | 12,173 |
| Lincolnshire | 578 | 4 | 4,924 | 2 | 15 | 17,382 |
| London, City of | 1 | — | 5 | — | — | 35 |
| Merseyside | 243 | 6 | 1,595 | 2 | 8 | 4,989 |
| Metropolitan Police District | 2,206 | 34 | 9,554 | 15 | 26 | 35,621 |
| Norfolk | 1,096 | 19 | 7,586 | 10 | 37 | 22,865 |
| Northamptonshire | 375 | 1 | 2,809 | — | 16 | 10,125 |
| Northumbria | 608 | 16 | 953 | 4 | 11 | 9,886 |
| North Yorkshire | 644 | — | 6,287 | — | 7 | 20,159 |
| Nottinghamshire | 552 | 9 | 2,866 | 2 | 12 | 12,306 |
| South Yorkshire | 527 | 7 | 2,603 | — | 13 | 9,174 |
| Staffordshire | 721 | 5 | 6,348 | 2 | 8 | 19,601 |
| Suffolk | 928 | 1 | 5,101 | 2 | 11 | 19,166 |
| Surrey | 548 | 4 | 3,653 | 2 | 12 | 12,459 |
| Sussex | 1,259 | 2 | 6,927 | — | 5 | 23,924 |
| Thames Valley | 1,983 | 29 | 9,481 | 25 | 62 | 32,576 |
| Warwickshire | 358 | 4 | 3,257 | — | 2 | 10,127 |
| West Mercia | 1,514 | 22 | 1,595 | — | 72 | 33,794 |
| West Midlands | 574 | 17 | 3,514 | — | 19 | 12,548 |
| West Yorkshire | 741 | 23 | 3,935 | 13 | 18 | 13,064 |
| Wiltshire | 458 | 6 | 3,324 | 1 | 3 | 12,352 |
| Dyfed—Powys | 1,372 | 1 | 5,434 | — | 6 | 22,450 |
| Gwent | 330 | 4 | 2,149 | 6 | 10 | 6,985 |
| North Wales | 495 | 21 | 4,216 | 5 | 19 | 14,969 |
| South Wales | 448 | 10 | 3,731 | 6 | 10 | 13,228 |
| Total | 31,075 | 451 | 195,796 | 189 | 687 | 681,066 |

**Mr. Gale:** To ask the Secretary of State for the Home Department what further steps he proposes to take to exercise control over the sale and purchase of firearms in *(a)* the Metropolitan police area and *(b)* nationally. [20788]

**Mr. Maclean:** None. There are already extensive restrictions on the purchase and sale of firearms.

**Mr. Gale:** To ask the Secretary of State for the Home Department how many gun and shotgun licences were issued in the Metropolitan Police area during the last available year to persons with previous criminal convictions of any kind. [20786]

**Mr. Maclean:** This information is not available.

## Cheshire Police

**Mr. Miller:** To ask the Secretary of State for the Home Department if he will make inquiries into the present status of the case referred to in oral answers from the then Home Secretary, 13 May 1993, *Official Report*, column

924, insofar as it affects allegations of corrupt activities by officers in the Cheshire force. [20779]

**Mr. Maclean:** The report of the investigation has been submitted to the Director of Public Prosecutions who will decide whether any criminal charges should be brought. Once a decision has been made, the chief constable of Cheshire and the Police Complaints Authority will consider whether disciplinary action should be taken against any officer.

### Deported Kenyan Citizens

**Mr. Cox:** To ask the Secretary of State for the Home Department what has been the number of citizens of Kenya who have been deported from the United Kingdom in each of the past five years. [20742]

**Mr. Nicholas Baker:** The information requested is given in the table.

*Citizens of Kenya removed from the United Kingdom under the deportation process*[1]

| | *Number* |
|---|---|
| 1990 | 15 |
| 1991 | 12 |
| 1992 | 10 |
| 1993 | 16 |
| 1994 | [2]19 |

[1] Including persons who departed voluntarily, but excluding illegal entrants removed—15 in 1994—and persons refused leave to enter at ports and removed.
[2] Provisional.

### Animal Rights Protestors

**Mr. Redmond:** To ask the Secretary of State for the Home Department what is the funding, the establishment and the location of the headquarters and other subsidiary offices of the special police unit that has been set up in respect of animal rights protestors; and if he will make a statement. [20712]

**Mr. Maclean:** No special national police unit has been established in respect of animal rights protestors. The animal rights national index, which was established in 1986 and is based at New Scotland Yard, continues to support police forces throughout the United Kingdom by gathering, assessing and disseminating intelligence about animal rights extremist activity. In addition, the Association of Chief Police Officers recently decided that the commander of the Metropolitan police anti-terrorist branch should have a co-ordinating role in respect of certain operations against animal rights extremists suspected of involvement in serious crime extending beyond individual force boundaries. This change does not involve the creation of additional posts.

### Child Prostitution

**Mr. Redmond:** To ask the Secretary of State for the Home Department (1) how many cases of child prostitution have been reported in Wales during the last year; and what are the figures for each of the previous four years; [20753]

(2) how many cases of child prostitution have been reported during the last year; and what were the figures for each of the previous four years. [20728]

**Mr. Maclean:** The information requested is not available centrally.

### Mr. Paul Malone

**Mr. Miller:** To ask the Secretary of State for the Home Department what steps are being taken to discipline named police officers following the Police Complaints Authority report which he has received in respect of Mr. Paul Malone. [20780]

**Mr. Maclean:** The decision to institute disciplinary proceedings against any police officer is a matter for the chief officer concerned and the Police Complaints Authority. A decision will be taken in respect of those officers who were the subject of allegations made by Mr. Malone after the Director of Public Prosecutions has announced whether any officers are to face criminal proceedings.

### Complaints against Police

**Mr. Miller:** To ask the Secretary of State for the Home Department what length of time should elapse after a chief constable has received a report from the Police Complaints Authority before action is taken. [20778]

**Mr. Maclean:** Under Part IX of the Police and Criminal Evidence Act 1984, the investigation of complaints is the responsibility of the chief officer of police, who is required to submit a report to the Director of Public Prosecutions where an investigation indicates that a criminal offence may have been committed. After the director has reached a decision on criminal proceedings or if the chief officer is satisfied that no criminal offence has been committed, the chief officer must submit a memorandum to the Police Complaints Authority stating whether he has or intends to prefer disciplinary charges in respect of matter investigated.

The joint statement of intent by the Police Complaints Authority, Crown Prosecution Service and Association of Chief Police Officers sets a target of 28 days of receipt of the investigation report in which the Crown Prosecution Service will deal with all but the more complex cases. The Police Complaints Authority's target is to complete consideration of the disciplinary aspects of the case within 28 days of the receipt of the chief officer's memorandum.

### Immigration Detainees

**Mr. Cox:** To ask the Secretary of State for the Home Department what monitoring takes place and by whom of immigration detainees held in prisons in England and Wales; and if he will make a statement. [20354]

**Mr. Nicholas Baker:** The welfare of immigration detainees held in prisons is monitored by the Prison Service, which reports any matter of concern to the immigration service.

The immigration service regularly reviews the detention of all immigration detainees. The initial decision to detain is taken by an officer of at least chief immigration officer level and is reviewed within 24 hours by an immigration service inspector. Thereafter, detention is reviewed locally at least every seven days. After one month, the case is reviewed at headquarters, and thereafter on a monthly basis at an increasingly senior level, in consultation with the asylum division where there is an outstanding application for asylum.

### Immigration (EU Decisions)

**Mr. Fraser:** To ask the Secretary of State for the Home Department if he will list all entitled resolutions,

conclusions, recommendations or other decisions relating to immigration and/or asylum matters which have been adopted by the European Council of the European Union either under the auspices of the intergovernmental process or on the formalisation of procedures under title VI of the treaty on European Union; and by what means members of the public may gain access to these matters. [20360]

**Mr. Nicholas Baker:** The following measures relating to immigration and asylum have been adopted by the Council in accordance with the procedures established by the intergovernmental chapter—title VI—of the treaty on European Union:

- Resolution on limitations on admission of third-country nationals to the member states for employment;
- Resolution on the admission of third-country nationals to the territory of member states for study purposes;
- Resolution on limitations on admission of third country nationals to the territory of member states for the purpose of self-employment;
- Joint action on travel facilities for third country nationals—school pupils;
- Conclusions on the organisation and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration;
- Recommendation concerning a specimen draft bilateral readmission agreement between a member state of the European Union and a third country;
- Recommendation concerning a standard travel document for the removal of third country nationals.

Proposals under title VI are made available for parliamentary scrutiny where they fall within the criteria for deposit in accordance with the Government's proposed scrutiny arrangements for title VI matters. Once they have been agreed by the Council, texts are made available to the House and can be provided to members of the public on request.

Additionally, the following decisions were taken by Immigration Ministers under the ad hoc arrangements which existed before the structures created under title VI:

- Creation of a European forgery bulletin;
- Convention determining the state responsible for examining applications for asylum lodged in one of the member states of the EC, the "Dublin convention";
- Decision setting up CIREA, the centre for information, discussion and exchange on asylum;
- Conclusions concerning countries where there is generally no serious risk of persecution;
- Resolution on a harmonised approach to questions concerning host third countries;
- Resolution on manifestly unfounded applications for asylum;
- Recommendation concerning member states' practices regarding removal;
- Recommendation concerning transit for the purposes of expulsion;
- Act setting up CIREFI, the centre for information, research and exchange on the crossing of boarders and immigration;
- Recommendation concerning checks on and expulsion of third country nationals residing or working without authorisation;
- Conclusions concerning greater flexibility in application of the provisions on transit for the purposes of expulsion; and
- Resolution on harmonisation of national policies on family reunification.

These documents were normally placed in the Library after their adoption by Immigration Ministers.

### Schengen Agreement

**Mr. Fraser:** To ask the Secretary of State for the Home Department (1) in what circumstances he would recommend to Parliament that the United Kingdom becomes a party to the Schengen agreement of 14 June 1985; [20361]

(2) whether the United Kingdom will join the Schengen agreement; and to what extent joining will be dependent on matters of immigration and asylum being taken out of the European Union. [20359]

**Mr. Nicholas Baker:** We have no intention of becoming a party to the Schengen agreement, which would be inconsistent with the maintenance of our system of frontier controls.

### Prisons (Drugs)

**Mr. Mike O'Brien:** To ask the Secretary of State for the Home Department what was the number of prisoners disciplined for drugs possession or use during each of the last five years. [20387]

**Mr. Maclean:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from B. Landers to Mr. Mike O' Brien, dated 27 April 1995:*

The Home Secretary has asked me, in the absence of the Director General from the office, to reply to your recent Question about the number of prisoners disciplined for drugs possession or use during each of the last five years.

The numbers in Prison Service establishments in England and Wales are as follows:

*Possession of controlled drugs: Offences proved at adjudication hearings, England and Wales, 1990–1994*

| *Year* | *Number* |
|---|---|
| 1990 | 2,650 |
| 1991 | 2,798 |
| 1992 | 2,041 |
| 1993 | 1,797 |
| 1994 | [1]2,414 |

[1] Provisional.

### Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Secretary of State for the Home Department (1) how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990; [20188]

(2) what measures the Department takes to asses the cost and staff implications of compiling material for the departmental annual report. [20189]

**Mr. Howard:** Contributions to the annual report are provided by Home Office staff as part of their normal duties. The time and cost associated with this work are not separately recorded.

### Prisons (Suicides)

**Mr. Cox:** To ask the Secretary of State for the Home Department if it is the policy of his Department to ensure that proper records are kept at all prisons in England and Wales on serious attempts to commit suicide; and if he will make a statement. [19950]

**Mr. Maclean:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Dr. Rosemary Wool to Mr. Tom Cox, dated 27 April 1995:*

The Home Secretary has asked me, in the absence of the Director General from the office, to reply to your recent Question about our policy towards the keeping of proper records at prisons on serious attempts to commit suicide.

In April 1994 the Prison Service introduced a revised strategy designed to enable a high quality of care to be given to prisoners who are identified as being at possible risk of self harm or suicide. Among the new procedures introduced then was a system for identifying those at risk of self harm by the use of a new Self Harm at Risk Form. The instruction issued to Prison Service establishments when the revised strategy was introduced states that such a form is to be raised following any incident of self harm or attempted suicide. It is made clear on the form that the details of any incident of actual self harm must be recorded in the section headed "daily supervision and support record".

There is no absolute rule about the length of time a Self Harm at Risk Form should remain open. Some crises pass very quickly, whereas other prisoners may require special monitoring and support over a long period. Once raised, a Self Harm at Risk Form may only be closed, by the unit manager after a case review, once the prisoner concerned appears to be coping satisfactorily. Closed forms are then filed in prisoners' personal records.

## AGRICULTURE, FISHERIES AND FOOD

### Rules and Regulations

**Mr. Steen:** To ask the Minister of Agriculture, Fisheries and Food how many rules and regulations he repealed in the first three months of 1995; and how many new rules and regulations were introduced in that period by way of statutory instruments, motions or orders. [19377]

**Mr. Jack** *[holding answer 18 April 1995]*: In the first three months of 1995, one statutory instrument was partially revoked by Order. A total of 51 other statutory instruments were introduced but the majority of these were to carry forward amendments to existing instruments rather than to add to regulation or impose new burdens. For example, some 16 statutory instruments concerned voluntary schemes and rates of grant aid to farmers, notably orders amending rates of payment in designated environmentally sensitive areas. Six replaced earlier instruments or substituted more favourable regimes for industry. Five statutory instruments extended plant breeders' rights to cover additional plant varieties. Of the remaining measures, 13 implemented EU obligations; three updated frees and charges; and the remaining eight included measures to protect public health and animal welfare, to establish the Milk Development Council, and to make certain technical and procedural changes to existing legislation.

### EU Fisheries Legislation

**Mr. David Atkinson:** To ask the Minister of Agriculture, Fisheries and Food if he will propose that EU fisheries legislation will provide for the possession of illegal mesh size nets to be illegal; and if he will make a statement. [19258]

**Mr. Jack:** EU regulations provide for various minimum mesh sizes to be used in different circumstances. In practice, a fishing vessel will carry nets of all the mesh sizes likely to be needed for any trip. For example, in the English channel cod and sole must be targeted with trawl mesh sizes of not less than 80 mm, but it would be reasonable in season to take sprat on the same fishing trip and for this a net of not less than 16 mm is permitted. Enforcement activity focuses on the mesh sizes and the nets employed in relation to the catch retained on board.

Within the EU, consideration has been given in the past to imposing a "single net rule" so that only one mesh size can be carried on a fishing vessel. However, so far it has been concluded that this would be too restrictive to be practical for general application.

### Overtime

**Mr. David Shaw:** To ask the Minister of Agriculture, Fisheries and Food if he will list for each agency and the central Department for which he is responsible *(a)* the total hours overtime worked for which payment has been made, *(b)* the total amount paid in overtime, *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19669]

**Mr. Waldegrave:** Information in the form requested is not readily available and could be provided only at disproportionate cost. Summary information on overtime from 1989–90 onwards for the agencies and the core Department is to be found at annex 6 of the Department's annual report, Cm 2803, a copy of which is to be found in the Library of the House.

On sick absence, civil service occupational health service data show the total number of sick leave days taken to be:

1992 (a) 57,693 days

1993 (b) 66,268 days

(a) core Department only (7,194 staff)

(b) core Department and PSD, VMD and CSL agencies (7,889 staff)

Figures for 1994 are not yet available.

Responsibility for such matters within ADAS, the Central Science Laboratory, the Central Veterinary Laboratory and the Pesticides Safety and the Veterinary Medicines Directorate have been delegated to the agency chief executives and I have asked them to reply to the hon. Member direct.

*Letter from Dr. J. M. Rutter, Chief Executive, Veterinary Medicines Directorate to Mr. David Shaw dated 20 April 1995:*

The Minister has asked me to reply to your question about the amount and cost of paid overtime worked, and the amount and monetary value of days lost through sickness in the Veterinary Medicines Directorate for each of the last three years, as this is an operational matter for which I am responsible.

For overtime, information on the number of hours worked is not readily available and could only be obtained at disproportionate cost. The amount paid however is as follows:

1992/93: £858

1993/94: £1,729

1994/95: £2,430

For sickness absences, the total number of days lost was:

| | *Total available days* | *Number of days lost through sickness* | *Percentage lost of total* |
|---|---|---|---|
| 1992–93 | 22,597.5 | 585 | 2.59 |
| 1993–94 | 24,065 | 865 | 3.59 |
| 1994–95 | 24,801.4 | 768.3 | 3.10 |

I regret that the monetary equivalent of these figures is not available and could only be obtained at disproportionate cost.

*Letter from T. W. A. Little to Mr. David Shaw, dated 27 April 1995:*

The Minister has asked me to reply to your question about overtime and days lost through sickness.

Information on overtime in the form requested is not readily available but summary information can be found at Annex 6 of MAFF's Departmental Report 1995 (cm 2803) which has been placed in the Members' Library.

On sickness, the total time in days lost at CVL in 1992/93 was 4,307 and in 1993/94 5,868 days. Figures for 1994/95 are not yet available. I am unable to give a monetary equivalent for the days lost as our records do not readily show this information. It could only be obtained at disproportionate cost.

*Letter from Dr. P. I. Stanley to Mr. David Shaw, dated 27 April 1995:*

The Central Science Laboratory (CSL) became a Ministry of Agriculture, Fisheries and Food (MAFF) executive agency in April 1992. However I am unable to provide overtime statistics for the Agency in respect of 1992/93 as, throughout that financial year, figures were not recorded separately but formed part of the Departmental total.

I am able to provide statistics for 1993/94 and 1994/95; however I should point out that in April 1994 the number of staff employed by the Agency increased from 450 to some 700 as a result of the merger of CSL with the MAFF Food Science Laboratories at Norwich and Aberdeen. This accounts for last year's rise in overtime above the previous year. Details are as follows:

| | *1993–94* | *1994–95* |
|---|---|---|
| Total hours: | 14,082 | 18,248 |
| Sum paid: | £101.98K | £134.49K |

Finally you asked for details of the total time lost through sickness and its cost over the same three year period. I regret that I am unable to give this information because the figures for CSL form part of the Department's statistics and are not separately identified. An attempt to separate the figures would incur disproportionate costs.

*Letter from G. K. Bruce to Mr. David Shaw, dated 27 April 1995:*

The Minister of Agriculture, Fisheries and Food has asked me to reply, in respect of the Pesticides Safety Directorate (PSD), to your question about overtime and sickness over the last three years.

Such information is maintained by the core-Department but I understand that it is not readily available in the form requested and could only be provided at disproportionate cost. The figures which are available have been provided in the answer given by the Minister of Agriculture, Fisheries and Food. I am, however, able to provide information on the total amount paid in overtime since PSD was launched as an agency on 1 April 1993. This totalled £59,165 in 1993/94 and £46,021 in 1994/95. Figures prior to this date are not available.

*Letter from J. M. Walsh to Mr. David Shaw, dated 19 April 1995:*

The Minister of Agriculture has asked me to reply, on behalf of ADAS, in answer to your Parliamentary Question Number 1059. In this you sought information about:

a) the total hours of overtime worked for which payment has been made,

b) the total paid in overtime,

c) the total time in days and its monetary equivalent lost through sickness in each of the last three years.

ADAS is an Executive Agency of the Ministry of Agriculture, Fisheries and Foods and the Welsh Office which was formed in June 1992.

My reply is as follows:

a) Total hours of overtime.

Information in the form requested is not readily available and could only be provided at disproportionate cost.

b) As above.

c) On sick absence details are:

1992: 13,097 days

1993: 15,115 days

Figures for 1994 are not yet available.

*Letter from Guy Stapleton to Mr. David Shaw, dated 27 April 1995:*

The Minister of Agriculture, Fisheries and Food has asked me to reply to your Question about overtime and sickness in the Intervention Board as this matter is within my operational responsibility.

The total hours of paid overtime and the total amount paid for overtime working in the Agency in each of the last three financial years, calculated on the basis of pay-roll data, were as follows:

| | *Paid overtime hours* | *Overtime Payments* £ |
|---|---|---|
| 1992/93 | 56,973 | 337,401 |
| 1993/94 | 46,621 | 261,291 |
| 1994/95[1] | 39,655 | 251,477 |

[1] Excludes March payments.

Sick absence rates are monitored in the Agency on a financial year basis to correspond with key performance measures and targets which are published in our Annual Report. The figures shown below, which have been calculated using our pay-roll data, represent the number of working days lost due to sickness and the associated salary costs. Figures for the last quarter of 1994–95 are not yet available.

| | *Sick absence (working days)* | *Salary cost* £ |
|---|---|---|
| 1992–93 | 8,507 | 571,600 |
| 1993–94 | 9,816 | 720,000 |
| 1994–95[1] | 6,917 | 520,000 |

[1] April to December.

## Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Minister of Agriculture, Fisheries and Food (1) how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what the figures were for each year for which figures are available since 1990; [20204]

(2) what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [20205]

**Mr. Jack:** Staff costs accounted for just over half of the estimated £100,000 cost of producing the 1995 departmental report. This was equivalent to about 400 staff days. Equivalent figures are not available for earlier years.

Costs are estimated as and when necessary but must in any case be contained within the Department's overall running cost provision.

### EC Tobacco Regime

**Mr. Marlow:** To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 19 April, *Official Report,* column *162,* what information he has received about the Commission's internal investigation into the suicide of an Italian official in the tobacco department; and what assessment he has made of this matter. [20460]

**Mr. Jack:** The official, a former head of the Commission's tobacco sector, was removed from his post in June 1990 and was subject to internal investigation by the Commission. These investigations ceased on his death in March 1993 and the Commission did not publish a report of its internal investigations. During the investigations, the official was not involved in any market management activities in the tobacco sector.

In 1993, the European Court of Auditors produced a special report of its detailed examination of the operation of the tobacco regime in the period between 1987, when the last such report was produced, and 1992 that is the period prior to the December 1992 reform of the sector. Its report highlighted several areas where procedures needed to be improved. In 1992, the Council of Ministers agreed a number of substantial reforms especially designed to prevent fraud, such as elimination of intervention and export refunds, areas traditionally susceptible to fraud. The changes made met the major concerns identified in the European Court of Auditors report. Furthermore, the Commission is investigating cases of irregularities mentioned in that report and will take action in the form of disallowance of expenditure where controls have not been effective. In this respect, disallowance has already been applied to Greece and Italy to the value of £11 million and £5 million for the EAGGF accounts in 1990 and £23 million and £16 million for the 1991 EAGGF accounts.

### Meat Hygiene Service

**Mr. Gordon Prentice:** To ask the Minister of Agriculture, Fisheries and Food what representations he has received about the increases in fees levied by the Meat Hygiene Service [20818]

**Mrs. Browning:** We have received representations about the Meat Hygiene Service's charges from a number of organisations and individuals. The meat Hygiene Service is now consulting plant operators on proposed revised charges following the answer my right hon. Friend the Minister of Agriculture, Fisheries and Food gave to my hon. Friend the Member for Hexham (Mr. Atkinson) on 29 March, *Official Report,* columns *653–54,* about the transitional relief we are minded to make available.

**Mrs. Gorman:** To ask the Minister of Agriculture, Fisheries and Food (1) what assessment he has made of the reasons why the imposition of new meat hygiene regulations over the past two years has not brought about a reduction in cases of salmonella typhimurium DT 104C and what has been the increase in that period; [20822]

(2) what assessment he has made of the effect of expenditure on the new Meat Hygiene Service on trends on the number of food poisoning cases over the course of the year. [20821]

**Mrs. Browning:** The number of food poisoning cases has continued to rise over recent years but the number of cases of salmonella typhimurium DT 104C has fallen from 25 in 1993 to nine in 1994. The incidence of salmonella typhimurium DT 104 has risen in humans over the same period from 808 to 2,873 and I believe it is this to which my hon. Friend refers. Salmonella typhimurium DT 104 has been implicated in some food poisoning incidents associated with the consumption of meat and meat products but there is no strong evidence of a direct link.

Thorough cooking will destroy most, if not all, pathogenic micro-organisms, but steps must be taken to limit the risk of cross-contamination, particularly from raw meat to other foods which may not be cooked before consumption.

The slaughterhouse is an important area where steps can be taken to address the problem of cross-contamination between carcases, in order to reduce the incidence of pathogenic micro-organisms entering the distribution chain.

The Fresh Meat (Hygiene and Inspection) Regulations 1992 have improved hygiene standards generally in slaughterhouses and other licensed fresh meat premises and the Meat Hygiene Service will build on this success. It is difficult, however, to make a direct quantitative link between the enforcement of these regulations and the level of occurrence of any food poisoning, including by salmonella typhimurium DT 104.

### Animal Diseases

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food how many cases of Teschen disease occurred in each year since 1975. [21099]

**Mrs. Browning:** No case of Teschen disease has ever been reported in England.

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food how many cases of African swine fever there has been each year since 1985. [21067]

**Mrs. Browning :** No case of African swine fever has ever been reported in England.

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food how many cases of vesicular stomatitis occurred in each year since 1985. [21136]

**Mrs. Browning:** No case of vesicular stomatitis has ever been reported in England.

## DEFENCE

### Army Base Repair Organisation

**Mr. Butler:** To ask the Secretary of State for Defence what are the key targets set for the chief executive of the Army Base Repair Organisation agency for the financial year 1995–96. [21903]

**Mr. Soames:** The chief executive of the Army Base Repair Organisation agency has been set the following key targets for 1995–96.

1. To deliver a responsive repair service to match the needs of the customer in peace and for operations to the agreed timeliness, quantity and quality criteria and within the allocated resources.
2. To operate an automated full cost, accruals accounting system by 31 March 1996.
3. To develop a comprehensive output based system to measure customer satisfaction.
4. To reduce by 4 per cent. the 1995–96 ratio of labour costs to hours of production by 31 March 1996.
5. To complete the transfer of light armoured fighting vehicle repair activities from ABRO Old Dalby to ABRO Bovington by 31 March 1996.
6. To invite tenders for the Land Command Support Market Test by 31 December 1995.

**Mr. Ian Bruce:** To ask the Secretary of State for Defence what is his estimate of the unused floor space within the ABRO facilities at Bovington; and what plans he has to increase the work load for ABRO or to utilise the floorspace in another way. [21260]

**Mr. Freeman:** The extent of unused floor space at ABRO Bovington, which varies from period to period because of the fluctuating nature of the business, is not readily available. Spare workshop capacity exists throughout the Army Base Repair Organisation and plans to rationalise workshop capacity, through the closure of the ABRO Old Dalby workshop and the transfer of its work either to other ABRO or MOD facilities or to industry, are being implemented.

Preparations are under way for the transfer of a major armoured vehicle repair programme from Old Dalby to Bovington. In addition, a newly identified heavy "B" vehicle repair programme is about to be placed with the workshop, starting in the next few weeks.

**Mr. Ian Bruce:** To ask the Secretary of State for Defence how many personnel are currently employed by his Department in the ABRO, Bovington and Lulworth facilities, breaking the figures down to indicate the type of personnel and whether the people live *(a)* on and *(b)* off the base. [21285]

**Mr. Freeman:** There are currently 422 personnel employed at ABRO Bovington; of these, 29 are based at the Lulworth detachment and hence 393 are located at Bovington. None of the staff lives on the base itself. I will send the hon. Member a detailed breakdown and will arrange for a copy of this to be placed in the Library of the House.

### Engineer Resources

**Mrs. Angela Knight:** To ask the Secretary of State for Defence what plans he has for the Army's engineer resources. [21902]

**Mr. Soames:** The engineer resources, employing some 275 civilian staff is currently located at Long Marston, Warwickshire. Following an examination of the business structure of the engineer resources and investment appraisal, it has been concluded that significant savings could be made from collocating with the military work force at Chilwell.

I have therefore decided to accept, as the basis for consultation with the trade unions and other interested parties, the recommendation that staff at Long Marston be collocated with the military work force on a single site at Chilwell. Final decisions will be taken only in the light of representations made during the consultation period. A copy of the consultative document is being placed in the Library of the House.

### Service Accommodation

**Mr. Dicks:** To ask the Secretary of State for Defence what is the current valuation of the official service residence in Norfolk, Virginia, United States of America. [21904]

**Mr. Soames** The paper on official service residences referred to in my reply to the hon. Member for Fareham (Sir Peter Lloyd) on 10 February, *Official Report*, columns *465-67*, erroneously stated the value to the US$5 million. The figure should, however, have read US$500,000. A more recent valuation by an independent firm in Norfolk, Virginia has valued the property at US$650,000.

**Mr. William Ross:** To ask the Secretary of State for Defence if he will list the major items of repair to Haymes Garth and the estimated and actual costs of each item.

**Mr. Soames** *[holding answer Thursday 20 April 1995]:* Since January 1993, the total cost of essential external repairs to Haymes Garth has been £80,000. Items of repair undertaken include repairs to the roof, repairs and replacement of doors and windows and essential repairs to the driveway.

### Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Secretary of State for Defence (1) what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report; [20201]

(2) how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what the figures were for each year for which figures are available since 1990. [20200]

**Mr. Soames:** Most of the information in the departmental report is gathered and compiled by staff, as part of their normal duties, for use not only in the report but in other Government publications and internal management plans. It is therefore not possible to separate the marginal staff effort and costs relating solely to the departmental report.

### Defence Attachés

**Mr. Jopling:** To ask the Secretary of State for Defence what recent reviews of the effectiveness of United Kingdom defence attachés have been undertaken; and when the results will be published. [19957]

**Mr. Soames:** The most recent review of attachés was the Goddard study, which considered the tasks of the corps, its long-term role and deployment and its management and operation, and reported in July 1993.

### Nuclear Weapons

**Mr. Flynn:** To ask the Secretary of State for Defence what is his Department's assessment of whether the United Kingdom deploys fewer nuclear warheads than any of the other four acknowledged nuclear weapon sates. [20568]

**Mr. Soames:** The United Kingdom deploys the minimum nuclear deterrent necessary for our security. The size of our nuclear stockpile is not determined by

comparison with the number of nuclear warheads held by the other nuclear weapon states.

**Mr. Flynn:** To ask the Secretary of State for Defence if it is Her Majesty's Government's policy to deploy only nuclear weapons on the three Trident submarines in the operational cycle. [20570]

**Mr. Soames:** In addition to the Trident missile system, each submarine has a tactical weapon system, including Spearfish torpedoes, for self-defence.

**Mr. Flynn:** To ask the Secretary of State for Defence if the United Kingdom already has sufficient fissile material suitable for weapons purposes to meet any future contingencies which might require the deployment of additional nuclear warheads. [20565]

**Mr. Soames:** We have sufficient fissile material for explosive purposes to meet our foreseeable operational needs.

**Mr. Flynn:** To ask the Secretary of State for Defence if Her Majesty's Government's policy to cease the production of fissile material for explosive purposes will prevent the recycling of fissile material arising from the dismantling of decommissioned nuclear weapons for use in Trident warheads. [20564]

**Mr. Freeman:** No. Recycling allows us to keep our stockpile of fissile material at the minimum necessary to meet our operational requirements.

**Mr. Flynn:** To ask the Secretary of State for Defence if the production of Trident warheads has been completed. [20566]

**Mr. Freeman:** No.

### Nuclear Emergency Unit

**Mr. Redmond:** To ask the Secretary of State for Defence what is the current establishment and current funding of the nuclear emergency unit based at his Department's main building, Whitehall; and what were the figures for the previous four years. [20722]

**Mr. Soames:** The costs for the eight full-time staff currently in the MOD headquarters nuclear accident response organisation are expected to be £300,000 for financial year 1995–96. In the previous four years there were seven full-time staff; costs for 1991–92 are not available but in the intervening years they were as follows:

1992–93: £230,000
1993–94: £247,000
1994–95: £262,000

**Mr. Redmond:** To ask the Secretary of State for Defence if he will make a statement on the current aims and objectives of the nuclear emergency unit. [20723]

**Mr. Soames:** The aims and objectives of the MOD nuclear accident response organisation are to ensure that, in conjunction with the appropriate civil agencies, there would be an effective response to safeguard the general public and MOD personnel in the unlikely event of an accident or other emergency involving defence nuclear material.

### Regimental Vehicles

**Mr. Ian Bruce:** To ask the Secretary of State for Defence what facilities are available to the 1st and 2nd Armoured Reconnaissance Regiments for repair and storage of the regiments' vehicles; if he will list the vehicles that are attached to the regiments and estimate the floor area taken up in covered accommodation for these vehicles; and what estimate he has made of the relative size of the 3rd Armoured Reconnaissance Regiment. [21261]

**Mr. Soames:** The facilities available for the repair and storage of the 1st and 2nd Regiments' vehicles are as follows:

Windsor: 2,970m²
Hohne: 2,240m²

The vehicles attached to each regiment are:

*Tracked*
5 Samaritan
16 Striker
48 Scimitar
16 Sultan
30 Spartan
5 Samson

*Wheeled*
1 Reconnaissance vehicle
2 TUM GS
14 Track 8 ton
1 Staff car
20 TUM FFR
18 Truck 4 ton
1 Van 1 ton
1 Car utility

*Plant*
2 JCB

The current floor area taken up in covered accommodation for these vehicles is:

Windsor: 3,700m²
Hohne: 6,720m²

The estimated size of the 3rd Armoured Reconnaissance Regiment is 527 personnel and the same number of vehicles as given above.

### Naval Gunfire Training

**Mr. Ian Bruce:** To ask the Secretary of State for Defence what safety precautions are planned to be taken by his Department during naval gunnery support training when this is undertaken off Dodman Point in Cornwall. [21265]

**Mr. Soames:** Safety is the paramount consideration in conducting naval gunfire support training. Safety procedures involve a number of distinct and independent checks which must all be completed before the commanding officer can give approval to fire. Moreover, the area will be monitored visually by military observers, and by a range safety craft. These measures are designed to ensure the safety of all marine users in the area. It is a feature of NGS training that the Royal Navy vessel works around all other marine activity, and that there is no question of any exclusion areas, whether for vessels or for people.

**Mr. Ian Bruce:** To ask the Secretary of State for Defence what Army personnel and civilian work force are involved in naval gunnery support exercises at Lulworth ranges; where these personnel are normally based; and what the job implications are for removing these exercises from Lulworth. [21264]

**Mr. Soames:** There are not civilian personnel at Lulworth currently in support of naval gunfire support

training. Three shore-based Army observers support NGS training at Lulworth and are drawn from 148 Battery Royal Artillery, based at Poole. This battery will continue to support NGS training when it moves to the area off Dodman Point. There are therefore no job implications for personnel at Lulworth.

**Mr. Ian Bruce:** To ask the Secretary of State for Defence if he will make a statement on the use of the Lulworth ranges for naval gunnery support training; if the gunfire has always been directed into the sea; and what incidents have been recorded of the projectiles landing onshore when they were aimed at the sea. [21266]

**Mr. Soames:** Naval gunfire support training has been carried out at Lulworth without incident for more than 20 years. The firing position is in Weymouth bay, firing parallel with the coast at a target sited two miles out to sea from St. Albans head.

### Regimental Staff

**Mr. Ian Bruce:** To ask the Secretary of State for Defence how many staff there are in the 1st and 2nd Armoured Reconnaissance Regiments; how many are *(a)* MOD and *(b)* civilian staff; where they are currently located; and how many staff live (i) on and (ii) off the bases. [21262]

**Mr. Soames:** The information is as follows:

| | *Military* | *MOD civilian* | *Civilian contractors* |
|---|---|---|---|
| Household Cavalry Regiment based at Windsor: | 527 | 14 | 46 |
| Light Dragoons based in Hohne, Germany: | 527 | 1 | 37 |

At Windsor, 224 staff live on the base, 363 live off and at Hohne 246 staff live on the base, 319 live off.

### Procurement Executive

**Mr. Ian Bruce:** To ask the Secretary of State for Defence if he will estimate the floor area to be occupied by each employee at the Abbey Wood procurement executive headquarters; what is the equivalent figure currently available to staff working in South Dorset; and what was the original area per employee that had been planned for Abbey Wood at the outset of the project. [21242]

**Mr. Freeman:** Within the Abbey Wood headquarters office buildings, which is mainly open plan, the average floor area to be occupied by each employee will be 9.64 sq m, which includes an allowance for storage, IT equipment and local meeting space. For the largely cellular office accommodation occupied by MOD staff in Portland, south Dorset, the average floor area occupied by each employee is some 13.25 sq m. The original average floor area planned at the outset of the Abbey Wood project was 10.52 sq m per employee. More taut accommodation standards are now being implemented.

### Royal Armoured Corps

**Mr. Ian Bruce:** To ask the Secretary of State for Defence if he will list the facilities and accommodation currently vacant or under-used at the Royal Armoured Corps centre at Bovington and Lulworth; and what facilities and accommodation will become vacant if the RAC training becomes civilianised. [21259]

**Mr. Soames:** None of the facilities at the Royal Armoured Corps centre are under-utilised, although there are at present two soldiers' accommodation blocks vacant and 47 married quarters unoccupied. No facilities will become vacant if the RAC training becomes civilianised. A maximum of three accommodation blocks will remain under-utilised.

### Naval Gunfire Support

**Mr. Ian Bruce:** To ask the Secretary of State for Defence what safety arrangements are made at Lulworth ranges when naval gunnery support exercises are being carried out; if the public are allowed to be present on the ranges; if boats, ships and swimmers are excluded from the maritime restriction zone; and if safety boats are in attendance. [21263]

**Mr. Soames:** Safety is the paramount consideration in conducting naval gunfire support training. Safety procedures involve a number of distinct and independent checks which must all be completed before the commanding officer can give approval to fire. The area is also monitored visually by military observers, and by a range safety craft. These measures are designed to ensure the safety of all marine users in the area. It is a feature of NGS training that the Royal Navy vessel works around all other marine activity, and thus there is no question of any exclusion zones, whether for vessels or for people. Similarly, NGS training at Lulworth does not affect public access to the landward coastline and environs of Lulworth at all. Only when the range is active for Army tank firings is access on land or to sea controlled.

### Third Reconnaissance Battalion

**Mr. Ian Bruce:** To ask the Secretary of State for Defence what representations he has had from hon. Members as to the location of the 3rd Reconnaissance Battalion in a location other than Bovington; if he will name those hon. Members who have contacted his Department; and if he will publish the correspondence. [21267]

**Mr. Soames:** I have had a number of representations from hon. Members on this subject but it is not my Department's practice to publish details of such correspondence.

### Defence Postings (Weymouth and Portland)

**Mr. Ian Bruce:** To ask the Secretary of State for Defence if he will estimate the number of defence posts which have already been lost in Weymouth and Portland over the past three years and the number of posts he expects to be lost rather than transferred up until the year 2000. [21243]

**Mr. Soames:** The number of service and civilian posts in my Department and its agencies in the Weymouth and Portland area has reduced by over 400 in the last three years. Between now and the year 2000 the transfer of functions to new locations means that some 3,000 further posts will move from the area. The majority of these will transfer to the new locations but it is not possible to estimate accurately how many will be saved by efficiency measures.

### Portland Naval Base

**Mr. Fatchett:** To ask the Secretary of State for Defence which companies have made a bid to purchase the Portland naval base. [21238]

**Mr. Soames:** It is not my Department's policy to divulge details of bidders for redundant military sites.

**Mr. Fatchett:** To ask the Secretary of State for Defence if his Department has accepted the highest bid for the Portland naval base. [21239]

**Mr. Soames:** My Department has accepted the bid which offers the best long-term solution for the area and reuse of the naval base.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Defence which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to the Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those bodies with a statutory base; [21166]

**Mr. Soames:** The Dartmoor steering group and working party was established on a statutory basis under Command 6837.

The Independent Board of Visitors was established in accordance with the Naval Detention Quarters Rules 1973 for RN detention quarters, and the Imprisonment and Detention Rules Army 1979 for military corrective training centres.

There is no formal requirement for any of MOD's advisory non-departmental public bodies to publish their advice to Government, publish an annual report or lay their annual reports before Parliament.

The annual reports of the Dartmoor steering group and working party and the Review Board for Government Contracts have, however, been placed in the Library of the House on previous occasions.

### Alistair Green *v.* Ministry of Defence

**Mr. John Marshall:** To ask the Secretary of State for Defence what were the total costs to public funds incurred in the case of Alistair Green *v.* Ministry of Defence; and what costs were incurred after the Ministry paid £32,000 into court. [19899]

**Mr. Freeman:** In this case the legal costs to my Department notified to date are in excess of £200,000, mostly incurred after a payment had been made into court. Our practice is to settle compensation claims by agreement whenever this can appropriately be done, but it is necessary to resist those claims which are regarded as unfounded.

### Army Vehicles

**Mr. Spellar:** To ask the Secretary of State for Defence, pursuant to his answer of 5 April, *Official Report*, column *1153*, which companies are participating in the evaluation trial for replacement of the Army's Land Rover 1 tonne and three-quarter tonne ambulances. [20207]

**Mr. Freeman:** Three companies—Land Rover Ltd., Iveco Ford Truck Ltd. and Steyr Daimler Puch—are currently being evaluated in this competition.

### Fraud

**Ms Janet Anderson:** To ask the Secretary of State for Defence what progress has been made by his Department in reclaiming moneys from the companies Borletti, Junghans and Raufass; and what is the up to date position regarding civil proceedings against Gordon Foxley, members of his family circle and the companies involved in the payment of secret commissions. [19954]

**Mr. Freeman:** I refer the hon. Lady to the Comptroller and Auditor General's recently published report, "The Risk of Fraud in Defence Procurement", HC 258 Session 1994–95, 10 March 1995. Chapter 5 contains an extensive description of my Department's response to the Foxley case, including civil proceedings.

## NORTHERN IRELAND

### Construction Industry

8. **Mr. Rogers:** To ask the Secretary of State for Northern Ireland if he will make a statement on the current state of the construction industry in Northern Ireland. [19615]

**Mr. Moss:** The construction industry in Northern Ireland has in terms of its growth in the value of output since 1990 increased by 7.5 percentage points.

### Royal Ulster Constabulary

10. **Mr. Corbyn:** To ask the Secretary of State for Northern Ireland what plans he has to commence reorganisation of the Royal Ulster Constabulary. [19617]

**Sir John Wheeler:** The Government published their proposals for changes in policing structure in 1994. Following the ceasefires, the RUC and the Police Authority are now carrying out consultations into the future of policing in Northern Ireland.

### Peace Support Programme

15. **Ms Estelle Morris:** To ask the Secretary of State for Northern Ireland what meetings he has had with European commissioners to discuss the distribution of resources under the special support programme for peace and reconciliation in Northern Ireland. [19622]

**Sir John Wheeler:** My right hon. and learned Friend has discussed the special support programme for peace and reconciliation with the President of the European Commission, Mr. Jacques Santer, and the Commissioner of Regional Policy, Mrs. Monika Wolf-Mathies, during their recent visits to Northern Ireland. Officials have also given views on the funding priorities of the programme.

24. **Ms Janet Anderson:** To ask the Secretary of State for Northern Ireland what meetings he has had with local community organisations in Northern Ireland to discuss the distribution of resources under the European special support programme for peace and reconciliation. [19632]

**Sir John Wheeler:** My right hon. and learned Friend has discussed the special programme with representatives of the voluntary sector. In addition, in drawing up proposals for an operational programme, officials are currently involved in an extensive consultation process with interested bodies, including local community

organisations. These discussions covered a wide range of issues, including the distribution of resources.

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland which Department organised the conference in Newcastle on 29 March about the European Union fund for Peace and Reconciliation; and how many persons were invited in their capacity as elected members of the district councils. [19935]

**Sir John Wheeler:** The conference in Newcastle on 29 March 1995 on the European Union initiative for peace and reconciliation was organised by the Department of Finance and Personnel. A total of 248 invitations were issued, 52 of which were sent to the district councils. It was a matter for individual councils to decide whether elected members or officials would attend.

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland how many members of staff of the Labour Relations Agency have been given *(a)* paid time off work and *(b)* unpaid time off work to attend the forum for peace and reconciliation in Dublin. [19904]

**Mr. Ancram:** One Labour Relations Agency staff member has been given both paid and unpaid time off work, in accordance with the rules governing political activities in the agency's staff handbook, to attend the forum for peace and reconciliation.

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland, if he will consult the Government of the Republic of Ireland about *(a)* the investment of that part of the EU funding for peace and reconciliation for cross-border projects and *(b)* the investment of the remaining part of this funding for projects entirely within Northern Ireland. [19906]

**Sir John Wheeler:** The special support programme for peace and reconciliation in Northern Ireland and the border counties of the Republic of Ireland will, as laid down in the European Commission's guidelines, be jointly submitted by both member states. This will require consultation and liaison, particularly in respect of the cross-border elements of the programme. The programme will also reflect the outcome of extensive public consultations in Northern Ireland and in the eligible area of the Republic of Ireland.

### Unemployment

17. **Mr. Stott:** To ask the Secretary of State for Northern Ireland what plans he has to tackle pockets of extremely high unemployment in Northern Ireland. [19625]

**Mr. Ancram:** I refer the hon. Member to our increasingly successful efforts to attract inward investment, grow tourism, encourage exports and explore innovation by our current companies as well as the training programmes and other job creation measures which are available.

In addition, we are piloting 1,000 places under the community work programme for long-term unemployed in three of the highest areas of unemployment.

### Framework Document

18. **Ms Corston:** To ask the Secretary of State for Northern Ireland what representations he had received following the publication of the framework document. [19626]

**Mr. Ancram:** The Northern Ireland Office has received 238 letters of varied content from members of the public and from Members of Parliament. My right hon. and learned Friend and I have met a delegation from the grand orange lodge, and answered questions from audiences at a number of speaking engagements in Northern Ireland.

### Rules and Regulations

19. **Mr. Steen:** To ask the Secretary of State for Northern Ireland what rules and regulations he plans to repeal in the next four weeks. [19627]

**Sir John Wheeler:** Within the NI Departments and the Northern Ireland Office a total of 11 rules and regulations will be repealed during the next four weeks.

### Trade Unions

20. **Mr. Mackinlay:** To ask the Secretary of State for Northern Ireland what value his Department places on the work of trade unions in Northern Ireland; and if he will make a statement. [19628]

**Mr. Ancram:** Trade unions in Northern Ireland make, and have made, a valuable contribution to Northern Ireland's excellent industrial relations record, in combating sectarianism in the work place and in promoting peace and reconciliation. I also commend the work undertaken by the trade unions in encouraging and supporting equality of employment opportunities.

### Sinn Fein

21. **Mr. Gordon Prentice:** To ask the Secretary of State for Northern Ireland when he expects to open face to face discussions with Sinn Fein. [19629]

**Sir Patrick Mayhew:** I refer the hon. Member to the oral answer that I gave to the hon. Member for Walsall, North (Mr. Winnick) earlier today.

### Irish-medium Schools

22. **Mr. Flynn:** To ask the Secretary of State for Northern Ireland what improvement he plans in the inspection of Irish-medium schools. [19630]

**Mr. Ancram:** Inspection of schools of all types in Northern Ireland follows the principles and procedures set out in two booklets published by the Department of Education, "The Inspection Process in Schools" and "Evaluating Schools". Copies of these are available in the Library. The effectiveness of inspection is evaluated annually and adjusted as necessary.

### Private Lee Clegg

23. **Mr. Sutcliffe:** To ask the Secretary of State for Northern Ireland how many representations he has received on behalf of Private Lee Clegg. [19631]

**Sir Patrick Mayhew:** Private Clegg's case has generated considerable interest, including over 4,000 letters and a number of petitions.

### Community and Youth Organisations

25. **Mr. Gapes:** To ask the Secretary of State for Northern Ireland what plans he has to increase funding for community and youth organisations in Northern Ireland. [19633]

**Mr. Ancram:** In 1995–96, the Department of Education for Northern Ireland will increase its funding to the Youth Council for Northern Ireland by 3.2 per cent. to £2.05 million. It will be a matter for each education and library board to determine the funds to be allocated to youth services from within their block grant allocations. The Department of Health and Social Services will increase the grant to District councils for their support to independent advice centres by 45 per cent. to £377,000 and make an additional £275,000 per annum available for the development of volunteer bureaux. The Department of the Environment has made an additional £5 million available for the Community regeneration and improvement special programme for the three years to 1997–98, while the Making Belfast Work initiative will provide £50 million over the next two years. Community groups will also benefit from funding available between 1994 and 1999 under various sub-programmes in the single programming document.

### Rented Housing

26. **Mr. William O'Brien:** To ask the Secretary of State for Northern Ireland how many new houses for rent at low cost were built in Northern Ireland in the years 1993–94 and 1994–95; and if he will make a statement. [19634]

**Mr. Moss:** The numbers of new public and voluntary sector houses which were completed in Northern Ireland during 1993–94 and 1994–95 were as follows:

| | *Northern Ireland housing executive (Public sector)* | *Registered housing associations (Voluntary sector)* | *Total* |
|---|---|---|---|
| 1993–94 | 888 | 781 | 1,669 |
| 1994–95 | 878 | 1,026 | 1,904 |

### Family Carers

27. **Mr. Wicks:** To ask the Secretary of State for Northern Ireland what is his Department's policy towards family carers. [19635]

**Mr. Moss:** The policy for family carers is set out in "People First" which was published by the Department of Health and Social Services in 1990. It is that family carers should be encouraged and assisted to continue to provide care through the timely provision of support tailored to their needs.

### Coronary Heart Disease

28. **Mr. Simon Coombs:** To ask the Secretary of State for Northern Ireland what progress has been made towards the eradication of premature deaths caused by coronary heart disease in Northern Ireland; and what was the death rate for people aged under 65 years in *(a)* 1985 and *(b)* 1992. [19636]

**Mr. Moss:** There has been a marked reduction in premature deaths due to coronary heart disease in recent years. The rates are as follows:

| *Year* | *Number (under age 65)* | *Crude death rate per 100,000 estimated population aged under 65 years* |
|---|---|---|
| 1985 | 1,056 | 77 |
| 1992 | 770 | 55 |

### Irish Government (Talks)

**Mr. Alton:** To ask the Secretary of State for Northern Ireland when he last held discussions with his counterparts in the Irish Government on the peace process. [19614]

**Sir Patrick Mayhew:** I discussed elements of the peace process with Mr. Bruton on 12 April.

### Water Industry

**Mr. Win Griffiths:** To ask the Secretary of State for Northern Ireland if he will make a statement on the future of the water industry in Northern Ireland. [19621]

**Mr. Moss:** As my hon. Friend the Member for Beaconsfield (Mr. Smith) announced on 29 June 1994, *Official Report*, columns *550–51*, the Government intend to establish the Department of the Environment's Water Executive as a next steps agency by April 1996.

### Harbours

**Mr. Peter Bottomley:** To ask the Secretary of State for Northern Ireland if he will make a statement on the harbours at Church bay and Ballycastle. [19623]

**Mr. Moss:** On 1 March I announced funding of £4.5 million over three years for improvements to the harbours at Church Bay, Rathlin Island and Ballycastle. This will allow the introduction of a new roll-on roll-off ferry service and demonstrates the Government's commitment to the people of Rathlin.

### Arms and Explosives

**Mr. Nicholas Winterton:** To ask the Secretary of State for Northern Ireland if he will make a statement on the current situation relating to the decommissioning of arms and explosives by all terrorist groups. [19624]

**Sir Patrick Mayhew:** I refer my hon. Friend to the oral answer that I gave earlier today to my hon. Friend the Member for Bexleyheath (Mr. Townsend).

### Fisheries

**Rev. Ian Paisley:** To ask the Secretary of State for Northern Ireland what further swaps the Government are considering with Norway to benefit the Irish sea. [19925]

**Mr. Ancram:** None.

**Rev. Ian Paisley:** To ask the Secretary of State for Northern Ireland what measures the Government are adopting to protect the United Kingdom's fishing fleet, following the disappearance of the Irish box from 1 January 1996. [19923]

**Mr. Ancram:** Under the new arrangements for western waters, our industry's ability to take their quotas is fully protected. We secured a key enforcement role for coastal states under the new arrangements agreed in December 1994. We will be taking full advantage of this key enforcement role to monitor fishing activity in our waters,

including those by vessels from other member states, to ensure the new rules are properly policed. The Government have already announced that it will provide the necessary resources to do so.

**Rev. Ian Paisley:** To ask the Secretary of State for Northern Ireland what measures the Government is proposing to compensate those areas of the United Kingdom that are discriminated against by the Hague preference. [19924]

**Mr. Ancram:** The Government have made a commitment to seek to reduce through quota swaps any disadvantage to Northern Ireland and Wales resulting from the application of the Hague preference in the Irish sea. In honouring this commitment, quota swaps have already been agreed this year with the Republic of Ireland and with the Netherlands for additional quotas of Irish sea cod and whiting which are affected by the Hague preference arrangements and which are two of the most important stocks to Northern Ireland fishermen.

**Rev. Ian Paisley:** To ask the Secretary of State for Northern Ireland what indications Her Majesty's Government have received from the Republic of Ireland that it is willing to allocate some of the fish quotas that it does not catch to Northern Ireland fishermen. [19926]

**Mr. Ancram:** A quota swap has already been agreed with the Republic of Ireland for additional quotas of Irish sea cod and whiting which are important stocks for Northern Ireland fishermen.

## Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Secretary of State for Northern Ireland how much staff time, and at what estimated cost, was put into compiling the departmental annual report; and what were the figures for each year for which figures are available since 1990. [20183]

**Sir John Wheeler:** Within Northern Ireland Departments and the Northern Ireland Office, information on costs is not readily collectable, as much of the material obtained for the report is also required for other purposes, such as strategic planning. However, the estimated cost borne by the Department of Finance and Personnel, in editing and composing the 1995 Northern Ireland departmental report, from material submitted by other Northern Ireland Departments and the Northern Ireland Office was some £25,000. This covers some 13 man months of staff time by the editor and his team, along with some 3.5 weeks of staff time by typists in composing the report. Estimated editing and composing costs for previous years are broadly comparable in real terms.

## EU Structural Funds

**Rev. Ian Paisley:** To ask the Secretary of State for Northern Ireland what *(a)* management committee and *(b)* other bodies have been formed in drawing up a strategy to manage the structural funds allocated in Northern Ireland from the Economic Union; who are the members of the committee; who appointed them; and which members have sea fisheries experience. [19921]

**Sir John Wheeler:** A single programme monitoring committee has been established to oversee the implementation of the single programme under which around £956 million of European structural funds assistance will be available to Northern Ireland for the period 1994–99. Ten informal working committees have also been established to support and advise the SPMC in its role. In addition to Government and European Commission representation on the Committees, there are also a number of outside members who are drawn from relevant key sectors.

In accordance with the structural funds regulations, outside members have been appointed by the member state. This was done following consultation with Departments and on the basis of their background and wide experience. Mr. Ledwidge, a member of the Sea Fish Industry Authority, NI Seafood Ltd. and former chairman of the NI Fishery Harbour Authority has been appointed to the fisheries sub-programme working committee.

As required by the Structural Funds Regulations, a separate monitoring committee will be established for each of the nine community initiative programmes benefiting Northern Ireland. To date five of these programmes have been approved by the European Commission. A monitoring committee has been formally established for one of them, the employment community initiative programme, which was the first one agreed.

The monitoring arrangements for the special initiative for peace and reconciliation will be agreed with the European Commission as part of the negotiation of the programme.

A list of the outside membership for the committees which have been established to date is as follows:

*Northern Ireland single programme monitoring committee*
Mr. S. Curran (Industry sector)
Professor R. W. Ewart (Training sector)
Ms A. Kilmurray (Voluntary sector)
Mr. D. Mitchell (District Councils)
Mr. N. Shaw (Agriculture sector)

*Economic development sub-programme*
Mr. B. Johnston—First Trust Bank
Professor I. Allen—NI Neuropathology Service, Royal Victoria Hospital
Mr. P. Gorecki—NI Economic Council
Mr. J. McKinney—Society of Local Authority Chief Executives

*Tourism sub-programme*
Mr. D. Fallows—Society of Local Authority Chief Executives
Mr. D. Broderick—Tourism and Hospitality Training Council (NI)
Ms P. Morris—Glenavon House Hotel
Mr. A. Goan—Belleek Pottery Ltd
Mr. I. McQuiston—National Trust

*Physical and social environment sub-programme*
Dr. D. Stephens—Irish Council of Churches
Mrs. A. McGinley—Fermanagh District Council
Ms M. McWilliams—University of Ulster
Mr. S. McAleavey—NI Council for Voluntary Action
Mr. J. Redpath—Community Leader

*Investment in the development of people sub-programme*
Ms S. McKee—Cantrell and Cochrane Ltd
Ms A. Kilmurray—NI Voluntary Trust
Mr. L. Hasson—Austin and Co Ltd, Londonderry
Mr. N. McBride—Job Link Training Scheme, Coleraine

*Transportation sub-programme*
Mrs. M. Bell—NI General Consumer Council
Mr. J. Irvine—NI Transport Holding Company

*Energy sub-programme*
Mr. W. Napier—Tyrone Brick Ltd
Mr. M. Smyth—University of Ulster
Ms M. McCloskey—Neighbourhood Energy Action

*Agriculture and rural development sub-programme*
i Agriculture
A representative—Ulster Farmers' Union
A representative—NI Agricultural Producers Association
ii Rural Development
Mr. J. Armstrong—Rural Development Council
Professor F. Gordon—Agricultural Research Institute for NI

*Fisheries sub-programme*
Mr. F. Ledwidge—NI Seafoods Ltd.

*Environmental Services and Protection Sub-programme*
Professor A. Long—Queen's University, Belfast
Dr. C. Carter—University of Ulster

*Employment Community Initiative Programme*
Mrs. J. Smyth—Equal Opportunities Commission
Ms M. Wilson—Disability Action
Ms S. McKee—Cantrell and Cockrane Ltd
Ms A. Kilmurray—NI Voluntary Trust
Mr. L. Hasson—Austin and Co Ltd, Londonderry
Mr. N. McBride—Job Link Training Scheme, Coleraine

### Modern Apprenticeships

**Mr. Spellar:** To ask the Secretary of State for Northern Ireland if he will make a statement on progress on modern apprenticeships in Northern Ireland. [20206]

**Mr. Ancram:** Consultation between the Training and Employment Agency, industry and relevant training organisations has shown widespread support for the introduction in Northern Ireland of arrangements similar to modern apprenticeships. Accordingly, the agency has been working with the industry representatives to agree Northern Ireland modern apprenticeship frameworks for introduction from September 1995, the same implementation date as for modern apprenticeships in Great Britain. It is planned to have agreed frameworks for 20 skill areas by that time, and subsequently to expand the approach progressively to other sectors. The Northern Ireland arrangements have been designed to meet Northern Ireland circumstances. Funding support for Northern Ireland modern apprenticeship training will be provided under the recently introduced jobskills programme.

### Game Shooting

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland what arrangements exist for game shooting at Seskinore forest, Omagh; what proposals he has for future arrangements for game shooting at this forest; if he will make a statement. [19905]

**Mr. Ancram:** Pheasant shooting will take place at Seskinore forest on 11 days during the 1995–96 season. Shooting will be let by tender. Following closure of the Department's game farm at Seskinore, which will take place during 1995, no further shooting will be available at Seskinore after 31 January 1996. Future management of the forest has yet to be finally decided and will be subject to the conclusions drawn from the prior options study of all Forest Service activities which is currently under way.

### Agency Job Losses

**Mr. MacDonald:** To ask the Secretary of State for Northern Ireland if he will list the number and location of Compensation Agency, Driver and Vehicle Licensing, Driver and Vehicle Testing Agency, Northern Ireland Child Support Agency, Ordnance Survey of Northern Ireland, Rate Collection Agency, Social Security Agency, Training and Employment Agency and Valuation and Lands Agency offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [19967]

**Sir John Wheeler:** None.

### National Insurance Numbers

**Mr. Cohen:** To ask the Secretary of State for Northern Ireland if he will give the Data Protection Registrar an undertaking that the national insurance number will not be used for purposes unconnected with the tax and benefits system; and if he will make a statement. [20039]

**Mr. Moss:** The Data Protection Registrar has been advised that it is departmental policy to restrict use of the national insurance number to national insurance, tax and social security benefit related purposes.

### Departmental Annual Report

**Mr. Matthew Taylor:** To ask the Secretary of State for Northern Ireland what measures the Department takes to assess the cost and staff implications of compiling material for the departmental annual report. [20184]

**Sir John Wheeler:** Where possible, the cost and staff implications of compiling material for the report are assessed on the basis of the previous year's experience. However, as much of the material collected is also required for other purposes, assessments of costs relating to the report alone is often not possible.

### Hospital Waiting Lists

**Mr. Spellar:** To ask the Secretary of State for Northern Ireland how many patients have been on hospital waiting lists in Northern Ireland for more than 12 months. [19963]

**Mr. Moss:** The table shows the number of patients waiting for admission to Northern Ireland health service hospitals for more than 12 months at the end of December 1994:

Number waiting for ordinary admission: 2,402
Number waiting for day case treatment: 925

### Blood Transfusion Agency

**Mr. John D. Taylor:** To ask the Secretary of State for Northern Ireland, pursuant to his answer of 18 April 1995, *Official Report*, column *19*, on what dates the contract for the Blood Transfusion Agency new building at the Belfast City hospital was signed; and how many weeks were allowed for the completion of the building in accordance with the terms of the original contract document. [20168]

**Mr. Moss:** The contract for the construction of the headquarters of the Northern Ireland Blood Transfusion Agency at the Belfast City hospital site was signed on 18 October 1994. Article 5, paragraph 5.1, page 8, of the contract states:

"The Employer and Contractor shall be deemed to have entered into this agreement on 7th March 1993".

The time allowed in the original contract document for the completion of the works was 91.5 weeks.

### Race Relations Legislation

**Mr. Murphy:** To ask the Secretary of State for Northern Ireland when he proposes to introduce race relations legislation to Northern Ireland; and if he will make a statement. [20320]

**Sir Patrick Mayhew:** Following an earlier process of public consultation, I have concluded that legislation on the general lines of the Race Relations Act 1976 should be introduced in Northern Ireland. It is my intention to bring this legislation forward by means of an Order in Council as soon as possible.

### Skilled Workers

**Mr. Spellar:** To ask the Secretary of State for Northern Ireland what is his Department's latest estimate of the need for and availability of skilled workers in Northern Ireland. [19961]

**Mr. Ancram:** The demand for skilled labour in Northern Ireland is increasing and in general there is a sufficient supply of suitable workers. However, the situation differs in different sectors and localities. Demand is particularly noticeable, for example, in the tourism sector. Action is being taken through the Training and Employment Agency, working with sector representative bodies, to identify needs and to ensure that they can be met.

### Child Support Agency

**Mr. Clappison:** To ask the Secretary of State for Northern Ireland whether he has plans to publish details of the targets of the Child Support Agency; and if he will make a statement. [21803]

**Mr. Moss:** The Child Support Agency will publish its 1995–96 business plan today. Copies will be placed in the Library.

The targets that I have set for the Child Support Agency for 1995–96 are as follows:

—£6.15 million of maintenance to be collected, or arranged for direct payment from absent parents to parents with care in 1995–96.

—90 per cent. of payments made to parents with care to be made in 10 working days of receipt from an absent parent.

—To achieve a steady improvement in accuracy, so that in at least 75 per cent. of cases checked during March 1996 the cash value will be for the correct amount.

—Where a client is dissatisfied with a Child Support Officer's decision and requests a review, 50 per cent. to be cleared within 13 weeks; 80 per cent. to be cleared within 26 weeks; and no more than 15 per cent. to be older than six months as at 31 March 1996.

—60 per cent. of new maintenance applications to be cleared within 26 weeks and as at 31 March 1996 no maintenance applications received by the agency to be over 12 months old.

—To manage the agency's resources so as to deliver its business plan within the gross budget allocation.

As a new and evolving agency the 1994–95 targets did not cover the whole range of the agency's business and in the light of experience did not prove to be appropriate drivers of the business. The new targets take account of this and cover a wider range of activities. They will require the agency to improve performance in a number of areas. In particular, this year's targets include measures of accuracy and of the time taken to provide services. This underlines the agency's focus on quality and client service in 1995–96.

## FOREIGN AND COMMONWEALTH AFFAIRS

### Nuclear Arms Control

**Mr. Llew Smith:** To ask the Secretary of State for Foreign and Commonwealth Affairs what recent responses have been made by those nations opposing indefinite unconditional extension of the nuclear non-proliferation treaty to the proposals he set out on behalf of Her Majesty's Government at the non-proliferation treaty conference in New York on 18 April. [20808]

**Mr. David Davis:** The steps that we have taken to address the concerns of the non-aligned movement have helped to develop growing support for the indefinite extension of the nuclear non-proliferation treaty. There have been statements of support for the treaty's indefinite extension by South Africa, Singapore, the Philippines, Bolivia, Uzbekistan and many others.

**Mr. Simpson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what are the implications of his announcement that the United Kingdom is to cease production of fissile materials for explosive purposes at the Chapelcross and Calder Hall reactors; and if he will make a statement. [21014]

**Mr. David Davis** *[holding answer 26 April 1995]:* The conference on disarmament in Geneva has agreed the mandate for the ad hoc committee which will negotiate a treaty banning the production of fissile material for explosive purposes. In order to show our commitment to that process my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs announced that the UK has ceased production of fissile material. We anticipate that negotiations will begin in June.

### Hong Kong

**Mr. Parry:** To ask the Secretary of State for Foreign and Commonwealth Affairs what decision has been reached by Her Majesty's Government with respect to whether Hong Kong citizens holding a Hong Kong special administrative region passport after 1997 will need a visa to visit the United Kingdom; and if he will make a statement. [21146]

**Mr. Goodlad:** We have not yet taken any decision on visa requirements for Hong Kong special administrative region passport holders wishing to visit the United Kingdom after 1 July 1997. In taking such a decision, we will consider a number of factors, including eligibility for the passport and arrangements for its issue and security. We continue through the Joint Liaison Group to press the Chinese for early progress on these questions, but until details have been finalised and we have evidence that satisfactory procedures are in place we shall not be able to take a decision on visa requirements for HKSAR passport holders.

### Kashmir

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs what criteria Her Majesty's Government will apply to elections in Kashmir in respect of their being free and fair; and if he will make a statement. [21153]

**Mr. Baldry:** We shall be considering with our European partners how best to assess the forthcoming elections in Kashmir.

**Mr. Madden:** To ask the Secretary of State for Foreign and Commonwealth Affairs what is the policy of Her Majesty's Government in relation to United Nations resolutions concerning Kashmir; and if he will make a statement. [21154]

**Mr. Baldry:** Britain supported, and both India and Pakistan agreed, the United Nations resolutions of 1948 and 1949 which provided the basis for a possible solution to the Kashmir dispute, but neither side fully implemented those resolutions, which have to some extent been overtaken by events. The 1972 Simla agreement represents the most recent formal agreement between India and Pakistan on the handling of the dispute. It envisages settlement through bilateral negotiations or other peaceful means mutually agreed between them. We believe this to be the best way forward.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for Foreign and Commonwealth Affairs which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to the Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those bodies with a statutory base. [21162]

**Mr. Goodlad:** There is no statutory requirement for the advisory non-departmental public bodies sponsored by the FCO, including the Overseas Development Administration, to *(a)* publish their advice to the Government, *(b)* publish an annual report or *(c)* lay an annual report before Parliament.

The following bodies have a statutory base:

The Indian Family Pension Funds Body of Commissioners

The Overseas Service Pensions Scheme Advisory Board.

### US (Visas)

**Mr. Wareing:** To ask the Secretary of State for Foreign and Commonwealth Affairs what reasons have been given by the United States Government for not applying reciprocity in respect of visa requirements on British citizens travelling to the United States of America; what recent discussions there have been with the US authorities on this matter; and if he will make a statement. [21241]

**Mr. Baldry:** There has for some years been reciprocity for visitors, in that neither country requires visas of the other's citizens who wish to make short-term visits. Similarly, both countries require visas of people wishing to work or settle in the other.

### Lockerbie

**Ms Walley:** To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps he has taken to negotiate with the Libyan Government in respect of the Lockerbie disaster. [21059]

**Mr. Douglas Hogg:** We have had a number of meetings with Libyan officials. The Libyan Government are fully aware of the requirements which have been placed on Libya by the United Nations Security Council.

# Written Answers to Questions

*Friday 28 April 1995*

## LORD CHANCELLOR'S DEPARTMENT

### Public Bodies

**Dr. Wright:** To ask the Parliamentary Secretary, Lord Chancellor's Department which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament, and if he will list those with a statutory base. [21595]

**Mr. John M. Taylor:** The Lord Chancellor's Department and the Northern Ireland Court Service sponsor the following advisory non-departmental public bodies:

- Insolvency Rule Committee
- County Court Rule Committee
- Supreme Court Rule Committee
- Land Registration Rule Committee
- Family Proceedings Rule Committee
- Crown Court Rule Committee
- Advisory Council on Public Records
- Advisory Committee on Legal Education and Conduct Council on Tribunals
- Law Commission
- Northern Ireland Court Service:
  - Legal Aid Advisory Committee (NI)
  - Advisory Committees on General Commissioners of Income Tax (NI)
  - Advisory Committees on JPs in Northern Ireland
  - Advisory Committees on Juvenile Court Lay Panel
- Advisory Committees on General Commissioners of Income Tax
- Advisory Committees on JPs in England (excluding the Duchy of Lancaster) and Wales
- Judicial Studies Board

All but the last six have a statutory basis.

None is under a statutory requirement to publish its advice to Government.

The Advisory Committee on Legal Education and Conduct, the Law Commission and the Council on Tribunals are all required by statute to make annual reports to the Lord Chancellor. While there is no statutory requirement on the Advisory Council on Public Records to submit an annual report, there is a requirement that any report by it to the Lord Chancellor should be included in the Public Record Office's own annual report, for which there is a statutory requirement. All these annual reports are laid before Parliament by the Lord Chancellor.

The Legal Aid Advisory Committee (Northern Ireland) is required to consider the Law Society's annual report on legal aid in Northern Ireland and the Lord Chancellor is required to lay before Parliament a copy of any comments or recommendations made by the committee.

## ENVIRONMENT

### Public Inquiries

**Mr. Vaz:** To ask the Secretary of State for the Environment (1) what was the number of public inquiries which were held in each year since 1985; [20998]

(2) what was the average length of time it takes to obtain dates for public inquiries into planning refusals; [20999]

(3) if he will list by local authority the number of *(a)* planning application refusals, *(b)* appeals, *(c)* public inquiries, *(d)* the estimated time to obtain a date and *(e)* the estimated costs for (i) 1992, (ii) 1993 and (iii) 1994. [21000]

**Sir Paul Beresford:** I have delegated responsibility for the provision of information on planning appeals to the Planning Inspectorate agency. I have therefore asked Mr. Chris Shepley, the agency's chief executive, to reply.

*Letter from Chris Shepley to Mr. Keith Vaz, dated 25 April 1995:*

The Secretary of State has asked me to provide replies to your Parliamentary Questions about:

the number of public inquiries held each year since 1985 (PQ/20998)

the average length of time it takes to obtain dates for public inquiries into planning refusals (PQ 20999);

for each local authority, the number of (a) planning application refusals, (b) appeals, (c) public inquiries, (d) the estimated time to obtain a date and (e) the estimated costs for (i) 1992, (ii) 1993 and (iii) 1994 (PQ 21000).

As these are all matters that have been delegated to the Executive Agency.

*20998*

The number of appeals against a refusal of planning permission determined following a public inquiry in each financial year since 1985/86 is shown in the table below. The information is taken from the Chief Planning Inspector's Annual Report.

| *Year* | *Appeals determined* |
|---|---|
| 1985–86 | 1,663 |
| 1986–87 | 2,098 |
| 1987–88 | 1,960 |
| 1988–89 | 2,204 |
| 1989–90 | 2,347 |
| 1990–91 | 1,960 |
| 1991–92 | 1,808 |
| 1992–93 | 1,505 |
| 1993–94 | 1,176 |
| 1994–95 | 1,108 |

*(20999)*

Our most recent check showed that over 95% of inquiry dates for planning appeals were finalised within the one month negotiation period recommended by the inquiries procedure rules.

*(21000)*

The information you seek in respect of each planning authority on *(a)* Planning Application Refusals, *(b)* appeals and *(c)* inquiries is not immediately available and will take a few days to compile and check. I will write to you again when the work is complete.

I cannot, however, provide the information you seek in parts *(d)* or *(e)* of your question. The Agency does not keep records at a level of detail that would enable us to estimate for each planning authority either the time taken to obtain inquiry dates or the costs of inquiries.

### Rural Areas

**Mr. Redmond:** To ask the Secretary of State for the Environment what is the role of a parish council in the *(a)* preparation and *(b)* implementation of a village design statement. [20737]

**Sir Paul Beresford:** Parish councils may have an enabling or co-ordinating role during the preparation of village design statements. They may also make representations on development plans and development control matters.

**Mr. Redmond:** To ask the Secretary of State for the Environment what action he will take if design constraints in a rural community inhibit *(a)* local affordable housing, *(b)* job creation and *(c)* creative use of areas of local land; and if he will make a statement. [20735]

**Sir Paul Beresford:** Design issues—such as considering a building's context, its relationship to its setting, and its relationship to its proposed function—may be material consideration in determining a planning application or appeal. They will need to be assessed with other planning considerations in taking decisions.

**Mr. Redmond:** To ask the Secretary of State for the Environment what action he is taking to protect free-standing buildings in *(a)* villages, *(b)* whole parishes and *(c)* hamlets and less defined settlements; and if he will make a statement. [20736]

**Sir Paul Beresford:** National policy on the re-use of rural buildings is set out in planning policy guidance note 7, "The Countryside and the Rural Economy." There should generally be no reason for preventing the re-use of rural buildings, provided their form, bulk and general design are in keeping with their surroundings.

DOE circular 26/92 advises on planning controls over demolition.

**Mr. Redmond:** To ask the Secretary of State for the Environment what guidance is given to local authorities in determining the relative priority which is accorded to *(a)* a village design statement and *(b)* other building development; and what guidelines apply in respect of the use of concrete blocks as building materials in villages. [20738]

**Sir Paul Beresford:** Village design statements are being promoted by the Countryside Commission. My right hon. Friend the Secretary of State supports this initiative, which enables local people to express views on how future development can make a positive contribution to a specific area. The Countryside Commission plans to publish advice on the preparation of village design statements later this year.

Village design statements may be a material consideration in determining a planning application or appeal, and it is for local planning authorities to consider whether to adopt them as supplementary guidance to the development plan.

The development plan system provides the framework for planning for new development and for delivering a quality built environment. Planning policy guidance note 1 advises planning authorities to reject obviously poor designs which are out of scale or character with their surroundings.

### Premises in Multiple Occupation

**Mr. Gale:** To ask the Secretary of State for the Environment what assessment he has made of the effect of the image presented by former seaside guest houses and hotels now operated as unlicensed houses in multiple occupation in seaside towns on the prospects for trade in those towns. [20784]

**Mr. Robert B. Jones:** Representations received by the Department of National Heritage from tourism operators and trade organisations strongly suggest that the growth in numbers of houses in multiple occupation in traditional tourism areas, particularly in some seaside resorts, is having an unfavourable effect on the tourist trade. My Department conducted a consultation exercise between November 1994 and February 1995 on the principle of a licensing scheme for houses in multiple occupation and received similar representations. The Government hope to announce shortly the conclusions of this review.

### City Challenge, North Tyneside

**Mr. Nicholas Brown:** To ask the Secretary of State for the Environment what guidance is given by his Department to North Tyneside city challenge project relating to the placing of contracts for security work; what contracts have been issued by North Tyneside city council for security work; if he will name the city challenge board members and officials who are responsible for such contracts; and how they are appointed. [21224]

**Sir Paul Beresford:** The Department of the Environment has not given any specific guidance to North Tyneside city challenge, or any other city challenge partnership, about the placing of contracts for security work. North Tyneside city challenge has not let any such contract. The North Tyneside city challenge partnership undertakes no direct tendering or contracting relating to city challenge projects; this is the responsibility of project sponsors, who are required to achieve value for money. Where projects are assisted by city challenge funding, it is the responsibility of the contractor to assess the degree of risk and make the appropriate contractual arrangements for security.

### Agency Job Losses

**Mr. Macdonald:** To ask the Secretary of State for the Environment if he will give the number and location of Building Research Establishment, Ordnance Survey, Planning Inspectorate, Security Facilities Executive and Buying Agency offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and what is the number and location of offices opened and jobs gained in Scotland as the result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [21547]

**Sir Paul Beresford:** I refer the hon. Member to my answer to him on 25 April, *Official Report*, column *471*.

### Household Expenditure

**Mr. Llwyd:** To ask the Secretary of State for the Environment what is the average weekly household expenditure on housing for *(a)* those in rented accommodation and *(b)* owner-occupiers in the United Kingdom; what were the corresponding figures in (i) 1987 and (ii) 1992; and if he will make a statement. [20899]

**Mr. Curry:** Estimates of average weekly household expenditure on housing for those in rented

accommodation and for owner-occupiers in the United Kingdom are as follows:

*Gross and net average weekly housing costs*

*£ per week*

| | *Gross* | | *Net* | |
|---|---|---|---|---|
| | *Renters* | *Owner occupiers* | *Renters* | *Owner occupiers* |
| 1987 | 26.80 | n/a | 17.20 | 35.80 |
| 1992 | 45.40 | n/a | 28.00 | 57.40 |
| 1993 | 49.70 | n/a | 29.40 | 52.50 |

Housing costs include rates, community charge or council tax as appropriate. The estimates of net costs allow for housing benefit, rent rebates and allowances, and rates/community charge/council tax rebates.

Figures for gross average weekly housing costs for owner occupiers are not readily available.

These figures are drawn from the family expenditure survey and are subject to sampling error.

### Pigeons

**Mr. Sutcliffe:** To ask the Secretary of State for the Environment what additional financial support he will provide to local authorities which have severe problems with pigeons, with special reference to Bradford. [21551]

**Mr. Curry:** Support for local authorities' revenue expenditure, provided through revenue support grant, is made in respect of all local authority powers and duties. Individual authorities make expenditure decisions on the basis of local needs and priorities. We have received no representations about problems with pigeons.

**Mr. Sutcliffe:** To ask the Secretary of State for the Environment what measures he proposes to take to control the pigeon population. [21554]

**Sir Paul Beresford:** Under the provisions of the Wildlife and Countryside Act 1981, my Department and the Ministry of Agriculture, Fisheries and Food issue annual general licences permitting authorised persons to kill or take 13 species of pest bird, including feral pigeons for specified reasons. Under part VI of the Public Health Act 1961, local authorities have a specific power to abate or mitigate any nuisance, annoyance or damage caused by the congregation of pigeons in any built-up area.

**Mr. Sutcliffe:** To ask the Secretary of State for the Environment how many accidents due to pigeon droppings were reported in *(a)* Bradford and *(b)* West Yorkshire in the last year for which information is available. [21556]

**Sir Paul Beresford:** My Department does not collect this information.

## EDUCATION

### Philosophy Courses

**Mr. Llwyd:** To ask the Secretary of State of Education how many people graduated from English higher education institutions with honours either in philosophy or in a joint honours or composite degree involving philosophy in 1994; what proportion of the total number graduating from English higher education this represents; and if she will make a statement. [20903]

**Mr. Boswell:** Some 500 students graduated from first degree courses wholly or mainly in philosophy from English higher education institutions in academic year 1992–93, which represents one third of 1 per cent. of all graduates from these institutions. It is not possible to give data from courses where philosophy is combined with other subjects. Statistics on the numbers graduating where philosophy has been a minor element of the course are not readily available.

**Mr. Llwyd:** To ask the Secretary of State for Education how many higher education institutions in England currently offer single honours or joint honours degrees in philosophy; what percentage of the total number of higher education institutions in England this represents; and if she will make a statement. [20911]

**Mr. Boswell:** From the 110 higher education institutions in England which are members of the Universities and Colleges Admissions Service, 45 offered philosophy as an element of a first degree course in the UCAS "Handbook for 1995 Entry". This represents 41 per cent. of all English higher education institutions offering courses through UCAS.

## HOUSE OF COMMONS

### Parliamentary Questions

**Mr. Kaufman:** To ask the Lord President of the Council, pursuant to his answer of 24 April, column *339*, if he will now reply forthwith to the letter sent to him on 25 April by the right hon. Member for Manchester, Gorton.

**Mr. Newton:** I will write to the right hon. Member shortly.

## SOCIAL SECURITY

### Children (Benefit)

**Mr. Frank Field:** To ask the Secretary of State for Social Security what proportions of all children are in households claiming *(a)* income support, *(b)* family credit and *(c)* housing benefit; and what proportion of (i) single parents and (ii) unemployed drawing income support or housing benefit have mortgages. [20391]

**Mr. Roger Evans:** The available information is set out in the tables. Figures are not available for housing benefit recipients with mortgages. Housing benefit is not payable for mortgage interest. Although there are a small number of cases where both housing benefit and mortgage interest are in payment, it is not possible to identify these cases separately.

*Children in households receiving benefit*[1]

| *Benefit* | *Number (000)* | *As a percentage of all children in Great Britain* |
|---|---|---|
| Income Support | 2,980 | 25.8 |
| Family Credit | 1,086 | 9.4 |
| Housing Benefit | 2,238 | 19.4 |

[1] Children can be in households receiving more than one benefit so figures cannot be totalled. For example, in May 1993 2,053 thousand children were in households in receipt of Housing Benefit, Income Support and/or Family Credit.

*Notes:*
1. Figures are rounded to the nearest thousand and to one decimal place.
2. Children have been defined as dependents under the age of 16.

*Source:*
Office of Population, Censuses and Surveys Mid 1993 estimates.
Income Support Statistics Quarterly Enquiry Mid 1994.
Family Credit Statistics Quarterly Enquiry July 1994.
Housing Benefit Management Information Statistics annual 1 per cent. sample May 1993.

*Income Support claimants with mortgage interest included in the assessment*

| *Client Group* | *Number (000)* | *As a percentage of all claimants with mortgage interest included in the assessment* |
|---|---|---|
| Single parents | 120 | 22.7 |
| Unemployed | 195 | 36.9 |

*Notes:*
1. Figures are rounded to the nearest thousand and to one decimal place.
2. Children have been defined as dependents under the age of 16.

*Source:*
Office of Population, Censuses and Surveys Mid 1993 estimates.
Income Support Statistics Quarterly Enquiry Mid 1994.
Family Credit Statistics Quarterly Enquiry July 1994.
Housing Benefit Management Information Statistics annual 1 per cent. sample May 1993.

### State Pensions

**Mrs. Fyfe:** To ask the Secretary of State for Social Security what challenges in court have been made to his policy on the date for commencement of payment of retirement pensions; and what discussions there have been of this policy at international bodies of which the Government are a member. [20816]

**Mr. Arbuthnot:** None.

**Mrs. Fyfe:** To ask the Secretary of State for Social Security what plans he has to pay retirement pensions so as to include the amount which is currently not paid for the intervening days from a person's date of retirement or relevant birthday to the Monday following. [20817]

**Mr. Arbuthnot:** None.

### Vaccine Damage

**Mr. Burden:** To ask the Secretary of State for Social Security what records are kept by the vaccine damage payment unit of claims for compensation; and whether such records are available for all claims made since 1979. [21323]

**Mr. Hague:** The administration of the vaccine damage payment scheme is a matter for Mr. Ian Magee, the acting chief executive of the Benefits Agency. He will write to the hon. Member with such information as is available.

*Letter from Ian Magee to Mr. Richard Burden, dated 27 April 1995:*

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary Question about the records kept of claims to the Vaccine Damage Scheme.

Information is available from the inception of the scheme about the total number of claims received and awards made. Statistics are also available from 1981 in respect of the reasons for disallowance within certain categories.

I hope you find this reply helpful.

### Incapacity Benefit

**Mr. Llwyd:** To ask the Secretary of State for Social Security (1) what is his estimate of the number of current invalidity benefit recipients in Wales who will not qualify for incapacity benefit; and if he will make a statement; [20905]

(2) what is his estimate of the fiscal impact of implementing the Social Security (Incapacity for Work) Act 1994 on social security expenditure incurred in Wales; and if he will make a statement. [20906]

**Mr. Hague:** There are insufficient data on which to base a reliable breakdown of the national estimates provided for the effect of the new medical test, or to assess, on a regional basis, the public expenditure consequences of the Incapacity For Work Act 1994.

### Welfare Provision

**Mr. Llwyd:** To ask the Secretary of State for Social Security what studies he has instigated to determine the effect of the single market on welfare provision in the United Kingdom; and if he will make a statement. [20907]

**Mr. Hague:** No such studies have been instigated by the Department.

## EMPLOYMENT

### Fair Play for Women

**Ms Angela Eagle:** To ask the Secretary of State for Employment, if he will make a statement on the fair play for women initiative. [21284]

**Miss Widdecombe:** Fair play for women is a joint initiative between the Department and the Equal Opportunities Commission launched in April 1994. Ten independent consortia have been set up all over England to plan how woman can realise their full capabilities and to take suitable action within their regions. The Government and the EOC are encouraged by the wide range of organisations and individuals supporting fair play, and will be monitoring consortia activity.

### Workstart

**Sir Ralph Howell:** To ask the Secretary of State for Employment which Ministers have visited workstart schemes; which schemes were visited; and when they were each visited. [21127]

**Miss Widdecombe:** Workstart pays a subsidy to employers who recruit very long-term unemployed people. On 5 November 1993, the then Secretary of State for Employment visited Bishop's Move Distribution Service of Broadstairs, Kent, an employer who received a Workstart subsidy under the original pilots, which ended December 1994. Further pilots commenced this month.

### Grays Benefit Office

**Mr. Mackinlay:** To ask the Secretary of State for Employment, pursuant to his answer of 18 April, *Official Report*, column *57*, under which sections of the Control of Pesticides Regulations 1986 Stapro insecticide was used at Grays benefit office on 5 October 1991. [21141]

**Miss Widdecombe:** Responsibility for the subject of the question has been delegated to the Employment Service Agency under its chief executive. I have asked him to arrange for a reply to be given.

*Letter from M. E. G. Fogden to Mr. Andrew Mackinlay, dated 28 April 1995:*

The Secretary of State has asked me to reply to your question about under which sections of the Control of Pesticides Regulations 1986, Stapro Insecticide was used at Grays Unemployment Benefit Office on 5 October 1991.

You will wish to note that, according to our records, spraying actually took place on 8 October 1991.

My colleagues at the Health and Safety Executive advise me that Regulations 4(5) of the Control of Pesticides Regulations 1986 allows use of a pesticide that has been approved by Ministers under regulation 5, provided that

(a) the conditions of approval are complied with, and

(b) the requirements of the consent of use (Schedule 3 as amended) are followed.

The Regulations do not tie the use of pesticides to specific premises, but the conditions of approval specify, for example, who can use the product, the application method and the necessary precautions.

### Severe Disablement Allowance

**Ms Short:** To ask the Secretary of State for Employment how many hours of study people in receipt of severe disablement allowance will be able to undertake without jeopardising their benefit entitlement when the jobseeker's allowance is introduced; and if he will make a statement. [19753]

**Mr Hague:** I have been asked to reply.

On its introduction in April 1996, jobseeker's allowance will allow unemployed people to undertake part-time further education courses of up to 16 "guided learning hours" a week. Severe disablement allowance is paid to people who are incapable of work through sickness and therefore cannot be claimed at the same time as JSA. SDA rules on hours of attendance on educational courses apply only to those recipients aged between 16 and 19 and the current limit on part time education is 21 hours a week. We are considering whether we need to change these rules.

## PRIME MINISTER

### Nurses' Pay

**Mr. Mark Robinson:** To ask the Prime Minister if he will make a statement about nurses' pay. [22336]

**The Prime Minister:** The report for 1995–96 of the Independent Review Body for Nursing Staff, Midwives, Health Visitors and Professions Allied to Medicine was published on 9 February 1995. The review body recommended a 1 per cent. national increase in pay, with additional increases to be negotiated locally. The Government accepted the review body's recommendations in full.

I am advised that offers have been made by 175 NHS trusts. Since the vast majority meet the nurses demand for a rise of 3 per cent., I assume that the offers are acceptable to them. It was that to which I was referring in the House yesterday.

## HEALTH

### NHS Trusts

**Mr. Redmond:** To ask the Secretary of State for Health if NHS trusts are permitted to appoint honorary non-executive directors in addition to the five paid non-executive directors. [20684]

**Mr. Malone:** There is no provision in either the National Health Service and Community Care Act 1990 or in the National Health Service Trusts (Membership and Procedure) Regulations 1990 for the appointment of honorary non-executive directors for NHS trusts.

### Psychiatric Services

**Mr. Redmond:** To ask the Secretary of State for Health how many psychiatric beds were available in each health authority in 1979; and how many are currently available. [20686]

**Mr. Bowis:** Figures for 1979 are published in "SH3 National and Regional Summaries (DHSS Hospital Statistics) 1979" and for 1993–94, the latest year available, in "Bed availability for England, financial year 1993–94". Copies are available in the Library. Because of changes in the classifications of beds and health authority boundaries over the period, figures are not strictly comparable.

**Mr. Redmond:** To ask the Secretary of State for Health how much of each £1 spent on the psychiatric services is spent on *(a)* hospital beds and *(b)* community health services; and if she will make a statement. [20825]

**Mr. Bowis:** Information in the form requested is not available.

**Mr. Redmond:** To ask the Secretary of State for Health what current plans her Department has to fund Mindline; and if she will enter into discussions with MIND to do so. [20687]

**Mr. Bowis:** No such application for funding has been received.

**Ms Jowell:** To ask the Secretary of State for Health how many mental health beds per 1,000 population were available in London, Newcastle, Birmingham, Manchester and Liverpool in each year since 1991. [21914]

**Mr. Bowis:** Hospitals in the cities listed do not provide services exclusively for the populations of those cities. The information is not, therefore, available in the form requested.

### St. Bartholomew's Hospital Site

**Mr. Spearing:** To ask the Secretary of State for Health, pursuant to her answer of 18 April, *Official Report*, column *19*, on the future use of the site of St. Bartholomew's hospital, if future health-related services could include a privately funded casualty, emergency or

acute hospital which could incorporate some of the existing facilities. [21063]

**Mr. Malone:** A project team, led by Sir Ronald Grierson, will look at the practical options for future use of the St. Bartholomew's hospital site, taking into account its historic health care connections. The team will work with the Royal Hospitals trust and other interested parties.

### Correspondence

**Mrs. Bridget Prentice:** To ask the Secretary of State for Health when she expects to reply to the letter of 17 March sent to her by Roger and Michelle Gould regarding the medical condition and treatment of their son, Jo. [21676]

**Mr. Bowis:** No such letter has been received in the Department. If the hon. Lady will arrange for a copy to be sent to me I will ensure that it receives urgent attention.

### Market Testing

**Mrs. Beckett:** To ask the Secretary of State for Health what is the number of staff employed and the establishment and running costs of the NHS Executive *(a)* information desk and *(b)* database relating to NHS market testing guidance. [21756]

**Mr. Malone:** The market testing information desk and data base is staffed and run by one half whole-time equivalent national health service executive executive officer at an approximate cost of £12,500 per year.

### Emergency Vehicles

**Ms Jowell:** To ask the Secretary of State for Health how many emergency vehicles run by *(a)* the London ambulance service, *(b)* the Northumbria ambulance service, *(c)* the West Midlands ambulance service and *(d)* the Greater Manchester ambulance service are more than three years old; and what proportion of the fleet this represents in each case. [21926]

**Mr. Bowis:** This information is not available centrally.

### NHS Pensions Agency Targets

**Mr. Robert G. Hughes:** To ask the Secretary of State for Health if she will publish the key targets for 1995–96 for the NHS Pensions Agency. [22133]

**Mr. Sackville:** I have agreed the agency's key targets for 1995–96. These are:

*Clearance*

To clear 95 per cent. of the projected 28,200 pension awards within four weeks of the application being accepted by the Agency and 99 per cent. within eight weeks.

To send a substantive reply to all correspondence within four weeks of receipt.

*Efficiency*

To achieve a 7 per cent. increase in efficiency over three years, based upon the agency's cost-weighted activity index.

*Financial*

To deliver the business programme within the agreed allocations.

*Improvement*

To reorganise the agency into multi-functional client-centred teams by 30 November 1995.

To implement a new pensions processing system by 31 March 1996.

### Medicines Control Agency Targets

**Mr. Robert G. Hughes:** To ask the Secretary of State for Health if she will list the key business targets for the Medicines Control Agency for 1995–96. [22134]

**Mr. Sackville:** I have today placed in the Library a copy of the Medicines Control Agency's business plan for 1995–96.

### Selected List Scheme

**Mrs. Beckett:** To ask the Secretary of State for Health what consultations her Department has had with the Department of Trade and Industry over the implications to United Kingdom investment of the selected list scheme. [20629]

**Mr. Malone:** There are regular discussions between Government Departments, including the Department of Trade and Industry, and representatives of the pharmaceutical industry about matters of mutual concern.

**Mrs. Beckett:** To ask the Secretary of State for Health what change there has been in the level of industry investment into the seven therapeutic areas listed on the 1984 selected list scheme since the announcement of the categories. [20630]

**Mr. Malone:** This information is not available centrally.

**Mrs. Beckett:** To ask the Secretary of State for Health what medical basis there is for retaining the category of contraception within the remit of the Advisory Committee on NHS Drugs. [20638]

**Mr. Malone:** The basis for asking the Advisory Committee on NHS Drugs to continue to review the therapeutic categories covered by the selected list scheme remains that there should be drugs to meet all real clinical need on NHS prescription as economically as possible.

**Mrs. Beckett:** To ask the Secretary of State for Health, on what basis, and by whom, the category of contraception was chosen as one of the selected list of scheme categories. [20639]

**Mr. Malone:** Ministers decided which categories of drugs should be covered by the selected list scheme on the basis that they included a range of products at varying price levels which offered scope for savings while enabling all real clinical need to be met.

**Mrs. Beckett:** To ask the Secretary of State for Health if she will list the hormonal contraceptives to be blacklisted under the current selected list scheme. [20640]

**Mr. Malone:** There are no plans to remove any hormonal contraceptive products from general practitioner prescription under the selected list scheme.

**Mrs. Beckett:** To ask the Secretary of State for Health what plans her Department has to remove the category of contraception from the selected list scheme. [20641]

**Mr. Malone:** None.

**Mrs. Beckett:** To ask the Secretary of State for Health what plans there are to extend the number of categories under the remit of the selected list scheme. [20642]

**Mr. Malone:** None.

**Mrs. Beckett:** To ask the Secretary of State for Health (1) on what basis the Advisory Committee on NHS Drugs makes the decision that an oral contraceptive *(a)* offers a therapeutic benefit and *(b)* meets a clinical need; [20643]

(2) how the Advisory Committee on NHS Drugs makes the decision that the range of oral contraceptives available

on the NHS is sufficient to take into account the individual needs of women. [20644]

**Mr. Malone:** The Advisory Committee on NHS Drugs is composed of a number of independent medical and pharmaceutical experts. It makes its recommendations on the basis of the clinical and scientific knowledge and experience of these members and after examining the relevant published information and any evidence submitted by the manufacturers of the drugs under review.

### Birth Control

**Mrs. Beckett:** To ask the Secretary of State for Health what her Department's plans are for research into contraception and contraceptive methods. [20631]

**Mr. Bowis:** None. Research in this field is a matter for the Medical Research Council, which is the responsibility of my right hon. Friend the Chancellor of the Duchy of Lancaster.

**Mrs. Beckett:** To ask the Secretary of State for Health what initiatives, other than educational, her Department has undertaken within the last 12 months in order to meet "The Health of the Nation" target for teenage conceptions. [20632]

**Mr. Bowis:** Priorities set by the national health service chief executive for 1994–95 required authorities to ensure the provision, within available resources, of the full range of NHS family planning services which are appropriate, accessible and comprehensive and that emergency contraception and services for teenagers, including counselling, are publicised and readily available. This requirement was reaffirmed in the priorities set for 1995–96.

Over £136 million per year has been spent on NHS family planning services in England. In addition, in 1994–95, more than £340,000 was allocated to key voluntary bodies working towards "The Health of the Nation target on teenage conceptions".

In March 1995 the Department sponsored a Family Planning Association radio and magazine advertising campaign in London and Manchester to launch the Sexwise phoneline—a free, confidential service offering teenagers the opportunity to receive advice from a trained counsellor. There have been more than 45,000 calls to the line during its first six weeks of operation.

The Family Planning Association and the Health Education Authority, in collaboration with Brook Advisory Centres and the Birth Control Trust, have also recently launched a national radio and magazine advertising campaign to raise awareness of emergency contraception. This campaign is supported by a telephone helpline.

**Mrs. Beckett:** To ask the Secretary of State for Health how many women in the United Kingdom use hormonal contraception. [20633]

**Mr. Bowis:** According to the Office of Population Censuses and Surveys 1993 general household survey, 25 per cent. of women in Great Britain aged 16 to 49 use oral contraceptives.

**Mrs. Beckett:** To ask the Secretary of State for Health what is the average cost to the NHS of one year's course of hormonal contraception. [20634]

**Mr. Bowis:** Assuming that recommended doses were followed in all cases, the average net ingredient cost of one year's supply of hormonal contraceptives, including implants and injections, dispensed in the family health services authorities in England in 1994 was £18.39 per woman.

This figure excludes dispensing costs or fees. Preparations for short-term and emergency hormonal contraception have also been excluded from the calculation.

**Mrs. Beckett:** To ask the Secretary of State for Health what figures her Department has as to the cost to the NHS of *(a)* terminations and *(b)* maternities and births, resulting from (i) all pregnancies and (ii) unplanned pregnancies. [20635]

**Mr. Bowis:** The costs to the national health service of terminations and of maternities and births resulting from planned or unplanned pregnancies are not separately identifiable.

**Mrs. Beckett:** To ask the Secretary of State for Health what data her Department has on the increased likelihood of pregnancy when a woman changes the type of contraceptive pill she uses for family planning. [20636]

**Mr. Bowis:** None. The "Handbook on Contraceptive Practice", published by the Health Departments in England, Scotland and Wales and issued to doctors and nurses working in the family planning field, provides advice on avoiding the risk of pregnancy when patients need to change their pill formulation.

**Mrs. Beckett:** To ask the Secretary of State for Health what estimates her Department makes as to what proportion of pregnancies are *(a)* unplanned and *(b)* unwanted. [20637]

**Mr. Bowis:** The chief medical officer's report for 1990 estimated that almost half of all conceptions to women in England were in some sense unwanted or unintended.

**Mrs. Beckett:** To ask the Secretary of State for Health whether hormonal contraceptives are distinguished by her Department from other pharmaceutical products in any way. [20645]

**Mr. Malone:** Hormonal contraceptives are treated in the same way as other pharmaceutical products under the Medicines Act and the relevant European legislation. Unlike other products, people receiving hormonal contraceptives on NHS prescription do not pay a prescription charge in any circumstances.

**Mrs. Ann Winterton:** To ask the Secretary of State for Health (1) how many calls seeking post-coital contraception have to date been received by the helpline funded by the Health Education Authority and the Family Planning Association; and what specific advice is given to callers; [21733]

(2) what public funds have been used by the Health Education Authority and the Family Planning Association to finance their national advertising campaign and telephone advice service promoting the uptake of the morning-after pill; what was the total cost of those campaigns; and by whom were they approved. [21732]

**Mr. Malone:** The campaign budget for 1994–95 was £300,000. It is funded by the Health Education Authority through the Family Planning Association. All expenditure

has been approved in the normal way. The helpline has received 30,000 calls to date relating to all aspects of use of emergency contraception.

### Smoking

**Mr. Llwyd:** To ask the Secretary of State for Health what is the percentage of people over 16 years old who smoke; what are the corresponding estimates for *(a)* 1965, *(b)* 1970 and *(c)* 1980; and if she will make a statement. [20908]

**Mr. Bowis:** The available data are shown in the table. Differences in the questions in the two surveys means that the data from the two sources are not directly comparable.

*Percentage of adults aged 16 and over who smoke cigarettes*

*Great Britain*

*percentage*

| Year | Men | Women |
|---|---|---|
| 1965[1] | 54 | 42 |
| 1971[1,2] | 51 | 42 |
| 1980[3] | 43 | 37 |
| 1992[3,4] | 29 | 28 |

*Notes:*
[1] *Source:* Tobacco Advisory Council. Percentage of those smoking manufactured cigarettes, excludes those smoking hand-rolled cigarettes only.
[2] No survey data are available for 1970
[3] *Source:* OPCS General Household Survey.
[4] The 1992 survey figures are the latest available.

**Mr. Llwyd:** To ask the Secretary of State for Health how many were treated for lung cancer in the NHS in *(a)* 1993 and *(b)* 1994; what percentage of these were smokers; and if she will make a statement; [20909]

(2) what was the cost of treating people suffering from lung cancer on the NHS in *(a)* 1993–94 and *(b)* 1994–95; and if she will make a statement. [20910]

**Mr. Bowis:** The number of episodes of hospital care in the national health service in England with a main diagnosis of lung cancer is shown in the table:

*Finished consultant episodes, ordinary admissions and day cases Malignant neoplasm—bronchus or lung (Diagnostic Codes ICD9 162.2—162.9)*

| | *Number* |
|---|---|
| 1992–93 | 57,261 |
| 1993–94 (provisional) | 56,317 |

*Source:*
Hospital Episode Statistics, 25 per cent. sample.

Information on the smoking habits of patients is not available centrally, but it is estimated that four out of five cases of lung cancer are attributable to smoking. Information on the costs of treating patients with a diagnosis of lung cancer on the NHS is not available centrally.

### BST in Milk (Cancer Risk)

**Mr. Morley:** To ask the Secretary of State for Health what investigations she has conducted into evidence from research at Musgrove Park hospital, Taunton, that consumption of milk from cows treated with bovine somatotropin may increase the risk of tumours developing in humans. [21073]

**Mr. Bowis:** This research shows that increased cell division can occur in isolated intestinal tissue directly treated with the growth factor IGF-1. This result is not unexpected. Treatment of cows with BST can cause slight rises in the concentrations of BST and IGF-1 in milk, but the rises are very small compared with the natural variations in levels. There is no convincing evidence to suggest that IGF-1 can cause cancer. The ability of IGF-1 to cause cell division was one of the considerations taken into account by United Kingdom and European Union expert committees in their thorough assessment of the safety of milk from BST-treated cows. They concluded that the levels of IGF-1 and of BST in such milk will have no adverse effect on the health of consumers.

### Electronic Tagging

**Mr. Hinchliffe:** To ask the Secretary of State for Health, what is her policy with regard to the use of electronic tagging for hospital patients. [21425]

**Mr. Malone:** Selection of electronic tagging or other security equipment for national health service units is a matter for local managers to determine in the light of local needs, priorities and resources. Tagging is used to increase the safety of patients, but is in itself unlikely to offer a complete solution to security or safety needs. It should be used as part of a wider local strategy which places an emphasis on staff and patient awareness.

**Mr. Hinchliffe:** To ask the Secretary of State for Health what guidance she has issued regarding the electronic tagging of hospital patients. [21426]

**Mr. Malone:** No specific guidance has yet been issued on the use of electronic tagging. Guidance will be contained in a supplement to the national health service security manual and a report on a recent survey of security in maternity units, both of which will be published in July.

**Mr. Hinchcliffe:** To ask the Secretary of State for Health if she will identify which *(a)* NHS hospitals, *(b)* private or voluntary hospitals or *(c)* care or nursing homes currently use electronic tagging; and if she will specify the category of patient involved. [21427]

**Mr. Malone:** Decisions on security measures in individual units are the responsibility of local management in consultation, where necessary and appropriate, with clinicians, patients and their relatives.

### Parental Responsibility Agreements

**Mr. Frank Field:** To ask the Secretary of State for Health what plans she has for making available joint parental responsibility agreements in registry offices for parents when registering the birth of their child. [21600]

**Mr. Bowis:** The Government are considering whether a supply of forms for the making of parental responsibility agreements can and should be made available in registry offices.

## TRADE AND INDUSTRY

### Post Office

**Dr. John Cunningham:** To ask the President of the Board of Trade if he will list the Crown post offices

converted to agency status in England and Wales, giving the parliamentary constituency in which they lie. [19484]

**Mr. Heseltine:** A list, obtained from the Post Office, showing the Crown post offices in England and Wales which have been converted to agency status, together with the parliamentary constituencies within which they are located, is being placed in the Library of the House.

**Mrs. Roche:** To ask the President of the Board of Trade if he will list the agency post offices which were once Crown post offices, listing for each *(a)* how many staff were employed in them prior to agency status, and how many now, *(b)* the level of training before and after agency status, *(c)* what changes have occurred in respect of the business in which the Post Office is sited and *(d)* the occasions on which the Post Office has at any time had to move to other premises and the factors leading to the move. [20892]

**Mr. Page** *[holding answer 27 April 1995]:* A list of Crown post offices which have been converted to agency status in England and Wales will be placed in the Library of the House in answer to a question from the right hon. Member for Copeland (Dr. Cunningham) today. As more than 700 Crown post offices have been converted to agency status, the specific information requested about each individual office could be provided only at disproportionate cost.

**Mr. Hain:** To ask the President of the Board of Trade what are the terms of reference of the efficiency audit of the Post Office. [21183]

**Mr. Heseltine:** A copy of the terms of reference of the Post Office performance review has been placed in the Library of the House.

**Mr. Hain:** To ask the President of the Board of Trade if he will make a statement on the tendering and cost of the efficiency audit of the Post Office. [21182]

**Mr. Heseltine:** My Department has recently invited tenders for the Post Office Performance Review from five shortlisted consultants. I expect to make an appointment in May.

### Arms Exports

**Mr. Wilson:** To ask the President of the Board of Trade when his Department was first informed of allegations that Singapore was a conduit for arms exported by the company BMARC to Iran; [19078]

(2) if he will list those contracts involving the firm BMARC, which were notified to his Department as being potentially in breach of Her Majesty's Government's arms export controls; and on what dates this information was received in each case; [19079]

(3) what assessment he has made of the number of occasions on which breaches of the rules applying to notification took place in respect of BMARC between 1988 and 1991. [19165]

**Mr. Ian Taylor:** The information required to answer these questions is not held centrally. I will write to the hon. Member in due course and will place a copy of the letter in the Library of the House.

## ATTORNEY-GENERAL

### War Crimes

**Mr. Cyril D. Townsend:** To ask the Attorney-General how many second world war war crimes are still under investigation; for how long each of the cases has been under investigation; and when a decision on each case as to possible prosecution is due to be taken.

**The Attorney-General:** There are 20 second world war war crimes currently under investigation by the Metropolitan police. Fourteen of these allegations were received from the Home Office on 28 May 1991 on the formation of the Metropolitan police war crimes unit. One allegation was received on 3 June 1992. Three allegations were received on 11 March 1993, 9 August 1993 and 8 December 1993. Two allegations were received on 21 January 1994 and 25 March 1994. Decisions as to possible prosecution will be taken once all relevant evidence has been fully considered and analysed. I refer my hon. Friend to the answers that I gave in the House to the hon. Member for Coventry, South-East (Mr. Cunningham) and my hon. Friend the Member for Gravesham (Mr. Arnold) on 24 April 1995 *Official Report,* columns *517–18,* concerning those allegations in the seven cases which have been the subject of initial advice from senior Treasury counsel.

## WALES

### Inward Investment

**Mr. Llwyd:** To ask the Secretary of State for Wales what is his estimate of the quantitative impact on inward investment into Wales of an increase of *(a)* 1p, *(b)* 2p and *(c)* 5p on corporation tax; and if he will make a statement. [20897]

**Mr. Redwood:** The fact that corporation tax in the United Kingdom, along with levels of income tax, is among the lowest in European Union is undoubtedly an important factor in the attraction of inward investment but there are many other factors which need to be taken into account. These include the skill and flexibility of the work force; the competitive overheads that we have to offer; the excellent communications in this country; and the warm welcome offered by central and local government.

### Household Expenditure

**Mr. Llwyd:** To ask the Secretary of State for Wales what is the average weekly household expenditure on housing for *(a)* those in rented accommodation and *(b)* owner-occupiers in (i) Wales and (ii) for each Welsh council district area; what were the corresponding figures in (1) 1987 and (2) 1992; and if he will make a statement. [ 20898]

**Mr. Gwilym Jones:** Estimates of average weekly household expenditure on housing in Wales are as follows:

*£ per week*

| | *Gross housing costs* | | *Net housing costs* | |
|---|---|---|---|---|
| | *Tenants* | *Owner occupiers* | *Tenants* | *Owner occupiers* |
| 1987 | 27 | n/a | 15 | 27 |
| 1992 | 41 | n/a | 23 | 51 |
| 1993 | 45 | n/a | 28 | 44 |

*Notes:*
n/a = not available.
*Source:*
Family Expenditure Survey. Welsh figures are taken from the Family Expenditure Survey and are subject to sampling error. Figures for gross average weekly housing costs for owner occupiers are not readily available. Data are not available for district council areas because of small sample sizes.

### Philosophy Courses

**Mr. Llwyd:** To ask the Secretary of State for Wales how many people graduated from Welsh higher education institutions with honours either in philosophy or in a joint honours or composite degree involving philosophy in 1994; what proportion of the total number graduating from Welsh higher eduction this represents; and if he will make a statement. [20902]

**Mr. Richards:** The most recent data available, from Welsh office returns and the university of Wales registry, are for 1992–93. These data can identify only courses whose only, or main, component was philosophy. Courses in which philosophy was a minority component cannot be identified. On this basis, there were 100 first degree graduates in philosophy from Welsh higher education institutions. A total of 9,360 students graduated with first degrees in 1992–93. The proportion with philosophy degrees was therefore 1.1 per cent.

**Mr. Llwyd:** To ask the Secretary of State for Wales how many higher education institutions in Wales currently offer single honours or joint honours degrees in philosophy; what proportion of the total number of higher education institutions in Wales this represents; and if he will make a statement. [20913]

**Mr. Richards:** The most recent data on courses offered by higher education establishments come from the University and College Admissions Service handbook for the academic year 1994–95. This shows that of the 15 higher education institutions in Wales, four offer first degree courses which have "philosophy" in the course title. This is just under 27 per cent. of the number of institutions.

### Badgers

**Mr. Morley:** To ask the Secretary of State for Wales how many licences have been granted for interference with badger setts for the purpose of hunting in each year since 1991. [21112]

**Mr. Gwilym Jones:** None. There are no specific provisions under the Protection of Badgers Act 1992 for the granting of licences to interfere with badger setts for hunting purposes.

### Local Government Electoral Arrangements

**Mr. Ron Davies:** To ask the Secretary of State for Wales who he is consulting on his direction to the Local Government Boundary Commission for Wales; on what basis; what deadline he has placed on the consultations; and if he will place a copy of the consultation document in the Library. [21415]

**Mr. Redwood:** For the guidance of the Local Government Boundary Commission for Wales in undertaking the electoral arrangements reviews, I propose to issue directions under section 59(1) of the Local Government Act 1972. Copies of the directions in draft form have been sent for comments to the Commission and to the Assembly of Welsh Councils and the Council of Welsh Districts. Comments have been requested by 5 May.

Section 59(2) of the 1972 Act requires me to consult associations which appear to be representative of local authorities. Since the directions will be issued to the Local Government Boundary Commission, I consider it appropriate to seek beforehand the benefit of their advice and experience in these matters.

I have made arrangements for a copy of the draft directions to be placed in the Libraries of the House.

### Public Bodies

**Dr. Tony Wright:** To ask the Secretary of State for Wales which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those with a statutory base. [21594]

**Mr. Redwood:** The Local Government Boundary Commission is under a statutory requirement to deposit copies of its reports and proposals to the Secretary of State at the offices of any principal council whose area might be affected.

The Historic Buildings Council for Wales, the Ancient Monuments Board for Wales, and the Local Government Boundary Commission are under a statutory requirement to publish an annual report and lay it before Parliament. A report on the work of the Welsh Industrial Development Advisory Board must be contained in the annual report on the Industrial Development Act 1982, which must be laid before Parliament.

The following have a statutory base: the Historic Buildings Council for Wales; the Ancient Monuments Board for Wales; the Local Government Boundary Commission; the Staff Commission for Wales; the Welsh Industrial Development Advisory Board; the NRA Advisory Committee for Wales; the Agricultural Dwelling House Advisory Committees; the Welsh Dental Committee; the Welsh Medical Committee; the Welsh Optical Committee; the Welsh Pharmaceutical Committee; the Welsh Nursing and Midwifery Committee; and the Library and Information Services Council.

### Cardiff Bay Barrage

**Mr. Morgan:** To ask the Secretary of State for Wales, pursuant to his answer to the hon. Member for Swindon (Mr. Coombs) of 24 April, *Official Report*, column *369*, what interim payments had already been paid *(a)* to Balfour Beatty with respect to the Cardiff bay barrage construction contract and *(b)* to contractors carrying out the sewer diversion contract connected with the barrage. [21680]

**Mr. Redwood:** Interim payments of £16.9 million have been paid to Balfour Beatty-Costain for barrage construction and £0.3 million has been paid for sewer diversion works.

**Mr. Morgan:** To ask the Secretary of State for Wales, pursuant to his answer to the hon. Member for Swindon (Mr. Coombs) on 24 April 1995, *Official Report*, column *369*, if he will give the details of the breakdown of the figure of £191 million, by each financial year in which any significant part of that expenditure has or will occur. [21684]

**Mr. Redwood:** Details of possible barrage expenditure to 1997–98 are as follows:

*£ million*

| *To:* | *31 March 1994* | *1994–95* | *1995–96* | *1996–97* | *1997–98* | *Future* | *Totals* |
|---|---|---|---|---|---|---|---|
| Totals | 22.3 | 22.3 | 44.4 | 48.1 | 36.6 | 17.3 | 191.0 |

**Mr. Morgan:** To ask the Secretary of State for Wales, pursuant to his answer to the hon. Member for Swindon (Mr. Coombs) of 24 April, *Official Report*, column *369*, if he will list what categories of cost escalation apply to *(a)* the main contract with Balfour Beatty for the construction of the Cardiff bay barrage and *(b)* contracts for sewer diversion being funded by the Cardiff Bay development corporation; and if he will make a statement on how these categories have affected the difference between the October 1992 estimate and the present outturn forecast. [21681]

**Mr. Redwood:** This is an operational matter for the corporation and I will ask the chief executive of the corporation to respond.

**Mr. Morgan:** To ask the Secretary of State for Wales, pursuant to his answer to the hon. Member for Swindon (Mr. Coombs) of 24 April, *Official Report*, column *369*, if he will specify how much of the £15.4 million for preliminary design work and the presentation of Bills to Parliament was *(a)* for preliminary design work and *(b)* for presentation of Bills to Parliament. [21683]

**Mr. Redwood:** Of the £15.4 million preliminary design and barrage Bill costs, £9.30 million was for preliminary design work and £6,066 million was for presentation of Bills to Parliament.

**Mr. Morgan:** To ask the Secretary of State for Wales, pursuant to his answer to the hon. Member for Swindon (Mr. Coombs) 24 April, *Official Report*, column *369*, if he will specify what proportion of the construction of the barrage had been completed by 31 March. [21682]

**Mr. Redwood:** By 31 March 1995, the corporation estimate the construction of the barrage to be 8 per cent. complete. This does not represent the actual cost spent on barrage construction to date, which includes enabling works such as piling and dredging as well as construction materials already bought in.

## TREASURY

### Interest and Exchange Rates

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer what assessment he has made of the impact of increases in *(a)* interest rates and *(b)* exchange rates on the standard of living. [21404]

**Mr. Nelson:** Permanently low inflation provides the best environment for achieving sustained growth and higher living standards. Monetary policy is set to keep underlying inflation within the Government's 1 to 4 per cent. target range and to bring it down into the lower half of this range by the end of the present Parliament. Movements in the exchange rate are taken into account, along with a range of indicators, when considering the prospects for underlying inflation.

**Mr. Malcolm Bruce:** To ask the Chancellor of the Exchequer what estimate he has made of the effects of a half point rise in official interest rates in the United Kingdom upon the trade-weighted value of sterling. [21430]

**Mr. Nelson:** Movements in the trade-weighted value of sterling depend on many factors beside interest rates and it is not possible to estimate the effect of any one factor with any degree of confidence. Interest rates are set to meet the Government's objective of permanently low inflation.

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer what is Her Majesty's Government's assessment of the effect on the rate of inflation of raising interest and the exchange rate when the output of manufacturing industry approaches full capacity. [21301]

**Mr. Nelson:** Interest rates are set to keep underlying inflation within the Government's 1 to 4 per cent. target range and to bring it down into the lower half of this range by the end of the present Parliament.

**Mr. Austin Mitchell:** To ask the Chancellor of the Exchequer what assessment he has made of the impact of increases in *(a)* interest rates and *(b)* exchange rates on the standard of living. [21404]

**Mr. Nelson:** Permanently low inflation provides the best environment for achieving sustained growth and higher living standards. Monetary policy is set to keep underlying inflation within the Government's 1 to 4 per cent. target range and to bring it down into the lower half of this range by the end of the present Parliament. Movements in the exchange rate are taken into account, along with a range of indicators, when considering the prospects for underlying inflation.

### Tobacco Duty

**Mr. Llwyd:** To ask the Chancellor of the Exchequer what weight he attaches to the cost of NHS treatment of smoking-related diseases when determining the level of duty on tobacco; and if he will make a statement. [20914]

**Mr. Heathcoat-Amory:** The Government recognised the importance of tax in reducing consumption in the continuing Budget commitment to raise tobacco duties, on average, by at least 3 per cent. per annum in real terms.

### Public Bodies

**Dr. Wright:** To ask the Chancellor of the Exchequer which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those with a statutory base. [21593]

**Mr. Nelson:** I refer the hon. Member to the answer that I gave him on 7 March 1995, *Official Report*, column *62*.

### Pensions Offences

**Mr. David Nicholson:** To ask the Chancellor of the Exchequer, how many individual offences against section 47 of the Financial Services Act 1986 have been recorded by the Securities and Investments Board since April 1988; and what measures have been taken by the Securities and Investments Board or his Department to notify victims that they have a legal right to ask the police to investigate these offences. [20833]

**Mr. Nelson:** Prosecution powers in relation to section 47 have not been transferred to the Securities and Investments Board nor are they exercised by the Treasury. These powers can be exercised by the Department of Trade and Industry, the Serious Fraud Office, the Crown Prosecution Service and the procurators fiscal in Scotland.

**Mr. David Nicholson:** To ask the Chancellor of the Exchequer whether, on the various occasions that Treasury Ministers and officials have met pensions industry practitioners and regulators, they discussed *(a)* section 47 offences and pensions mis-selling and *(b)* the provision of information to victims that they had the right to ask the police to investigate such offences. [20835]

**Mr. Nelson:** No.

**Mr. David Nicholson:** To ask the Chancellor of the Exchequer whether, on the occasion of its pensions initiative in October 1994, the Securities and Investments Board referred to *(a)* the gravity of the offence of mis-selling pensions, *(b)* prison terms possibly resulting and *(c)* the fact that victims have the legal right to involve the police in investigations. [20834]

**Mr. Nelson:** I can add nothing further to my answer to the hon. Member of 30 March 1995, *Official Report*, column *727*.

**Mr. David Nicholson:** To ask the Chancellor of the Exchequer, how far *(a)* his Department, and *(b)* the Securities and Investments Board, have day-to-day policy control over offences under section 47 of the Financial Services Act 1986; and what information about this control provided to those making representations over the mis-selling of pension and other investment products. [20836]

**Mr. Nelson:** The Treasury is responsible for the general policy expressed in the legislation. On specific contraventions of section 47 and information provided in relation to mis-selling, I refer the hon. Member to my answers of 30 March 1995, *Official Report*, column *727*.

### Vehicle Excise Duty

**Sir David Steel:** To ask the Chancellor of the Exchequer what factors influenced the decision to impose vehicle excise duty on tower wagons; for what reasons vehicle excise duty was not imposed on mobile cranes and mobile concrete pumps; and what principle determined the different status of these items. [21126]

**Mr. Heathcoat-Amory:** A wide-ranging reform of the system of vehicle excise duty exemptions and concessions was announced in the Budget.

Tower wagons currently pay a concessionary rate of duty of £150. Under the new arrangements, they will pay full vehicle excise duty, in common with nearly all goods vehicles fitted with hydraulic platforms.

Mobile cranes, including concrete pumps, currently pay duty of £35. Those weighing 3.5 tonnes or more will, under the new arrangements, be registered in the new special vehicles class and will be subject to duty of £150. Vehicles under that weight can register as normal light goods vehicles and pay £135.

Mobile cranes use the road only between sites and their operations are restricted by their specialised construction which means that they cannot carry any load except necessary equipment. Tower wagons, on the other hand, are adapted goods vehicles which use the road more extensively than mobile cranes and are often parked on the road. Their impact on the roads and the environment is no different to that of normal goods vehicles. There has always been a significant duty differential between the two types of vehicle.

### Bilingual Bank Notes

**Mr. Cynog Dafis:** To ask the Chancellor of the Exchequer if he will discuss with the Secretary of State for Wales and the Governor of the Bank of England the issue of bilingual bank notes for Wales; and if he will make a statement. [21048]

**Mr. Nelson** *[holding answer 26 April 1995]:* The Bank has no plans to issue bilingual English/Welsh banknotes.

## SCOTLAND

### Badgers

**Mr. Morley:** To ask the Secretary of State for Scotland, how many licences have been granted for interference with badger setts for the purpose of hunting in each year since 1991. [21111]

**Sir Hector Monro:** None.

### Lockerbie

**Mr. Dalyell:** To ask the Secretary of State for Scotland, pursuant to the letter and attached documents JRE 110119 from the Under-Secretary of State, the hon. Member for Edinburgh, West (Lord James Douglas-Hamilton) of 21 April 1995 to the hon. Member for Linlithgow, (1) what evidence he has that the Libyan position on trial of the accused has been one of constant prevarication, and to whom he refers as intermediaries and well-intentioned individuals; [21409]

(2) what offers have been made by the Crown Office to Lockerbie to the German authorities of evidence relating to Lockerbie. [21410]

**Lord James Douglas-Hamilton:** I did not write to the hon. Member on 21 April attaching the documents referred to. The document to which the hon. Member

appears to be referring was prepared for internal use and I am not therefore prepared to comment further on it.

### Drugs, Renfrewshire

**Mr. McMaster:** To ask the Secretary of State for Scotland if he will arrange for the Minister of State, Scottish Office, to visit Paisley to meet the police and others involved in combating the drugs-related problems there; and if he will make a statement. [18994]

**Lord James Douglas-Hamilton:** My noble and learned Friend has no such immediate plans. He has recently held constructive meetings with the hon. Member and with two other hon. Members who represent constituencies in Renfrewshire to discuss drug-related crime. Furthermore, he has been kept fully briefed on relevant developments by the chief constable of Strathclyde police.

### Water Charges

**Mr. Peter Bottomley:** To ask the Secretary of State for Scotland, what assessment he has made of the comparative proportion of unpaid water bills in Scotland and in *(a)* England and Wales and *(b)* Northern Ireland; and if he will make a statement. [20352]

**Mr. Kynoch:** My right hon. Friend has made no such assessment. Domestic charges in Scotland are collected along with the council tax.

### Bovine Tuberculosis

**Mr. Morley:** To ask the Secretary of State for Scotland, how many cases of TB in cattle were reported in each region in each year since 1985. [20553]

**Sir Hector Monro:** Complete information in the form requested is not available and information which is available for the years 1985 to 1987 could be provided only at disproportionate cost. However, the total numbers of confirmed cattle tuberculosis breakdowns in each region affected in Scotland in years 1988 to 1991 were as follows:

| *Scotland* | *Number of herds* | *Number of confirmed reactors* |
|---|---|---|
| Aberdeenshire | 4 | 9 |
| Argyll | 1 | 1 |
| Ayrshire | 10 | 65 |
| Berwickshire | 1 | 1 |
| Kirkcudbright | 2 | 3 |
| Midlothian | 1 | 1 |
| Wigtown | 4 | 5 |
| Shetland | 1 | 1 |

For the period 1992 to 1994, the number of confirmed cattle tuberculosis breakdowns in each of the administrative areas in Scotland covered by a divisional animal health office is as follows:

| *Scotland* | *Year* | *Number of herds* | *Number of confirmed reactors* |
|---|---|---|---|
| Aberdeen | 1994 | 2 | 4 |
| Ayr | 1993 | 2 | 52 |
| | 1994 | 1 | 1 |
| Galashiels | 1993 | 3 | 4 |
| Hamilton | 1992 | 1 | 1 |
| | 1994 | 1 | 1 |
| Inverness | 1993 | 1 | 1 |
| Perth | 1994 | 1 | 1 |

### Divorce

**Mr. Redmond:** To ask the Secretary of State for Scotland how many cases of divorce have been reported during the last year; and what are the figures for each of the previous four years. [20706]

**Lord James Douglas-Hamilton:** Provisional statistics indicate that there were 13,005 divorces in Scotland in 1994. In the preceding four years the final figures for divorces were:

1993: 12,787
1992: 12,479
1991: 12,399
1990: 12,272

### Prison Population

**Mr. Redmond:** To ask the Secretary of State for Scotland what is the current prison population; and what were the figures in each of the previous four years. [20776]

**Lord James Douglas-Hamilton:** The subject of this question relates to matters undertaken by the Scottish Prison Service. I have asked its chief executive, Mr. E. W. Frizzell, to arrange for a reply to be given.

*Letter from E. W. Frizzell to Mr. Martin Redmond, dated 28 April 1995:*

Lord James Douglas-Hamilton has asked me to reply to your Question about the current prison population and the population in the previous four years.

On Friday 21 April 1995 the prison population was 5,465.

The table below shows the average daily prison population for each of the preceding four years.

*Average daily population for 1991–94*

| | *Number* |
|---|---|
| 1991 | 4,839 |
| 1992 | 5,257 |
| 1993 | 5,637 |
| 1994 | 5,585 |

### Philosophy Courses

**Mr. Llwyd:** To ask the Secretary of State for Scotland how many people graduated from Scottish higher education institutions with honours either in philosophy or in a joint honours or composite degree involving philosophy in 1994; what proportion of the total number graduating from Scottish higher education this represents; and if he will make a statement. [20901]

**Lord James Douglas-Hamilton:** In 1993, the latest year for which information is available, 85 people graduated from Scottish higher education institutions with a degree where philosophy was the main or only subject; this represents 0.5 per cent. of all degree graduates from Scottish higher education institutions in 1993.

**Mr. Llwyd:** To ask the Secretary of State for Scotland how many higher education institutions in Scotland currently offer single honours or joint honours degrees in philosophy; what proportion of the total number of higher education institutions in Scotland this represents; and if he will make a statement. [20912]

**Lord James Douglas-Hamilton:** Out of the 22 higher education institutions in Scotland, six currently offer degree courses in philosophy; this represents a proportion of 27 per cent.

## Hunting

**Mr. Morley:** To ask the Secretary of State for Scotland which *(a)* fox and *(b)* deer hunts have been issued with licences or permits to hunt live quarry on Forestry Commission land. [21108]

**Sir Hector Monro:** The Forestry Commission has issued the following hunts with licences or permits to hunt on commission land:

*Fox hunts*

Ashford Valley
Banwen Miners
Barlow
Belvoir
Bicester with Whaddon Chase
Bilsdale
Blankney
Blencathra Foxhounds
Border
Braes of Derwent
Brocklesby
Buccleuch
Cambridgeshire
Chiddingfold, Leconfield and Cowdray
Cleveland
College Valley and North Northumberland
Coniston Foxhounds
Cottesmore
Cumberland Farmers Foxhounds
Cumberland Farmers
Cumberland Foxhounds
Curre
Derwent
East Essex
East Kent
East Sussex and Romney Marsh
Eglington
Eskdale and Ennerdale Foxhounds
Essex
Farndale
Fife Foxhounds
Fitzwilliam
Fowey Fox Beagles
Gelligaer Farmers
Goathland
Golden valley
Grafton
Grove and Rufford
Hampshire
Haydon
Hursley and Hambledon
Hurworth
Isle of Wight
Jedforest
Liddesdale
Llangeinor
Llangibby
Melbreak Foxhounds
Middleton
Milvain
Monmouthshire
Morpeth
New Forest Beagles
New Forest Hounds
North Lonsdale Foxhounds
North Norfolk Harriers
Oakley
Pennine Foxhounds
Pentyrch
Percy
Puckeridge
Saltersgate Farmers
Sennybridge
Sinnington
South Nottinghamshire
South Pembrokeshire
South Wold
Staintondale
Suffolk
Surrey Union
Taf Fechan
Talybont
Thurlow
Tredegar Farmers
Virginstowe Beagles
West Norfolk Foxhounds
West Percy
Woodland Pytchley
York and Ainsty North
Ystrad

*Deer hunts*

New Forest Buckhounds
Quantock Staghounds

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for Scotland which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to the Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list those bodies with a statutory base. [21157]

**Mr. Lang** *[holding answer 24 April 1995]:* The information requested is as follows: *(a)* Local Government Boundary Commission for Scotland, Scottish Records Advisory Council, Secretary of State's (Electricity) Advisory Council; *(b)* Ancient Monuments Board for Scotland, Historic Buildings Council for Scotland, Parole Board for Scotland, Scottish Industrial Development Advisory Board, Scottish Records Advisory Council, Scottish Valuation Advisory Council, Secretary of State's (Electricity) Fisheries Committee; *(c)* Ancient Monuments Board for Scotland, Historic Buildings Council for Scotland, Parole Board for Scotland, Scottish Industrial Development Advisory Board, Scottish Records Advisory Council, Secretary of State's (Electricity) Fisheries Committee. Those bodies with a statutory base are: Advisory Committee on Sites of Special Scientific Interest, Ancient Monuments Board for Scotland, Building Standards Advisory Committee, Children's Panel Advisory Committees, Consultative Committee on Freshwater Fisheries, Extra Parliamentary Panel, Hill Farming Advisory Committee for Scotland, Historic

Buildings Council for Scotland, Local Government Boundary Commission for Scotland, Local Review Committees for HM Prisons and Young Offenders Institutions, Parliamentary Boundary Commission, Parole Board for Scotland, Police Advisory Board for Scotland, Scottish Central Fire Brigades Advisory Council, Scottish Industrial Development Advisory Board, Scottish Police College Board of Governors, Scottish Records Advisory Council, Scottish Valuation Advisory Council, Secretary of State's (Electricity) Fisheries Committee.

### Prisons (Weapons)

**Dr. Godman:** To ask the Secretary of State for Scotland how many *(a)* firearms, *(b)* knives and *(c)* other dangerous weapons or implements were found hidden in prisons in (i) 1979, (ii) 1985, (iii) 1990 and (iv) the last year for which figures are available. [16828]

**Lord James Douglas-Hamilton** *[holding answer 30 March 1995]:* The subject of the question relates to matters undertaken by the Scottish Prison Service. I have asked its chief executive, Mr. E. W. Frizzell, to arrange for a reply to be given.

*Letter from E. W. Frizzell to Dr. Norman A. Godman, dated 28 April 1995:*

Lord James Douglas-Hamilton has asked me to reply to your Question about the number of firearms, knives and other dangerous weapons or implements found hidden in prisons in 1979, 1985, 1990 and the last year for which figures are available.

The information requested is not held centrally and could only be obtained at disproportionate cost.

## NATIONAL HERITAGE

### Royal Collections

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage if he will publish a definitive catalogue of all the works of art in the royal collections which are held by the Crown on behalf of the nation; if he will indicate how many of these works have been displayed to the general public; and for how long. [20990]

**Mr. Dorrell:** The royal collection is a department of the royal household and is not a responsibility of my Department. I understand that the royal household is completing an inventory of works of art in the royal collection, which is scheduled for completion by the end of 1997.

### Sport and Leisure Spending

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage how much is spent on sport and leisure in the United Kingdom by *(a)* the United Kingdom Sports Commission and the sports councils and *(b)* local authorities. [20996]

**Mr. Dorrell:** The United Kingdom Sports Council will not have spending powers until it has formally been established by royal charter. We expect this to be on 1 January 1996. The grant in aid expended by the four Sports Councils in 1994–95 was:

| | £ |
|---|---|
| GB Sports Council | 49,824,000 |
| Scottish Sports Council | 8,778,000 |
| Welsh Sports Council | 6,559,000 |
| Northern Ireland Sports Council | 2,158,569 |
| Total: | 67,319,569 |

It is not possible to make cross-national comparisons of local authority expenditure as different definations are used. Local authority expenditure on sport and recreation in England for 1993–94, the last year for which figures are available, is estimated at £900 million.

### European Football Championship

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage what actions his Department has taken to ensure that tourism benefits accrue from the 1996 European football championship. [20986]

**Mr. Dorrell:** Officials from my Department sit on the central co-ordinating committee responsible for the organisation of the 1996 European football championship. The statutory tourist boards, the British Tourist Authority and the English tourist board, which are sponsored by my Department, are ensuring that all possible steps are being taken to maximise the tourism potential of the event. A full overseas marketing plan has been drawn up, supporting programmes of cultural events are being developed and a warm welcome for visitors is being prepared in the host towns and cities.

### New Novelists

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage what representations his Department has received to encourage new novelists by means of securing their publication by HMSO in the last three years; and if he will make a statement. [20991]

**Mr. Dorrell:** I have received no representations. HMSO does not publish works of fiction and is therefore unable to support new novelists.

### Rugby Football (Broadcasting)

**Mr. Pendry:** To ask the Secretary of State for National Heritage if he will make a statement on News Corporation's bid for the rights to television coverage of rugby league football.

**Mr. Dorrell:** The Government believe that sporting rights owners should be free to dispose of their television rights in the way they choose. It is for the Rugby Football League to judge whether News Corporation's proposals are in the best interests of the game.

### Public Bodies

**Dr. Wright:** To ask the Secretary of State for National Heritage which of the executive non-departmental public bodies sponsored by his Department have *(a)* a statutory requirement to admit members of the public to all board

or committee meetings and *(b)* a statutory requirement to hold open meetings for the public. [20883]

**Mr. Dorrell** *[holding answer 26 April 1995]:* None.

### County Archives

**Mr. Redmond:** To ask the Secretary of State for National Heritage if he will list by local authority the amount of current funding that is provided to maintain county archival records; and what were the figures for each of the last four years, giving the percentage increase or decrease. [20714]

**Mr. Robert B. Jones:** I have been asked to reply.

The figures requested by the hon. Member are not held centrally.

### VE Day

**Mr. Chris Smith:** To ask the Secretary of State for National Heritage what recognition is being given in VE day celebrations of the role of the Merchant Navy in the second world war. [20993]

**Mr. Soames** I have been asked to reply.

Events to mark the 50th anniversary of VE day offer a welcome opportunity to pay tribute not only to the military but to the civilian contribution to the war effort. The Government are conscious of the vital role played by the Merchant Navy and look forward to seeing it well represented during this year's commemorations. Representation at each of the Government's key events over the VE day weekend is being co-ordinated through the Merchant Navy veterans; organisations and the chamber of shipping. I envisage that tribute will also be paid to the men of Merchant Navy in one of the pavilions in Hyde park, over the period 6, 7 and 8 May.

In addition to their involvement in the May events, it is hoped that large numbers of merchant seamen will take part in the service and parade in the presence of Her Majesty the Queen which will take place in August, as part of the programme of events to mark the 50th anniversary of VE day.

## DUCHY OF LANCASTER

### Occupational Health and Safety Agency

**Mr. Morgan:** To ask the Chancellor of the Duchy of Lancaster, pursuant to his answer of 20 April, *Official Report*, column *223*, what assessment he has made of the effect on the outcome of the market testing exercise for the supply of occupational health and safety services at AWE Aldermaston, Burghfield, Cardiff and Foulness, of the availability of privileged information from the senior medical officer in the civil service occupational health and safety agency at Aldermaston as a director of the successful bidder company. [21078]

**Mr. Horam:** As both Hunting BRAE Ltd.—trading as AWE—and Trident Medical Services Ltd., the successful bidder company, operate in the private sector and the officer concerned has left the public service, no such assessment can be made.

**Mr. Morgan:** To ask the Chancellor of the Duchy of Lancaster, pursuant to his answer of 20 April, *Official Report*, column *223*, what permission was *(a)* sought and *(b)* granted by the permanent secretary of the Cabinet Office to the former senior medical officer at the civil service occupational health and safety agency Aldermaston to act as a director of Trident Medical Services in providing health and safety services to the Ministry of Defence Atomic Weapons Establishment plc, and what post-resignation quarantine period applies to civil servants of his grade with respect to acting for companies trading with his previous employer department. [21077]

**Mr. Horam:** No permission was sought or granted while the officer was serving with the OHSA. Within two years of leaving, a former civil servant of his grade must obtain approval before taking up an appointment if the following circumstances apply: if they have had any official dealings with their prospective employer during the last two years of Crown employment; if they have had official dealings of a continued or repeated nature with their prospective employer at any time during their period of Crown employment; if they have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties; or if, during the last two years of Crown employment, their official duties have involved advice or decisions benefiting that prospective employer, for which the offer of employment could be interpreted as reward, or have involved developing policy, knowledge of which might be of benefit to the prospective employer. The former officer concerned has been reminded of his obligations. Applications are considered on a case-by-case basis; there are no automatic or standard post-resignation quarantine periods at this level.

**Mr. Morgan:** To ask the Chancellor of the Duchy of Lancaster, pursuant to his answer of 20 April, *Official Report*, column *223*, if he will list the sanctions available, in cases where serving senior civil servants form companies for the purposes of bidding for contracts in market-testing exercises; and if he will specify which of those sanctions apply to *(a)* those civil servants and *(b)* the companies which they helped to form, whether successful or otherwise in market-testing competition. [21076]

**Mr. Horam:** Serving civil servants are required to seek permission before seeking any outside employment which might affect their work directly or indirectly; where a conflict of interest arises, they must declare their personal interest. Civil servants dealing with procurement or contracts work must report any approach offering employment whether or not they are considering taking it up. Breaches of these rules can lead to disciplinary action, with penalties up to and including dismissal. Civil servants must also observe the rules on business appointments after leaving the civil service. Companies seeking government business might wish to consider the propriety of sanctioning breaches of rules governing the conduct of serving and former civil servants.

### Public Bodies

**Dr. Wright:** To ask the Chancellor of the Duchy of Lancaster which of the advisory non-departmental public bodies sponsored by his Department are under a statutory requirement to *(a)* publish their advice to Government, *(b)* publish an annual report and *(c)* lay an annual report before Parliament; and if he will list

those with a statutory base. [21597]

**Mr. Horam:** None.

### Recruitment and Assessment Services Agency

**Mr. Hendry:** To ask the Chancellor of the Duchy of Lancaster what key targets have been set for the Recruitment and Assessment Services Agency for the current financial year. [22335]

**Mr. Horam:** I have set the following targets for Recruitment and Assessment Services to achieve in 1995–96:

1. a financial surplus of £100,000 in accrual accounting terms;
2. at least a 2 per cent. increase in efficiency over 1994–95 performance; and
3. customer evaluation ratings for overall service of 96 per cent. for customers satisfied with the service they have received with 80 per cent. of customers giving "highly satisfied" or "more than satisfied" assessments.

## FOREIGN AND COMMONWEALTH AFFAIRS

### Singapore

**Mr. MacShane:** To ask the Secretary of State for Foreign and Commonwealth Affairs what evaluation he has made of the independence of the judiciary in Singapore from the Government of Singapore in relation to cases which have political or international significance. [21131]

**Mr. Goodlad:** None. The independence of the Singapore judiciary is a matter for the Singapore Government.

**Mr. MacShane:** To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions have been held *(a)* with the German Government or German diplomats in the United Kingdom and *(b)* with the Singapore Government or Singaporean diplomats in the United Kingdom relating to (i) the Barings affair and (ii) the extradition of Mr. Nick Leeson. [21179]

**Mr. Baldry:** There have been no discussions with the German authorities about either the collapse of Barings bank or the possible extradition of Mr. Nick Leeson.

We and the Singapore authorities are co-operating in investigating the circumstances surrounding the collapse of the bank, including Mr. Leeson's activities. In response to questions from the Singapore high commission we confirmed that the Serious Fraud Office was continuing investigations to establish whether offences of serious or complex fraud had been committed which could be prosecuted in the UK.

**Mr. MacShane:** To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received from HM embassy or consular staff in Germany about the view of the German authorities on the extradition of Mr. Nick Leeson to Singapore. [21132]

**Mr. Baldry:** None. This is entirely a matter for the German and Singapore authorities.

### Iraq

**Miss Emma Nicholson:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the forthcoming visit by the Iraqi-British interest group to Iraq.

**Mr. Douglas Hogg:** We were aware of the possibility but we have no specific details of a forthcoming visit. Before it last visited Iraq in February, the Iraqi British interest group neither sought, nor was given assistance by my Department. Under British legislation, introduced in support of UN sanctions against Iraq, all British companies visiting that country to discuss permissible trade—that is, trade of a humanitarian nature—must first obtain a communications licence.

**Miss Emma Nicholson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assistance his Department will give to the Iraqi-British interest group on its forthcoming visit to Iraq.

**Mr. Douglas Hogg:** None.

**Miss Emma Nicholson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what requests for assistance his Department has received from the Iraqi-British interest group for its forthcoming visit to Iraq.

**Mr. Douglas Hogg:** None.

**Miss Emma Nicholson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has received from Mr. Riad El Taher about sanctions against Iraq; and if he will make a statement.

**Mr. Douglas Hogg:** We receive regular reports from Mr. El Taher about how he sees the situation in Iraq. Although he clearly has a keen interest in the welfare of the Iraqi people, and wishes to see an early end to UN sanctions, his reports consistently fail to recognise the Iraqi regime's failure to implement all the relevant UN resolutions.

**Miss Emma Nicholson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what investigations he has carried out into the activities of Dr. Riad El Taher.

**Mr. Douglas Hogg:** We are aware of Dr. El Taher's activities and those of his organisation, "Friendship Across Frontiers", thanks to the numerous reports that we have received from him about Iraq.

### Mr. Edmund Sykes

**Miss Emma Nicholson:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the relationship between the Department and Mr. Edmund Sykes.

**Mr. Douglas Hogg:** We are unaware of any contacts between the Department and Mr. Sykes.

### Mr. Stephen Crouch

**Miss Emma Nicholson:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the relationship between his Department and Mr. Stephen Crouch. [21703]

**Mr. Douglas Hogg:** I refer my hon. Friend to the reply that my right hon. Friend the Minister of State for Foreign and Commonwealth Affairs gave to the hon. Member for Cynon Valley (Mrs. Clwyd), on 28 March 1995, *Official Report*, column *523*. There have since been no further contacts with Mr. Crouch, and none are planned in the future.

### Lockerbie

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs what communication Her Majesty's Government have received from the German authorities to the effect that they believe that the bomb which destroyed Pan Am 103 was not put on the plane at the Rhein Main airport in Frankfurt. [21408]

**Mr. Douglas Hogg:** None.

### Colonel Oliver North

**Mr. Dalyell:** To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 18 April, *Official Report*, column 6, for what reasons he declined to give details in answer to the question by the hon. Member for Linlithgow as to the reasons why Mr. Andrew Green of the Foreign Office met Colonel Oliver North on 24 July 1984 to discuss hostage rescue missions. [21406]

**Mr. Douglas Hogg:** I have nothing to add to the answer that I gave the hon. Gentleman on 18 April, *Official Report*, columns 5-6.

### VE day Commemorations

**Mr. Jenkin:** To ask the Secretary of State for Foreign and Commonwealth Affairs which foreign heads of state and government will be attending the VE day commemorations.

**Mr. Goodlad:** Details of foreign heads of state and government and other ministers attending the VE day commemorations are as follows:

*President of the Republic of Albania*
Professor Dr. Sali Berisha

*President of the Republic of Armenia*
Mr. Levon Ter-Petrossian

*Minister of Defence*
Mr. Serja Sarkissian

*Minister for Defence for Australia*
The Honourable Robert Ray

*Federal President of the Republic of Austria*
Dr. Thomas Klestil

*President of the Azerbaijan Republic*
Mr. Heydar Aliev

*Minister of Foreign Affairs*
Mr. Hassan Hassanov

*President of the People's Republic of Bangladesh*
Mr. Abdur Rahman Biswas

*Prime Minister of the Republic of Belarus*
Mr. Mikhail Nikolaevich Chigir

*Minister for Foreign Affairs*
Mr. Uladzimir Leonovich Syanko

*Duke of Brabant*
His Royal Highness Prince Philippe

*President of the Republic of Bosnia-Hercegovina*
Mr. Alija Izetbegovic

*President of the Republic of Botswana*
Sir Ketumile Masire GCMG JP MP

*Minister of Foreign Affairs*
Lt General Mompati Merafhe

*President of the Federative Republic of Brazil*
Senhor Fernando Henrique Cardoso

*Minister for External Relations*
Senhor Luiz Felipe Lampreia

*President of the Republic of Bulgaria*
Dr. Zhelyu Zhelev

*Prime Minister of Canada*
The Rt Hon Jean Chretien PC QC MP

*President of the Republic of Croatia*
Dr. Franjo Tudjman

*Deputy President of the Republic of Croatia*
Mr. Hrvoje Sarinic

*President of the Republic of Cyprus*
Mr. Glafcos Clerides

*President of the Czech Republic*
Mr. Vaclav Havel

Her Royal Highness Princess Benedikte of Denmark

*President of the Republic of Estonia*
Mr. Lennart Meri

*President of the Republic of Finland*
Mr. Martti Ahtisaari

*President of the French Republic*
Monsieur Francois Mitterrand GCB

*Federal President Federal Republic of Germany*
Herr Professor Dr. Roman Herzog

*Federal Chancellor Federal Republic of Germany*
Herr Dr. Helmut Kohl GCMG

*Federal Minister for Foreign Affairs*
Herr Dr. Klaus Kinkel

*Deputy Chief Minister of Gibraltar*
The Hon. Mr. Joseph Pilcher

*President of the Hellenic Republic*
Mr. Constantinos Stephanopoulos

*Minister of the Presidency*
Dr. Iannis Pottakis

*President of the Republic of Hungary*
Dr. Arpad Goncz

*Minister for External Affairs of the Republic of India*
Mr. Pranab Mukherjee

*President of the State of Israel*
Mr. Ezer Weizman

*President of the Italian Republic*
Signor Oscar Luigi Scalfaro

*Governor-General of Jamaica*
The Most Honourable Sir Howard Cooke ON GCMG GCVO CD

*His Majesty King Hussein I bin Talal GCB GCVO King of the Hashemite King of Jordan*

His Royal Highness Prince Hamzah bin Al Hussein

*President of the Republic of Kazakhstan*
Mr. Nursultan Nazarbaev

*President of the Kyrgyz Republic*
Mr. Askar Akaev

*President of the Republic of Latvia*
Mr. Guntis Ulmanis

*Minister of Foreign Affairs*
Mr. Valdis Birkavs

*King of Lesotho*
His Majesty King Moshoeshoe II

*Minister of Defence*
The Honourable S. Motanyane
*President of the Republic of Lithuania*
Mr. Algirdas Mykolas Brazauskas

*Minister of Foreign Affairs*
Mr. Povilas Gylys

His Royal Highness The Grand Duke of Luxembourg
Her Royal Highness The Grand Duke of Luxembourg

*President of the former Yugoslave Republic of Macedonia*
Mr. Kiro Gligorov

*President of Malta*
Dr. Ugo Mifsud Bonnici

*Deputy Prime Minister and Minister of Foreign Affairs*
The Hon. Professor Guido de Marco

*First Deputy Prime Minister of the Republic of Moldova*
Mr. Ion Gutu

His Majesty King Birendra Bir Bikram Shah Dev of Nepal
Her Majesty Queen Aishwarya Rajya Laxmi Devi Shah of Nepal

Her Majesty The Queen of The Netherlands LG

*Prime Minister of New Zealand*
The Rt. Hon. James Bolger MP

His Royal Highness The Crown Prince Haakon of Norway

*Minister of Foreign Affairs of the Republic of Poland*
Mr. Wladyslaw Bartoszewski

*President of Romania*
Mr. Ion Iliescu

*Minister of State. Minister of Foreign Affairs*
Mr. Teodor Melescanu

*The Chairman of the Government of the Russian Federation*
Mr. Viktor S. Chernomyrdin

*President of the Slovak Republic*
Mr. Michal Kovac

*President of the Republic of Slovenia*
Mr. Milan Kucan

*Deputy President of the Republic of South Africa*
Mr. Thabo Mbeki

*King of Swaziland*
His Majesty King Mswati III

*Minister for Foreign Affairs*
The Honourable Solomon M. Dlamini MP

*President of the Republic of Trinidad and Tobago*
Mr. Noor Mohamed Hassanali

*President of Turkmenistan*
Mr. Saparmurad Niyazov

*The Vice-President of the United States of America*
The Honourable Albert Gore Jr.

*State Counsellor of the President of the Republic of Uzbekistan*
Mr. Bakhtiyor Khisamovich Gulyamov

## AGRICULTURE, FISHERIES AND FOOD

### Rabies

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the incidence of rabies in *(a)* Belgium and *(b)* other EC member states. [21093]

**Mrs. Browning:** We welcome the steady progress being made in the mainland EU member states towards the eradication of rabies in their countries, although we are disappointed to see the increase in the number of reported cases in Belgium in the third quarter of 1994. This was apparently due to a single focus of infection in foxes in the Belgian province of Luxembourg. We shall continue to monitor the situation carefully.

### Badgers

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the Government's policy on badger culling. [21095]

**Mrs. Browning:** In those areas in the south-west of England and parts of Wales where there is a recent history of badger-related herd breakdowns in cattle, badger removal operations may proceed on breakdown farms on the judgment of Ministry staff, providing detailed epidemiological investigations have attributed the source of infection for that breakdown to badgers. Where detailed epidemiological investigations indicate that badgers are implicated in a herd breakdown but where there is not recent history of badger-related tuberculosis, it is a requirement that a badger removal operation must first be sanctioned by a sub-committee of the consultative panel on badgers and bovine tuberculosis. This sub-committee includes farming, veterinary and conservation

representatives and ensures that the decisions made and action taken are subject to independent scrutiny.

Of those breakdowns which meet the criteria for the trial of the live test, announced in December 1993 and started in November last year, half will be subject to a live test, which will be undertaken on the breakdown farm and surrounding area so that only badgers from setts containing infected badgers will be culled. On the other half, a badger removal operation will be undertaken following the criteria laid down in the independent report of Ministers by Professor Dunnet in 1986. The trial will run for five years, with the objective of comparing the effect on the incidence of bovine tuberculosis in cattle of the strategy recommended by Professor Dunnet of the live test strategy and of the removing no badgers if the breakdown farmer refuses a badger removal operation.

In all situations where breakdowns do not meet the criteria for the trial, the farmer will be offered a badger removal operation in accordance with the Dunnett criteria—the "interim strategy". This means that action against badgers is confined to that part of the breakdown farm where it is believed tuberculosis was transmitted to cattle, or to the whole farm if it is not possible to be more precise.

It is estimated that fewer than 3,000 badgers will be humanely killed in Ministry badger removal operations in 1995. This in no way represents a threat to the species, whose Great Britain population is estimated at about 250,000 adult badgers.

**Mr. Morely:** To ask the Minister of Agriculture, Fisheries and Food how many licences have been granted for interference with badger setts in each year since 1991 for the purpose of hunting; and which purpose this comes under in section 10 of the Protection of Badgers Act 1992. [21109]

**Mrs. Browning:** None. There are no specific provisions under the Protection of Badgers Act 1992 for the granting of licences to interfere with badger setts for the purpose of hunting.

### Live Animal Exports

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 18 April, *Official Report*, column *102*, and of 4 April, *Official Report*, columns *1057-58*, when he expects to be able to make a statement on banning the export of calves to be reared in veal crates. [21113]

**Mrs. Browning:** My right hon. Friend has already explained on various occasions that it is not his policy, for both practical and legal reasons, to ban the export of calves to be reared in veal crates. Lawyers are currently examining, at his request, the complex arguments, recently submitted by the RSPCA and the International Fund for Animal Welfare, as to how they consider that a ban might be legally defended.

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food whether he has any plans to stop people with convictions for cruelty to livestock from being allowed to continue exporting livestock. [21329]

**Mrs. Browning:** I refer the hon. Gentleman to the reply that I gave to the hon. Member for Newport, West (Mr. Flynn) in the House on 23 February 1995, *Official Report*, 23 February 1995, column 475.

### Mink and Arctic Fox

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food if he will insist that mink and arctic fox farms are listed under the Dangerous Wild Animals Act 1976; and if he will make a statement. [21105]

**Mrs. Browning** *[holding answer 27 April 1995]:* The Farm Animal Welfare Council has recommended that consideration should be given to the inclusion of mink and arctic fox in the Dangerous Wild Animals Act 1976. The views of interested organisations have been obtained on this recommendation and we are currently considering how this matter should be taken forward.

### EC Welfare of Livestock Convention

**Mr. Morley:** To ask the Minister of Agriculture, Fisheries and Food (1) which EC member states have been in breach of the European convention on the protection of animals kept for farming purposes over the past 12 months; [19818]

(2) if he will make a statement on the European Convention on the Protection of Animals kept for farming purposes; whether the provisions of the convention are mandatory; what assessment he has made of whether all EC member states are taking action to adopt these provisions; and what action he is taking to encourage them to do so. [19819]

**Mrs. Browning** *[holding answer 24 April 1995]:* The European Community and its member states are all contracting parties to this convention, which lays down general principles for safeguarding the welfare of animals kept for farming purposes, in particular those kept in intensive farming systems. Detailed recommendations for the welfare of individual species are elaborated by a standing committee established under the convention. By adoption of Council decision 78/923/EEC, the European Community approved the convention, while in Great Britain its principles were implemented in provisions which are now incorporated in the Welfare of Livestock Regulations 1994 (SI 2126).

We do not have detailed information on how other contracting parties implement and enforce the convention and the subsidiary measures adopted under it: the Government agree with the European Commission's view, indicated in its communication on the protection of animals of 8 September 1993 (8442/93), that Community legislation is necessary to ensure uniform application of the convention and its subordinate recommendations within the Community. We are therefore continuing to press for the adoption of high welfare standards on a Community basis.

## HOME DEPARTMENT

### Prison Service Costs

**Mr. Mike O' Brien:** To ask the Secretary of State for the Home Department what was the cost of the Prison Service in real terms in each of the last 15 years. [20385]

**Mr. Maclean:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from B. Landers to Mr. Mike O'Brien, dated 27 April 1995:*

The Home Secretary has asked me, in the absence of the Director General from the office, to reply to your recent Question about the cost of the Prison Service in real terms in each of the last 15 years.

The costs of the Prison Service in England and Wales are set out in the attached table. They are at 1993–94 prices and include notional depreciation and superannuation.

| Year | Cost: £000 |
|---|---|
| 1979–80 | 845,366 |
| 1980–81 | 908,605 |
| 1981–82 | 943,003 |
| 1982–83 | 1,011,316 |
| 1983–84 | 1,075,395 |
| 1984–85 | 1,055,005 |
| 1985–86 | 1,132,401 |
| 1986–87 | 1,163,164 |
| 1987–88 | 1,239,017 |
| 1988–89 | 1,334,463 |
| 1989–90 | 1,483,377 |
| 1990–91 | 1,667,722 |
| 1991–92 | 1,747,796 |
| 1992–93 | 1,711,000 |
| 1993–94 | 1,638,200 |

## Prison Population

**Mr. Mike O'Brien:** To ask the Secretary of State for the Home Department what were the total numbers of *(a)* adult and *(b)* juvenile prisoners held in custody in each of the last 15 years. [20386]

**Mr. Michael Forsyth:** Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from Richard Tilt to Mr. Mike O'Brien, dated 28 April 1995:*

The Home Secretary has asked me, in the absence of the Director General from the office, to reply to your recent Question about the total numbers of adult and juvenile prisoners held in custody in each of the last 15 years.

Within the prison system, adults are defined as aged 21 and over. A breakdown of the prison population from 1980–1994 into adults and young persons is given in Table 1. Before the introduction in October 1992 of the Criminal Justice Act 1991, young persons in Prison Service establishments between the ages of 14 and 16 were defined as juveniles. Since the 1991 Act came into effect, young persons aged between 15 and 17 have been treated as juveniles. Information on juveniles aged between 15 and 17 in Prison Service establishments is only available from 1987 and is contained in Table 2. More detailed information on the population of young persons up to 1992 is published annually in "Prison Statistics, England and Wales" (Table 3.2 of the 1992 edition).

*Table 1: Population in Prison Service establishments in England and Wales, annual averages 1980–1994*[1]

Thousands

| Year | Adults[2] (aged 21 and over) | Young persons (aged under 21) |
|---|---|---|
| 1980 | 30.1 | 12.5 |
| 1981 | 29.9 | 13.1 |
| 1982 | 30.3 | 13.0 |
| 1983 | 31.0 | 12.5 |
| 1984 | 30.5 | 12.5 |
| 1985 | 33.1 | 13.0 |
| 1986 | 34.3 | 12.3 |
| 1987 | 36.5 | 12.2 |
| 1988 | 37.9 | 11.8 |
| 1989 | 38.0 | 10.4 |
| 1990 | 36.2 | 9.3 |
| 1991 | 36.8 | 8.8 |
| 1992 | 37.3 | 8.2 |
| 1993 | 36.1 | 7.8 |
| 1994 | 39.8 | 8.3 |

[1] Remand and sentenced, excluding non-criminals.

[2] Includes some 21 year old sentenced persons classified as young offenders.

*Table 2: Population of youths (aged under 18) in Prison Service establishments,on 30 June, 1987–93 England and Wales*[1]

| Year | Number |
|---|---|
| 1987 | 2,877 |
| 1988 | 2,473 |
| 1989 | 2,088 |
| 1990 | 1,595 |
| 1991 | 1,345 |
| 1992 | 1,328 |
| 1993 | 1,304 |

[1] Remand and sentenced, excluding non-criminals.

## UK Passport Agency

**Dr. Howells:** To ask the Secretary of State for the Home Department (1) if he will make a statement about the recent results of the UK Passport Agency on number of passports issued and levels of customer satisfaction; [20755]

(2) if he will make a statement on the current UK Passport Agency review of size, number and location of passport offices; and what assessment he has made of the capacity for an increased work load and further improvements to customer service of a network of professionally staffed offices; [20758]

(3) how the confidentiality and security of the passport issuing process is to be protected under UK Passport Agency management proposals to seek private sector involvement in this process; [20769]

(4) what plans he has to increase the numbers of evening shifts worked at the UK Passport Agency and the number of casual workers with a consequent reduction of permanent staff numbers; and what effect he expects this to have on productivity; [20756]

(5) what rise in demand for standard passports he expects with the abolition of the British visitor's passport; and what plans he has to alter staffing levels at UK Passport Agency offices; [20768]

(6) what considerations underlie his proposals to farmout to the private sector work currently undertaken by the UK Passport Agency; and for what reasons the agency's management is being instructed to seek reductions in numbers of permanent staff employed; [20754]

(7) what measures he is taking to ensure that the management of the UK Passport Agency is discouraged from breaching unilateral industrial relations agreements within the agency; and what assessment he has made of the contribution of those agreements and the subsequent

co-operation among management and staff within the UK Passport Agency to the performance of that agency. [20766]

**Mr. Nicholas Baker:** Responsibility for these matters has been delegated to the UK Passport Agency under its chief executive, Mr. David Gatenby. I have asked him to arrange for a reply to be given.

*Letter from David Gatenby to Dr. Kim Howells, dated 28 April 1995:*

The Secretary of State for the Home Department has asked me to reply to your Questions about the UK Passport Agency.

The Passport Agency has significantly improved its performance since it was established as an executive agency of the Home Office in April 1991. Demand has risen to record levels (we provided almost 4 million passport services in the year ended 31 March 1995) but the maximum time for processing straightforward applications has been reduced from 95 working days in 1989 to 16 working days in 1994. Since 1991 efficiency has been improved by 13.7% in real terms. Very high levels of customer satisfaction are being achieved.

In November 1994, in confirming the Agency's status as an executive agency for a further 5 years, the Home Secretary indicated his expectation that the Agency would further improve the quality of its service, and its efficiency and that, in accordance with Government policy, the private sector should become progressively involved in the issuing of passports. As part of this process, to improve the convenience and accessibility of its service to the public, the Agency plans to establish, by October 1995, partnerships with travel agents, banks, and the Post Office covering the initial handling of passport applications. This approach has been fully discussed with the Agency Trade Union Side (TUS). I have indicated to them that once the partnership arrangements are effectively in place we will wish to develop them further. It is accepted on both sides that changes to the partnership arrangements will be subject to prior consultation.

To explore the scope for achieving greater efficiency, we shall shortly commence a review of ways or involving the private sector in the issuing operation after the decision to grant a passport is taken, and in the provision of support services. Until the reviews have been undertaken I am unable to say whether or not private sector involvement is likely but if it is I can assure you that the Agency would require the system to be equally as secure and confidential as the present operation. There has been no secrecy about these reviews which were mentioned in the Home Secretary's statement, and in briefings to our staff.

We have also undertaken a review of the size number and location of the Agency's offices and this has recently been completed. Once we have sought Ministers' approval of the findings and recommendations we will advise our staff and consult the TUS.

The review has taken into account the Agency's current and future business needs and the needs of its customers and staff. We are committed to continuing to improve customer service and to maintaining the professionalism of staff. The outcome of the review will in no way diminish the Agency's resolve in these two very important areas.

As you will appreciate we are duty bound to carry out Government policy which as clearly explained in the two recent White Papers on the Civil Service requires us, among other things, to absorb increases in pay and prices through efficiency improvements. In seeking efficiency savings we simply cannot ignore our staff costs which currently account for more than 50% of our unit costs. The passport business is demand led. Passport demand shows a marked seasonality with demand averaging 100,000 applications per week between mid January and mid July, but tailing off rapidly to under 50,000 per week immediately after the main holiday season.

Our policy which I believe is a sensible one, is to match our staffing resources more closely to the pattern of passport demand. Over time this will mean some reduction in permanent full-time staff resources as we introduce more flexible and efficient staffing arrangements. These are likely to include the continuation of shift working which is already being used very successfully in four of our offices is providing job opportunities which would not otherwise exist and is proving very popular with those who prefer evening work to daytime work. My aim, so far as is possible, is to achieve these reductions in full-time permanent resources through natural wastage. I have given an assurance that there will be no redundancies as a result of introducing those arrangements in the coming year to the end of March 1996. Overall, however, we are likely to be employing more, rather than less staff, although not all staff will work the full year. This will be jobs in place of the former practice of working excessive overtime in the first half of the year.

I do not believe we have breached agreements with the Trade Unions. In certain areas they have been overtaken by events, and we must have regard to the overriding imperatives of Government policy. We shall shortly be consulting our Trade Unions about a review of these arrangements to check that they remain relevant to the Agency's present and future needs. I remain committed to the maintenance of good industrial relations, and to proper consultations with the TUS.

As you are aware Ministers have already announced the withdrawal of the British Visitor's Passport (BVP) from 31 December 1995. The Agency is already seeing a steady increase in demand as people switch away from the BVP and we expect these increased levels to continue for the remainder of this year and most of next. Thereafter we will return to lower levels. We have taken a number of measures to cope with this temporary extra demand including increasing the number of seasonal staff we employ and extending the evening shifts. I am confident that these measures will enable us to cope with the expected increase.

I expect all of the measures I have outlined in my letter to lead to improved productivity reduced unit costs and an even better service for our customers. I should perhaps re-emphasise that we are currently coping with record levels of demand with an average turnround time of less than seven days and shift working is contributing to this success.

I hope my letter has satisfactorily answered your concerns. If there is anything further you wish to know or if you would like more details of our plans I would be pleased to meet you to discuss them.

## Policing, Sussex

**Mr. Morley:** To ask the Secretary of State for the Home Department how many representations he has received on the level of policing in Sussex *(a)* since October 1994 and *(b)* between May 1994 and October 1994. [21094]

**Mr. Maclean:** The numbers of representations received were as follows:

Since October 1994: 40

Between May 1994 and October 1994: 3

## CS Gas Attacks

**Mr. Sutcliffe:** To ask the Secretary of State for the Home Department (1) what assessment he has made of the increase in number of CS gas canister attacks on the public; and what advice he is giving concerning them. [21550]

(2) what action he proposes to take to stop CS gas canister attacks in public places. [21553]

**Mr. Maclean:** Under section 5(1)(b) of the Firearms Act 1968, as amended, devices capable of discharging a noxious substance are classed as prohibited weapons. We consider that CS gas canisters are covered by the terms of section 5(1)(b). Their possession, acquisition, purchase, manufacture, sale and transfer are prohibited without the authority of the Secretary of State.

No information is available centrally on numbers of attacks involving CS gas canisters. The Criminal Justice and Public Order Act 1994 has increased the maximum penalty for the unauthorised possession of a CS gas weapon, or of any other prohibited weapon, to ten years imprisonment.

The Government take crime prevention very seriously. The Home Office booklet, "Your Practical Guide to Crime Prevention", gives detailed advice on how people can reduce the risk of assault. More than 17 million copies have been distributed to date.

### Live Animal Exports (Policing)

**Mr. Morley:** To ask the Secretary of State for the Home Department what discussions he has had with representatives of the Essex Constabulary on the use of the Public Order Act 1986 at Brightlingsea docks. [21092]

**Mr. Maclean:** None, beyond requests by officials for factual information.

**Mr. Morley:** To ask the Secretary of State for the Home Department what was the cost of the police operation at *(a)* Dover port and *(b)* Brightlingsea docks on (i) 20 and (ii) 21 April. [21114]

**Mr. Maclean:** I understand that the estimated additional costs of policing the demonstrations against live animal exports at Dover port on 20 and 21 April were £32,000 and £17,000 respectively.

I am told that Essex police's estimate of the additional costs of policing at Brightlingsea on the dates in question is not yet available. However, the additional pay costs incurred on 20 and 21 April were £7,700 and £2,970 respectively.

### Firearms

**Mr. Sutcliffe:** To ask the Secretary of State for the Home Department what further action he proposes to take in respect of the availability of firearms. [21552]

**Mr. Maclean:** None. There are already stringent controls designed to restrict access to firearms to suitable persons.

### West Yorkshire Police

**Mr. Sutcliffe:** To ask the Secretary of State for the Home Department if he will provide additional financial resources to the West Yorkshire police to enable them to deal effectively with violent crime in the area. [21679]

**Mr. Maclean:** The police authority has taken full advantage of the additional funds already made available for 1995–96, and set this year's force budget at £249.83 million. This is an increase of £8.94 million, or 3.7 per cent., over the base budget for 1994–95.

### Sunday Dancing

**Mr. Anthony Coombs:** To ask the Secretary of State for the Home Department what plans he has for relaxing the restrictions on Sunday dancing. [22132]

**Mr. Michael Forsyth:** We have today published a consultation paper proposing that the prohibition imposed by the Sunday Observance Act 1780 on admission charges for public dancing on Sundays should be removed. Our proposals also include amendments to the Licensing Act 1964 so that extensions of licensing hours at places where public dancing takes place may be granted on Sunday evening in the same way as they are on weekdays.

We have in mind to implement these changes by means of the order making power in the Deregulation and Contracting Out Act 1994; and we would hope that they could be introduced before Christmas, as Christmas eve and new year's eve, which are popular nights for dancing, this year fall on a Sunday.

Copies of the consultation paper, to which responses are requested by Friday 26 May, have been placed in the Library.

### *Prison Service News*

**Mr. Kaufman:** To ask the Secretary of State for the Home Department what was the total cost, including cost of compilation, cost of production, cost of distribution, and all other costs, of *Prison Service News* for April 1995.

**Mr. Michael Forsyth** *[holding answer 21 April 1995]:* Responsibility for this matter has been delegated to the Director General of the Prison Service, who has been asked to arrange for a reply to be given.

*Letter from B. Launders to Mr. Gerald Kaufman, dated 28 April 1995:*

The Home Secretary has asked me, in the absence of the Director General from the office, to reply to your recent Question about the cost of producing the April issue of Prison Service News.

The total cost, including paper, colour separations, proofing, printing, distribution and staff wages was £9,913.70.

Set against this cost was £2,373 of advertising revenue.

### Premises in Multiple Occupation

**Mr. Gale:** To ask the Secretary of State for the Home Department what assessment he has made of the adequacy of the standard of enforcement of fire safety regulations in former seaside guest houses and hotels now used as houses in multiple occupation and located in the Kent coastal towns. [20782]

**Mr. Robert B. Jones:** I have been asked to reply.

Enforcement of standards for fire precautions and means of escape for houses in multiple occupation is the responsibility of the local housing authority. No particular study of the adequacy of enforcement of these powers in Kent has been made, but the Government are undertaking a more general review of HMO enforcement powers and hope to make an announcement shortly about their proposals for change.

## NORTHERN IRELAND

### Fair Employment

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland what firms have failed to respond to inquiries from the Fair Employment Commission about progress with affirmative action measures and goals and timetables; and what fines have been issued as a result of such breaches since the implementation of the Fair Employment (Northern Ireland) Act 1989. [19859]

**Mr. Ancram:** To date, the commission has sought information concerning affirmative action and goals and timetables without resort to formal powers of inquiry under section 32 of the Fair Employment (Northern Ireland) Act 1989.

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland what firms have failed to respond to inquiries from the Fair Employment Commission about the regular review of practices or about the composition of monitoring returns; and what fines were issued as a result of such breaches since the implementation of the Fair Employment (Northern Ireland) Act 1989. [19858]

**Mr. Ancram:** The commission has powers under section 32 of the Act to obtain certain information from employers with regard to their reviews and their monitoring returns. To date, no formal inquiries under this section have been made with regard to the composition of the monitoring returns. No concern has failed to respond to a formal inquiry for information concerning regular reviews of practices.

**Mr. McGrady:** To ask the Secretary of State for Northern Ireland what firms have failed to register with the Fair Employment Commission and what fines were issued as a result of such breaches since the implementation of the Fair Employment (Northern Ireland) Act 1989. [19856]

**Mr. Ancram:** The commission is unaware of any concern which fulfils the requirement to register and has not made applications for registration.

### Technology Graduates

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland how many technology graduates have been employed in companies under the supervision of the industrial research and technology unit and their university since 1989; and how many of these placements led to permanent employment. [19827]

**Mr. Ancram:** The industrial research and technology unit is not involved in the supervision of any employees in companies. However, the industrial research and technology unit is one of several sponsors of the national teaching company scheme which provides support for technology transfer projects within industry undertaken by young graduates under the joint supervision of the company and the university. Eighty-seven such graduates commenced two-year programmes under TCS in industry in Northern Ireland in the period 1 April 1989 to 31 March 1995. No information is available on the numbers of these graduates in permanent employment.

### Energy Efficiency

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland what assessment he has made of the reasons for the differences in the trends since 1989 in the number of low income households applying for grants from the homes insulation scheme and of businesses applying for the equivalent scheme, the energy management assistance scheme, as published in tables 6.29 and 6.30 of the Northern Ireland Expenditure Plans and Priorities 1994–95 to 1996–97. [19865]

**Mr. Ancram:** The two schemes are not comparable as they are targeted at different groups and provide different forms of assistance.

Regarding the homes insulation scheme, the reduced number of completions from 1989–90 were the result of (i) changes in the eligibility conditions from 11 April 1988 and (ii) action by the Northern Ireland Housing Executive to insulate its own properties in parallel with the homes insulation scheme.

The energy efficiency survey scheme was launched in June 1988 and the figures reflect a normal build up of applications. This was given further impetus in 1992 when the scheme was replaced by the energy management assistance scheme which provided grant aid for a wider range of energy efficiency measures.

### Peace Initiative

**Mr. Murphy:** To ask the Secretary of State for Northern Ireland if the principle of additionality applies to the special European Union funds being channelled to Northern Ireland through the peace initiative. [20321]

**Sir John Wheeler:** Both the Prime Minister and the Secretary of State for Northern Ireland have made it absolutely clear that the European Union's programme will be in addition to the British Government's own expenditure plans for Northern Ireland.

### Security Vetting

**Mr. Murphy:** To ask the Secretary of State for Northern Ireland what plans he has to review the Hurd principles on security vetting procedure; and if he will make a statement. [20322]

**Sir John Wheeler:** It has been Government policy, as set out in the parliamentary written answer of 27 June 1985, *Official Report*, column *451*, by the then Secretary of State for Northern Ireland, to withhold Government assistance from community groups where the Secretary of State was satisfied that there was a grave risk that such assistance would have the effect of improving the standing or furthering the aims of a paramilitary organisation, whether directly or indirectly. This policy is kept under active review in the light of wider developments in Northern Ireland.

### Salmon

**Mr. William Ross:** To ask the Secretary of State for Northern Ireland what is his estimate of the number of smolt produced in the River Bush in each of the last 25 years; and what percentage and numbers were lost in each year as a result of predation by cormorants. [20586]

**Mr. Ancram:** Records of the numbers of smolt produced in the River Bush are available only for the last 21 years. These are set out in the table. The only research carried out into the number of smolt lost to cormorants occurred in 1986. I have arranged for a copy of the research paper, which contains the only statistical data available, to be sent to the hon. Gentleman.

*River Bush smolt counts*

| *Year* | *Wild smolt* | *Farmed smolt* | *Total* |
|---|---|---|---|
| 1974 | 44,513 | 4,349 | 48,862 |
| 1975 | 33,437 | 4,475 | 37,912 |
| 1976 | 21,011 | 37,370 | 58,381 |
| 1977 | 16,639 | 10,557 | 30,196 |
| 1978 | 27,093 | 10,642 | 37,735 |
| 1979 | 24,286 | 10,631 | 34,917 |
| 1980 | 20,489 | 4,841 | 25,330 |
| 1981 | [1]— | 2,702 | — |
| 1982 | 10,779 | 1,338 | 12,117 |
| 1983 | 26,968 | 5,733 | 32,701 |
| 1984 | 30,034 | 2,683 | 32,717 |
| 1985 | 30,519 | 17,966 | 48,485 |
| 1986 | 19,066 | 25,159 | 44,225 |
| 1987 | 22,156 | 17,064 | 39,220 |
| 1988 | 22,994 | 16,054 | 39,048 |
| 1989 | 17,812 | 7,431 | 25,243 |
| 1990 | 17,354 | 27,076 | 44,430 |
| 1991 | 18,471 | 32,879 | 51,350 |
| 1992 | 10,008 | 22,384 | 32,392 |
| 1993 | [1]— | 14,726 | — |
| 1994 | 14,145 | 5,508 | 19,653 |

[1] Incomplete count (traps flooded out).

### Banbridge District Council

**Mr. Trimble:** To ask the Secretary of State for Northern Ireland if he will list all the public service offices other than local government offices and the number of persons employed in such offices in Banbridge district council in *(a)* January 1992, *(b)* January 1993, *(c)* January 1994 and *(d)* January 1995. [20458]

**Sir John Wheeler:** The information requested is as follows:

| *Offices* | *January 1992* | *January 1993* | *January 1994* | *January 1995* |
|---|---|---|---|---|
| *DOE* | | | | |
| Road service: | | | | |
| Banbridge | 32 | 31 | 30 | 31 |
| Corbett | 5 | 4 | 5 | 5 |
| Katesbridge | 3 | 3 | 2 | 3 |
| Water Executive: | | | | |
| Banbridge | 58 | 54 | 55 | 52 |
| *DED* | | | | |
| Banbridge Training and Employment Agency | 12 | 16 | 23 | 22 |
| *DHSS* | | | | |
| Banbridge social security office | 55 | 55 | 54 | 49 |
| Contributions unit area office[1] | — | — | — | 20 |
| *DANI* | | | | |
| The agricultural development centre[2] | — | — | — | 17 |

[1] The contributions unit area office moved to its present location in Banbridge on 18 April 1994. It was previously based in Lurgan SSO.
[2] The Banbridge office is a sub-office of the Department of Agriculture. Information held on numbers of staff based in sub-offices is not held centrally as they can vary according to need. Currently 17 DANI staff use the Banbridge office on an ad hoc basis.

### University Students

**Mr. William Ross:** To ask the Secretary of State for Northern Ireland how many persons resident in Northern Ireland who applied for a place in a Northern Ireland university in each of the last three years failed to get a place and are now attending a university in Great Britain. [20614]

**Mr. Ancram:** Due to the different mechanisms for processing applications to universities, the information cannot be supplied in the form requested.

**Mr. William Ross:** To ask the Secretary of State for Northern Ireland how many university students from Northern Ireland are at present attending university in *(a)* Great Britain, *(b)* the Irish Republic, *(c)* other EC countries and *(d)* elsewhere; and, of these students, how many are following courses leading to a qualification which is available at a university in Northern Ireland. [20613]

**Mr. Ancram:** In 1993–94, the number of Northern Ireland domiciled full-time undergraduate students attending university outside Northern Ireland was as follows:

| | *Number* |
|---|---|
| *(a)* Great Britain | 10,763 |
| *(b)* Republic of Ireland | 1,117 |
| *(c)* Other | 10 |

It is not possible to separate (c) into EC countries and elsewhere.

Information on NI students following courses leading to a qualification which is available at a university in Northern Ireland is not readily available and could be obtained only at disproportionate cost.

**Mr. William Ross:** To ask the Secretary of State for Northern Ireland how many students there are on each campus of each university in Northern Ireland broken down into *(a)* full-time undergraduates, *(b)* part-time undergraduates, *(c)* postgraduate and *(d)* doctorate level; and, of these, how many are from (i) Northern Ireland, (ii) the Irish Republic, (iii) Great Britain, (iv) other EU countries and (v) elsewhere. [20615]

**Mr. Ancram:** The information is as follows:

*University of Ulster 1993–94*

| *Domicile* | *Undergraduates* *Full-time* | *Part-time* | *Postgraduates* | *Doctorates* |
|---|---|---|---|---|
| *Belfast Campus* | | | | |
| Northern Ireland | 616 | 1 | 41 | 16 |
| Great Britain | 42 | 0 | 7 | 2 |
| Republic of Ireland | 60 | 0 | 4 | 2 |
| Other EU | 9 | 0 | 2 | 0 |
| Elsewhere | 3 | 0 | 2 | 0 |
| Total | 730 | 1 | 56 | 20 |
| *Coleraine Campus* | | | | |
| Northern Ireland | 2,702 | 100 | 456 | 126 |
| Great Britain | 211 | 0 | 17 | 9 |
| Republic of Ireland | 695 | 5 | 86 | 34 |
| Other EU | 202 | 0 | 3 | 3 |
| Elsewhere | 62 | 0 | 3 | 11 |
| Total | 3,872 | 105 | 565 | 183 |
| *Jordanstown Campus* | | | | |
| Northern Ireland | 4,738 | 2,005 | 2,228 | 175 |
| Great Britain | 72 | 4 | 6 | 6 |
| Republic of Ireland | 535 | 22 | 73 | 16 |
| Other EU | 28 | 1 | 5 | 4 |
| Elsewhere | 28 | 1 | 20 | 15 |
| Total | 5,401 | 2,033 | 2,332 | 216 |
| *Magee Campus* | | | | |
| Northern Ireland | 856 | 418 | 412 | 21 |
| Great Britain | 49 | 0 | 7 | 0 |
| Republic of Ireland | 266 | 98 | 89 | 4 |

*University of Ulster 1993–94*

| *Domicile* | *Undergraduates* *Full-time* | *Part-time* | *Postgraduates* | *Doctorates* |
|---|---|---|---|---|
| Other EU | 25 | 0 | 2 | 0 |
| Elsewhere | 8 | 0 | 5 | 1 |
| Total | 1,204 | 516 | 515 | 26 |
| *Queens, Belfast 1993–94* | | | | |
| Northern Ireland | 7,832 | 1,076 | 2,116 | 637 |
| Great Britain | 229 | 3 | 57 | 48 |
| Republic of Ireland | 520 | 20 | 187 | 86 |
| Other EU | 70 | 21 | 29 | 15 |
| Elsewhere | 273 | 6 | 90 | 90 |
| Total | 8,924 | 1,126 | 2,479 | 876 |

## Otters

**Mr. William Ross:** To ask the Secretary of State for Northern Ireland what is his estimate of the number of otters now present in each river system in Northern Ireland; what was the number five and 10 years ago; and what research he has carried out in recent years into the *(a)* fish species, *(b)* birds and *(c)* mammals eaten by otters, and the effect of such predation on the number of prey species. [20588]

**Mr. Moss:** There is no specific information on the numbers of otters, but surveys have confirmed that otters are present in most parts of Northern Ireland.

The Departments of Environment and of Education have sponsored research which shows that otters are entirely opportunistic in their feeding behaviour and the choice of prey depends on availability; however, mammals and birds are rarely taken. No information is available on the effects of otter predation on the numbers of prey species.

## Bovine Tuberculosis

**Mr. Morley:** To ask the Secretary of State for Northern Ireland, how many cases of TB in cattle were reported in each county in each year since 1985. [20552]

**Mr. Ancram:** Statistics on the number of cases of TB in Northern Ireland are recorded on a divisional veterinary office basis and are not available by county. The number of animals in which TB has been detected in Northern Ireland since 1985 in each DVO area is shown below:

| | *1985* | *1986* | *1987* | *1988* | *1989* | *1990* | *1991* | *1992* | *1993* | *1994* |
|---|---|---|---|---|---|---|---|---|---|---|
| Armagh | 176 | 114 | 52 | 118 | 314 | 386 | 404 | 592 | 519 | 973 |
| Dungannon | 178 | 75 | 69 | 83 | 102 | 158 | 194 | 242 | 239 | 351 |
| Enniskellen | 123 | 152 | 190 | 148 | 160 | 174 | 117 | 225 | 343 | 242 |
| Newry | 165 | 125 | 266 | 622 | 1,100 | 1,270 | 2,050 | 1,607 | 1,831 | 1,215 |
| Newtownards | 257 | 197 | 171 | 261 | 217 | 214 | 284 | 627 | 1,349 | 983 |
| Ballymena | 218 | 84 | 51 | 49 | 105 | 277 | 341 | 228 | 348 | 377 |
| Coleraine | 125 | 70 | 43 | 50 | 66 | 93 | 212 | 436 | 518 | 439 |
| Larne | 204 | 167 | 162 | 84 | 295 | 379 | 432 | 512 | 860 | 420 |
| Londonderry | 10 | 33 | 26 | 33 | 31 | 64 | 17 | 25 | 90 | 57 |
| Omagh | 51 | 23 | 13 | 22 | 103 | 109 | 57 | 107 | 146 | 181 |
| Total | 1,507 | 1,040 | 1,043 | 1,470 | 2,493 | 3,124 | 4,108 | 4,601 | 6,243 | 5,238 |

## Seals

**Mr. William Ross:** To ask the Secretary of State for Northern Ireland what is his estimate of the number of seals of each species present in Northern Ireland coastal waters; how much fish of each species they eat annually; and what research he has carried out in recent years on the effect seals have on salmonids. [20587]

**Mr. Moss:** It is estimated that there are approximately 500 common and 200 grey seals in Northern Ireland coastal waters. Data on the species composition of seal diets are not available, but adult male common seals are known to eat approximately 4 kg fish daily and grey seals 5 kg. Taking account of the fact that females and sub-adults eat less, the total consumption is estimated to be approximately 700 tonnes per annum. No local research has been carried out on the effect of seals on salmonids, but from other studies it has been concluded that salmonid fish comprise a very small proportion of the diet of both species.

## Craigavon Borough Council

**Mr. Trimble:** To ask the Secretary of State for Northern Ireland if he will list all the public service offices other than local government offices and the number of persons employed in such offices in Craigavon borough council in *(a)* January 1992, *(b)* January 1993 *(c)* January 1994 and *(d)* January 1995. [20459]

**Sir John Wheeler:** The information requested is as follows:

| *Offices* | *January 1992* | *January 1993* | *January 1994* | *January 1995* |
|---|---|---|---|---|
| *NIO* | | | | |
| Civil Representatives Magowan House | — | — | — | 9 |
| *DHSS* | | | | |
| Lurgan Social Security Office | 85 | 88 | 86 | 81 |
| Portadown Social Security Office | 60 | 70 | 62 | 59 |
| Contributions' Unit Area Office | — | 20 | 20 | — |
| *DANI* | | | | |
| Watercourse Management Division Seagoe Industrial Estate | 30 | 30 | 28 | 27 |
| *DFP* | | | | |
| Valuation and Lands Agency Marlborough | | | | |

| Offices | January 1992 | January 1993 | January 1994 | January 1995 |
|---|---|---|---|---|
| House | [2]34 | 33 | 31 | 35 |
| *DED* | | | | |
| IDB Regional Office[3] | 5 | 4 | 3 | 6 |
| Portadown Training and Employment Agency | 19 | 21 | 20 | 21 |
| Lurgan Training and Employment Agency | 18 | 18 | 13 | 12 |
| Craigavon Training Centre | 49 | 46 | 39 | 30 |
| *DOE* | | | | |
| Central Claims Unit Craigavon | 6 | 7 | 7 | 6 |
| Countryside and Wildlife Oxford Island Craigavon | 2 | 2 | 2 | 1 |
| Driver and Vehicle Testing Craigavon | 15 | 15 | 14 | 14 |
| Ordnance Survey of Northern Ireland Craigavon | 14 | 14 | 14 | 13 |
| Planning, Craigavon | 47 | 49 | 51 | 48 |
| Rate Collection Agency Portadown | 15 | 14 | 14 | 14 |
| Roads Service Marlborough House Craigavon | 140 | 137 | 137 | 134 |
| Carn, Craigavon | 58 | 47 | 47 | 52 |
| Transport Licensing and Enforcement Craigavon | — | 4 | 2 | 4 |
| Water Executive Craigavon | 81 | 86 | 84 | 87 |
| Portadown | 97 | 93 | 97 | 93 |
| Works Service Portadown | 4 | 4 | 4 | 4 |

[1] The Contributions Unit Area Office was set up on 7 December 1992 and was originally based in Lurgan SSO. The Unit Area moved to its own location in Banbridge on 18 April 1994.
[2] Figure from April 1992.
[3] Until end March 1995, IDB had a Regional Office in Craigavon, this is now closed along with the other Northern Ireland Regional Offices in Londonderry and Antrim.

### Development Capital Fund

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland how many applications were received to manage the Northern Ireland development capital fund; and if he will list the companies and publish the applications. [20467]

**Mr. Ancram:** Ten applications were received with Hambros Bank plc subsequently selected as the manger of the new fund. However, for reasons of confidentiality, the applications cannot be published or the names of the unsuccessful candidates revealed.

### Philosophy Courses

**Mr. Llwyd:** To ask the Secretary of State for Northern Ireland how many higher education institutions in Northern Ireland currently offer single honours or joint honours degrees in philosophy; what proportion of the total number of higher education institutions in Northern Ireland this represents; and if he will make a statement. [20900]

**Mr. Ancram:** Two; that is 100 per cent. of the higher education institutions in Northern Ireland.

**Mr. Llwyd:** To ask the Secretary of State for Northern Ireland how many people graduated from Northern Irish higher education institutions with honours either in philosophy or in a joint honours or composite degree involving philosophy in 1994; what proportion of the total number graduating from Northern Irish higher education this represents; and if he will make a statement. [20904]

**Mr. Ancram:** Seventy-one, or 1.34 per cent. of the total number graduating from Northern Ireland higher education institutions.

### Badgers

**Mr. Morley:** To ask the Secretary of State for Northern Ireland how many licences have been granted for interference with badger setts for the purposes of hunting in each year since 1991. [21110]

**Mr. Moss:** No licences have been issued as there is no provision for doing so under the Northern Ireland legislation.

### Social Security Agency

**Mr. Simon Coombs:** To ask the Secretary of State for Northern Ireland what performance targets have been set for the Social Security Agency for the current financial year. [22198]

**Mr. Moss:** The targets are included in the agency's 1995–96 business plan, which was published today. A copy of the plan will be placed in the Library. The targets are in line with the Government's policy of improving the service provided to customers and fully support the standards established in the Northern Ireland citizens charter. I am satisfied that the targets present a demanding challenge for the agency. They are as follows:

1. Benefit Clearance Times[1]

*Social fund crisis loans*
on the day the need arises[2]

*Social fund community care grants*
70 per cent. in seven days
95 per cent. in 20 days

*Income support*
71 per cent. in five days
90 per cent. in 13 days

*Incapacity Benefit*
60 per cent. in 10 days
85 per cent. in 30 days

*Child benefit*
68 per cent. in 10 days
94 per cent. in 30 days

*Family credit*
57 per cent. in 13 days
95 per cent. in 42 days

*Disability living allowance*
68 per cent. in 30 days
85 per cent. in 53 days

*Retirement pension*
65 per cent. in 20 days
95 per cent. in 60 days

*Unemployment benefit*
75 per cent. in 12 days

2. Benefit Accuracy

*Income support*
to pay the correct amount in at least 87 per cent. of cases

*Incapacity benefit*
to pay the correct amount in at least 94 per cent. of cases

*Child benefit*
to pay the correct amount in at least 98 per cent. of cases

*Family credit*
to pay the correct amount in at least 93 per cent. of cases

*Disability living allowance*
to pay the correct amount in at least 98 per cent. of cases

*Retirement pension*
to pay the correct amount in at least 99 per cent. of cases

*Unemployment benefit*
to pay the correct amount in at least 97 per cent. of cases

3. Customer Satisfaction
90 per cent. of customers to regard the agency's service as satisfactory or better

4. Financial Recovery
recovery of social fund loans—£19.10 million
recovery of income support overpayments—£1.70 million
recovery of centralised benefits overpayments—£0.42 million
benefit savings from detection and prevention of fraud—£14.00 million
to carry out 3,800 national insurance contributions surveys, including 1,020 employer educational visits
identify £1.12 million class I arrears as a result of compliance work

5. Resource Management
to live within a gross allocation of £31.74 million for social fund loans and community care grants
to live within the agency's gross administration budget of £138.70 million, of which £135.40 million relates to running costs
to achieve cash efficiency savings of the order of £4.50 million

*Notes:*
[1]in all cases, clearance time is measured from the date of receipt of a claim or application in the office to the date on which the claim or application is decided. The measure, therefore, excludes the time taken to issue notification of the decision and any payment.
[2]Monitored against 95 per cent. in one day.

## Emergency Provisions Act

**Ms Mowlam:** To ask the Secretary of State for Northern Ireland, how many notices to attend interview have been issued under schedule 5 of the Northern Ireland (Emergency Provisions) Act 1991 in each year since 1991. [20232]

**Sir John Wheeler** *[holding answer 24 April 1995]:* The information is contained in table 14 of "Annual Statistics on the Northern Ireland (Emergency Provisions) Act," a copy of which is in the Library.

## Public Bodies

**Dr. Wright:** To ask the Secretary of State for Northern Ireland if he will list the executive non-departmental public bodies sponsored by his Department which are subject to *(a)* investigation by the Parliamentary Commissioner, *(b)* scrutiny by the Audit Commission, *(c)* scrutiny by the National Audit Office, *(d)* statutory provisions for open government, *(e)* performance indicators and *(f)* provisions under the citizens charter. [20662]

**Sir John Wheeler** *[holding answer 25 April 1995]:* The remit of the Parliamentary Commissioner does not extend to executive non-departmental public bodies in Northern Ireland. The Northern Ireland Parliamentary Commissioner for Administration investigates complaints of alleged injustice as a consequence of maladministration by Northern Ireland Departments, including their agencies, while the function of the Northern Ireland Commissioner for Complaints investigates similar complaints against local and public bodies.

The current list of executive non-departmental public bodies which are subject to the jurisdiction of the Northern Ireland Commissioner for Complaints is as follows:

Agricultural Research Institute of Northern Ireland
Arts Council of Northern Ireland
Council for Catholic Maintained Schools
Education and Library Boards
Enterprise Ulster
Fire Authority for Northern Ireland
Fisheries Conservancy Board for Northern Ireland
Industrial Training Boards
Labour Relations Agency
Laganside Corporation
Livestock and Meat Marketing Commission for Northern Ireland
Local Enterprise Development Unit
Mental Health Commission for Northern Ireland
National Board for Nursing, Midwifery and Health Visiting for Northern Ireland
Northern Ireland Housing Executive
Northern Ireland Local Government Officers' Superannuation Committee
Northern Ireland Council for the Curriculum, Examinations and Assessment
Northern Ireland Sports Council
Northern Ireland Tourist Board
Office of the Northern Ireland Commissioner for the Rights of Trade Union Members
Trustees of the Ulster Folk and Transport Museum
Trustees of the Ulster Museum
Youth Council for Northern Ireland

There are no executive non-departmental public bodies in Northern Ireland which are subject to scrutiny by the Audit Commission.

The following executive non-departmental public bodies sponsored by the Northern Ireland Office are subject to scrutiny by the National Audit Office.

Police Authority for Northern Ireland
Probation Board for Northern Ireland
Independent Commissioner for Police Complaints
Training School Management Board Rathgael and Whiteabbey

The responsibility of the National Audit Office does not extend to the six Northern Ireland Departments, which have their own similarly appointed body—the Northern Ireland Audit Office. The following executive non-departmental public bodies are subject to scrutiny by the NIAO:

Belfast Education and Library Board
Northern Education and Library Board
South Eastern Education and Library Board
Southern Education and Library Board
Western Education and Library Board

Enterprise Ulster
Equal Opportunities Commission for Northern Ireland
Executive of the Industrial Development Board for Northern Ireland
Fair Employment Commission for Northern Ireland
Fire Authority for Northern Ireland
General Consumer Council for Northern Ireland
Health and Safety Agency for Northern Ireland
Mental Health Commission for Northern Ireland
National Board for Nursing, Midwifery and Health Visiting for Northern Ireland
Northern Ireland Council for the Curriculum Examinations and Assessments
Northern Ireland Housing Executive
Northern Ireland Tourist Board
Sports Council for Northern Ireland
Staff Commission for Education and Library Boards
Ulster Folk and Transport Museum
Ulster Museum
Youth Council for Northern Ireland

The executive non-departmental public bodies which are subject to the statutory provisions for open government are those bodies listed as under the jurisdiction of the NI Commissioner for Complaints.

All executive non-departmental public bodies listed in the publication "Public Bodies 1994" are subject to performance indicators and the provisions under the citizens charter. A copy of the "Public Bodies 1994" is available in the Library.

## TRANSPORT

### Executive Agencies

**Sir Ivan Lawrence:** To ask the Secretary of State for Transport what targets he has set for the executive agencies in his Department. [22100]

**Mr. Norris:** The following key targets have been set for the Department of Transport's executive agencies. The targets are set out in the agencies' business plans, which also include management objectives, performance indicators and key tasks, where appropriate to the agencies' businesses. Copies of the business plans will be placed in the Library in due course except that for the Transport Research Laboratory, whose plan is commercially confidential and will not be published.

The key targets for the Coastguard Agency are to:

discharge the Secretary of State's responsibility for maritime search and rescue through the agency's own or dedicated assets by:

(i) maintaining a 24 hours SAR co-ordinating capability within, and including the coasts and shoreline of, the United Kingdom search and rescue region, UKSRR;

(ii) maintaining a comprehensive radio reception and transmission coverage of the UKSRR which enables SAR co-ordination action for the duration of incidents without interruption or equipment malfunction; and

(iii) testing contingency plans for major maritime SAR incidents, particularly those involving ferries, by undertaking six major live exercises;

review the recording of SAR incidents, by October 1995; and after consideration of the pattern and type of incidents to make proposals for improving the effectiveness of the current SAR prevention strategy by March 1996;

maintain a fully operational 24-hour channel navigation information service covering the Dover strait traffic separation scheme, in concert with the appropriate French authorities;

discharge the Secretary of State's responsibility for dealing with marine pollution by the maintenance of a national contingency plan and in particular:

(i) activate the plan within 30 minutes of notification of an incident;

(ii) commence action at sea to deal with a spill of dispersable oil within four hours of notification of an incident;

(iii) test the effectiveness of the plan by undertaking a major exercise and to report on the outcome by 31 March 1996;

carry out 625 hours a year aerial surveillance of the sea area for which the UK has responsibility to detect or deter incidents of marine pollution, including illegal discharges from ships;

deliver the key targets and key tasks in the business plan within the agreed running costs budget.

The key targets for the Driving Standards Agency are to:

achieve unit costs of £24.75 for car tests; £56.00 for vocational tests; £33.40 for motorcycle tests; and £40.80 for the activities associated with the register of approved driving instructors;

achieve a national average waiting time of no more than six weeks for car tests; no more than three weeks for vocational tests; no more than four weeks for motorcycle tests; and no more than five weeks for the approved driving instructor practical test;

to answer 90 per cent. of telephone calls to booking offices within one minute.

The key targets for the Driver and Vehicle Licensing Agency are to:

make an efficiency gain, on the basis of overall efficiency index, of 2.2 per cent.;

complete successfully 460,000 VED enforcement cases by imposition of penalties and recover through penalties and duty from induced relicensing at least £2.65 for every £1 full cost spent by DVLA on VED enforcement;

deliver 95 per cent. of ordinary driving licence cases to customers within 11 working days of receipt, 95 per cent. of vocational driving licence cases within 10 working days of receipt, and 95 per cent. of first provisional driving licence cases within 10 working days of receipt;

for medical cases, deliver 80 per cent. of first applications for ordinary driving licences within 35 working days of receipt, and 80 per cent. of first applications for vocational licences within 29 working days; and for cases of notification of medical condition reply in 80 per cent. of cases involving ordinary driving licences within 40 days and in 80 per cent. of cases involving vocational licences within 50 days;

deliver 95 per cent. of registration documents for new vehicles within 13 working days;

deliver 95 per cent. of changes to vehicle registration documents within 13 days;

deliver answers to 95 per cent. of written inquiries within eight working days;

answer 80 per cent. of telephone inquiries within 30 seconds;

achieve percentages of documents without DVLA induced error of 96 per cent. for driving licences, 98 per cent. for registration documents for new vehicles and 93 per cent. for changes on registration documents.

The key targets for the Highways Agency are to:

complete the implementation of the agency's restructuring plans to achieve running cost savings of 20 per cent. by 1996–97, compared to the 1993–94 costs, by:

(i) reducing the number of office locations from 18 to 11 by 1 October 1995; and

(ii) reducing the number of permanent staff from 2,280 at 1 October 1994 to 1,975 full-time equivalents by 1 October 1995;

using existing management information systems, report on the agency's internal unit costs for the management and supervision of new construction schemes over £3 million in value, compared to costs in the last three years.

Introduce and develop an activity costing and information system enabling:

unit costs for the agency's activities on new construction, maintenance and network stewardship to be developed;

specific proposals for unit cost targets to be submitted to Ministers by the end of November 1995; and

subject to ministerial approval, the introduction of comprehensive targets for unit costs to be set from 1996–97 onwards.

In line with the objective of reducing the time taken to complete schemes, state in the agency's annual report:

the average time taken to complete schemes that are completed in 1995–96 compared with the performance in recent years; and

the average time between milestones for all those schemes that reach milestones in 1995–96, and compare this with previous years' performance.

Complete all schemes within the approved scheme brief with performance to be measured by the number of schemes submitted to the Central Transport Group because of changes of scope or cost initiated by the Agency.

Monitor, and state in the annual report, the unit cost of new construction.

Monitor, and state in the annual report, the unit cost of carriageway renewal.

Monitor, and state in the annual report, the benefit-cost ratio for the national roads programme based on the scheme briefs and agree with the Central Transport Group a target level for 1995–96 and following years below which the average should not fall.

Carry out post-scheme evaluations on all appropriate schemes as agreed with the Central Transport Group.

Reach scheme milestones for schemes in the roads programme and listed in annexe B of the business plan, as follows:

award main works contracts for six of the eight publicly funded schemes;

reach 90 per cent. of the other scheme milestones.

Report in the annual report on progress towards the target of letting 30 per cent. of new construction contracts, by value, as design and build contracts by the end of 1996–97.

If tenders represent good value for money, award four DBFO contracts and, subject to ministerial decisions, invite tenders for a further four DBFO contracts.

Start 14 of the 16 major network enhancement projects listed at annexe C of the business plan and 85 per cent. of the smaller network enhancement projects listed at annexe D of the business plan.

Maintain the trunk road network cost effectively by undertaking a programme of capital maintenance to preserve past investment at an optimum whole life cost, with the minimum disruption to traffic, and to ensure that roads are safe, reliable, and offer an acceptable quality of ride; and to ensure that, from 1 January 1999, all vehicles up to and including the new 40 tonnes maximum gross weight standard can use all structures supporting trunk roads and other important routes over trunk roads by, in 1995–96:

renewing 134 nearside lane kilometres of motorway and 261 nlks of all purpose trunk road;

assessing the structural capacity of 820 structures and upgrading 86 structures.

Contribute to the Government's target of reducing road casualties by one third by the year 2000 compared to the annual average for 1981–85, by reducing casualties on the trunk road network to an average of not more than 35,000 a year over the three years 1993 to 1995.

Publish, as part of the agency's annual report, a section reporting its activities to promote road safety, including the accident rate on motorways and trunk roads.

Publish as part of the agency's annual report, a report on environmental aspects of new schemes, and network management and maintenance activities demonstrating that the agency has given full weight to environmental issues in carrying out its functions, and has struck a balance accordingly.

Meet the aims and targets enshrined within the citizens charter, the road user's charter and the agency's charter standard statement, "Your Home and Trunk Road Proposals".

Continue to develop systems for measuring the performance of the network, including quality of service indicators; collect data during 1995–96; make specific proposals to Ministers by the end of November 1995; and, subject to ministerial approval, agree targets for 1996–97.

In accordance with the normal rules of Government accounting, avoid breaching the cash limits on the budgets voted by Parliament for both total expenditure and running costs.

Introduce accrual accounting procedures to enable an auditable set of commercial-style accounts to be produced for the 1996–97 financial year, including a balance sheet, income and expenditure account, and a cash flow statement.

Produce certified appropriation accounts by August 1995.

The key targets for the Marine Safety Agency are to:

review the recommendations of the IMO panel of experts convened to consider ro-ro passenger ferry safety and report by 30 June 1995 to the Department's Shipping Policy Directorate on the way forward to achieve improved safety standards;

undertake trials by 31 March 1996 involving the fitting of radio transponders on a selected number of ships and press IMO through the Marine Safety Committee meeting for international acceptance of transponders including the development of performance specifications;

following consultations with industry make proposals by 31 December 1995 for the introduction of intermediate safety equipment inspections of fishing vessels of 12 metres and over, and on their delegation;

on deregulation, complete the internal review of all groups of merchant shipping legislation by 31 March 1995;

maintain survey fee levels in real terms below those applied in 1994–95 whilst recovering the full economic cost of providing the service;

work with the EU to ensure arrangements are in place by 31 December 1995 for the mandatory application of the international safety management code for passenger ships, class I and II, by 30 June 1996;

undertake port state control inspections of 30 per cent. of foreign flagged vessels using UK ports including inspections of ro-ro ferries and fish factory ships;

achieve an average output of 100 completed surveys and/or inspections per marine office surveyor while delivering the planned programme of surveys and inspections;

manage efficiently the agency's resources so as to deliver the key targets and key tasks in the business plan within the agreed total running costs budget.

The key targets for the Transport Research Laboratory are to:

conduct its business pre-privatisation so as to meet its full costs over the 12-month period;

manage the business pre-privatisation so that over the 12-month period direct fee earning costs as a percentage of total operating costs are greater than 56 per cent.;

achieve average staff utilisation in research resource centres of at least 1,300 hours per year on direct fee earning work;

ensure that 94 per cent. of project outputs to be assessed by customers as satisfactory or better on project assessment forms; and

facilitate achievement of the privatisation objectives announced by the Secretary of State on 14 March 1995.

The key targets for the Vehicle Inspectorate trading fund are to:

achieve an efficiency improvement of 6 per cent. as measured by the agency's aggregate cost efficiency index;

break even while achieving a 6 per cent. real rate of return on capital employed, taking one year with another;

achieve an HGV/PSV test exemption rate of less than 0.01 per cent.;

achieve an HGV/PSV test error rate of less than 0.47 per cent.;

achieve a roadworthiness prohibition error rate of 0.5 per cent. or less;

return 95 per cent. of maintenance assessments for 'O' licence renewals and variations within six weeks and 99 per cent. within 12 weeks;

decide 99 per cent. of all MOT statutory appeals against refusal to issue a test certificate within five working days;

produce 95 per cent. of traffic enforcement reports for the traffic commissioners within four weeks or other agreed deadline;

examine a minimum of 1.4 million HGV and 145,000 PSV tachograph charts;

weigh a minimum of 115,000 goods vehicles; and

achieve DOT weighbridge site equipment availability at 90 per cent. level nationally.

The key targets for the Vehicle Certification Agency are:

to achieve a net unit cost no higher than £70.80;

to achieve such quality in the production of certificate that, after issue, at least 98 per cent. do not need correction as a result of VCA-generated errors;

where errors in certificates do occur, to issue corrected documents within three working days in 80 per cent. of cases;

to audit at least 50 per cent. of VCA's approved quality procedures;

to receive a satisfactory appraisal report on VCA's technical performance from the Department's chief mechanical engineer.

### National Bus Company

**Mr. Heppell:** To ask the Secretary of State for Transport if he will list the current owners of the 70 former subsidiaries of the National Bus Company. [21673]

**Mr. Norris:** The 72 subsidiaries of the former National Bus Company, which included engineering works and holiday and service companies, were privatised between 1986 and 1988. Since then, there have been various changes in ownership, the structure of groups, and in operating territories, which makes it impossible to provide an exact correlation between original subsidiaries and present ownership.

### M11 Link Road

**Mr. Cohen:** To ask the Secretary of State for Transport (1) what is the latest total estimated cost of the M11 link road; [16549]

(2) on what estimated total cost the cost-benefit analysis study of the M11 link road was based; [16545]

(3) if accidents including fatal ones were included in the COBA study of the M11 link road and what numbers and costs were used. [16550]

**Mr. Norris:** The current estimated total cost of the link road at today's prices is £340 million. This figure includes the preparation of designs and the supervision of works by our consulting engineers, the works contracts, the cost of diversion of statutory undertakers services and land costs; it also includes VAT where applicable.

The cost-benefit analysis at the 1987 public inquiry used a present value of total costs of £39.11 million calculated in accordance with then current practice of using 1979 prices discounted to 1979. Future cost savings attributable to anticipated reduction in all accidents were included in the cost-benefit analysis. Details are given in the letter and in section 4.5 and table 7.1 of inquiry documents D2 and D45 respectively, which were sent to the hon. Member at his request by the Highways Agency on 20 December last.

The present value cost was based on a construction cost of £101.02 million and land cost of £23.3 million at 1986 prices.

A comparison of these figures with the present £340 million estimated total cost indicates that the main areas with increases from the 1987 estimate are an update of works cost to 1995 prices of £29 million; land costs of £12 million; statutory undertakers costs of £22 million; preparation and supervision costs of our consulting engineers of £21 million; the introduction of secant piling retaining walls to reduce the effects of construction on adjoining properties and London Underground in Leytonstone of £32 million; various changes such as the cost of making provision in the scheme for the Chelsea-Hackney underground line, changes following receipt of soils investigation, and increased use of brick for screen and boundary walls and an improved standard of finish generally of £39.5 million; improved signs, lighting and communications in the tunnels of £4 million; security costs of £10 million; and VAT, £46 million.

### Airports

**Mr. Day:** To ask the Secretary of State for Transport if his Department will consider introducing legislation to give airports the power to impose fines on aircraft deliberately straying from officially recognised approach and departure flight paths. [20465]

**Mr. Norris:** The Government announced in March 1993 their intention to introduce, at a suitable parliamentary opportunity, new legislation to give aerodromes power to prepare and enforce noise amelioration schemes. The announcement followed extensive consultation, and included consideration of powers to impose fines for poor track keeping.

Noise preferential routes for departing aircraft are in place at most major UK airports. There is, however, no consensus on what constitutes an unacceptable deviation from track, since track keeping, especially on turns, may be affected by operational factors, including weather. Operational factors also make it more difficult to devise comparable routes for landing aircraft.

For safety reasons, air traffic controllers have complete discretion to direct aircraft off noise-preferential routes when necessary.

### Purchase Guidelines (Motorway Widening Schemes)

**Mr. Heald:** To ask the Secretary of State for Transport whether new guidelines will be introduced for the discretionary purchase of property affected by a proposed motorway widening scheme, which take into account loss of value of the property. [21277]

**Mr. Watts:** Yes.

**Mr. Heald:** To ask the Secretary of State for Transport if he will reconsider the cases of homeowners in Hadrian's way, Baldock, when new guidelines are introduced for the discretionary purchase of properties affected by a proposed motorway widening scheme. [21275]

**Mr. Watts:** I should be grateful if my hon. Friend would write to me about these cases.

**Mr. Heald:** To ask the Secretary of State for Transport when he will introduce new guidelines for the discretionary purchase of property affected by a proposed motorway widening scheme. [21278]

**Mr. Watts:** I refer my hon. Friend to the answer that I gave my right hon. Friend the Member for Tonbridge and Malling (Sir J. Stanley) on 23 March, *Official Report*, column *317*.

**Mr. Heald:** To ask the Secretary of State for Transport what plans he has for interim measures pending the introduction of new guidelines for the discretionary purchase of property affected by a proposed motorway widening scheme. [21276]

**Mr. Watts:** Applications from owners whose property may be seriously affected by scheme proposals will continue to be considered against the current guidelines, which I have placed in the Library. Applications which are refused under the current guidelines during this period will be reconsidered when the new guidelines are introduced.

### Motorway Restrictions (Heavy Goods Vehicles)

**Mr. Spellar:** To ask the Secretary of State for Transport what consideration he is giving to restricting heavy goods vehicles to the inside two lanes on four-lane motorways. [21549]

**Mr. Norris:** None. To do so would deny the road haulage industry the benefits of motorway widening and could have an adverse effect on road safety.

### Drivers' Hours Regulations

**Mr. Heppell:** To ask the Secretary of State for Transport what plans he has to introduce proposals for changes in the road vehicle drivers' hours regulations during the current Session of Parliament. [21660]

**Mr. Steven Norris:** The only change that we expect to propose in this Session is a minor one to clarify that the application of the UK regulations to certain vehicles used by health authorities extends as well to similar vehicles used by health trusts.

### British Railways Board

**Mr. Heppell:** To ask the Secretary of State for Transport if he will list the current subsidiaries and other commercial or operational units of the British Railways Board. [21658]

**Mr. Watts:** This is a matter for the board of British Rail. I have asked it to reply to the hon. Member.

### Passenger Coaches

**Mr. Spellar:** To ask the Secretary of State for Transport what checks are being made on the roadworthiness of passenger coaches. [21548]

**Mr. Norris:** A check of the roadworthiness of a passenger coach is made at the annual test. In addition, passenger coaches are examined for roadworthiness at enforcement checks both at the roadside and at operators, premises, where they may be prohibited from use if found to be defective.

## DEFENCE

### Haymes Garth

**Mr. William Ross:** To ask the Secretary of State for Defence, whether advice was sought from an interior designer in respect of the redecoration and furnishings for Haymes Garth. [20612]

**Mr. Soames:** An interior designer was commissioned in November 1992 to provide advice in respect of the redecoration and furnishings for Haymes Garth.

### Turkish Forces

**Mr. Cox:** To ask the Secretary of State for Defence what military training has been given by his Department within the United Kingdom or Turkey to members of the Turkish military forces during the last 12 months; and if he will make a statement. [20358]

**Mr. Soames:** Training has been provided in the UK to members of the Turkish armed forces during the past 12 months, as is normal practice between NATO nations. Pursuant to the answer that I gave to the hon. Member for Cynon Valley (Mrs Clwyd) on 28 March 1995, *Official Report*, column *633*, it is not normally our practice to disclose the precise details of military training given to any particular country as such details are regarded as being confidential between Governments.

### Sub-strategic Capability

**Mr. Flynn:** To ask the Secretary of State for Defence if the transfer of the United Kingdom's sub-strategic capability from free-fall bombs to Trident missiles will allow a reduction in the overall number of weapons assigned to the sub-strategic role. [20569]

**Mr. Soames:** It is not our practice to comment on the details of nuclear forces assigned to different roles.

### Nuclear Warheads

**Mr. Flynn:** To ask the Secretary of State for Defence what change there will have been in the total number of nuclear warheads deployed by the United Kingdom when Trident is fully deployed compared with the 1990 level. [20567]

**Mr. Soames:** By the time Trident is fully in service, the UK's total stockpile of nuclear weapons will be 14 per cent. smaller than in the 1980s.

**Mr. Flynn:** To ask the Secretary of State for Defence, what assessment his Department had made as to the advantage that might accrue to the United Kingdom in terms of demonstrating restraint in its nuclear weapons policy if Her Majesty's Government declared the number of nuclear warheads it deploys. [20571]

**Mr. Soames:** The restraint exercised by the United Kingdom in its nuclear weapons policy is amply demonstrated by the fact that total deployed UK nuclear warheads will be less than 10 per cent. of the strategic nuclear forces available to Russia or the United States even when the START 2 ceilings are implemented.

### Military Hospital, Aldershot

**Mr. Redmond:** To ask the Secretary of State for Defence what was the cost of the recent upgrading of toilets at Cambridge military hospital, Aldershot; and who ordered the upgrading. [20672]

**Mr. Soames:** While there has been no upgrading of lavatories at the Cambridge military hospital itself, the lavatories in the officers' mess were recently brought up

to normal standards at a cost of around £1,100. The work was authorised locally in line with established procedures.

### Edmund Sykes

**Miss Emma Nicholson:** To ask the Secretary of State for Defence, if he will make a statement on the relationship between his Department and Mr. Edmund Sykes. [21688]

**Mr. Soames:** My Department has no relationship with Mr. Edmund Sykes.

### Mr. Stephen Crouch

**Miss Emma Nicholson:** To ask the Secretary of State for Defence if he will make a statement on the relationship between his Department and Mr. Stephen Crouch. [21687]

**Mr. Soames:** My Department has no relationship with Mr. Stephen Crouch.

### Arms Sales (Lebanon)

**Mr. Wilson:** To ask the Secretary of State for Defence what official business was discussed at the meeting between the right hon. Member for Thanet, South (Mr. Aitken) and Mr. Fouad Makhzoumi, pursuant to his answer of 24 April, *Official Report*, column *395*. [21740]

**Mr. Freeman:** Discussions covered a range of topics of mutual interest to the MOD and Mr. Makhzoumi.

**Mr. Wilson:** To ask the Secretary of State for Defence if he will list the occasions on which the right hon. Member for Thanet, South (Mr. Aitken), as Minister for Defence Procurement, discussed with Mr. Fouad Makhzoumi defence sales possibilities involving Lebanon. [21739]

**Mr. Freeman:** I have nothing to add to the answers that I gave to the hon. Members for Cunninghame, North (Mr. Wilson) and for Wallsend (Mr. Byers) on 24 April 1995, *Official Report*, column *395*.

### Portland Naval Base (Closure)

**Mr. Ian Bruce:** To ask the Secretary of State for Defence what are the expected departure dates from the Royal Navy base at Portland of *(a)* the Defence Research Agency, *(b)* the Sea Systems Controllerate, *(c)* the Naval Support Command and *(d)* other units; what is the expected departure date of units from the rest of south Dorset; and what are the numbers of personnel involved. [21405]

**Mr. Soames:** On current plans, the departure dates of units from south Dorset and members of personnel involved are as follows:

Defence Research Agency: all operational staff will have left the naval base by June 1995.

Sea Systems Controllerate: Staff relocating from Portland to Abbey Wood are expected to move between August and October 1996.

Naval Support Command: options for the location of the headquarters are still under consideration. It is not yet possible to say when these moves will take place.

Other units: if the Front Line First proposal is agreed that the Royal Naval air station Portland should close, the expected relocation of units to Yeovilton would be phased over a period, leading to the final closure of RNAS Portland by 1 April 1999. On current plans flag officer sea training personnel will move to Plymouth on 21 July 1995. It is also expected that Royal Marines personnel will relocate to Poole in June 1995.

For numbers of personnel involved, I refer the hon. Member to the answer that I gave him on 27 April, column *692*.

### Overtime

**Mr. David Shaw:** To ask the Secretary of State for Defence if he will list for each agency and the central Department for which he is responsible *(a)* the total hours of overtime worked for which payment has been made, *(b)* the total amount paid in overtime and *(c)* the total time in days and its monetary equivalent lost through sickness in each of the last three years. [19687]

**Mr. Freeman** *[holding answer 25 April 1995]:* Separate records are not maintained for all the individual defence agencies and it would require disproportionate cost to provide this information. We are, however, able to supply the overtime information requested at *(a)* and *(b)* for the Defence Evaluation and Research Agency and the Met Office. The information set out below relates to non-industrial and industrial staff for the financial years shown:

| *(a) Overtime hours worked* | | *(b) Amount paid £ million* |
|---|---|---|
| *1992–93—MOD including Agencies* | | |
| Non-industrial | 8,463,679 | 67.7 |
| Industrial | 8,279,479 | 52.2 |
| Total | 16,743,158 | 119.9 |
| *1993–94—MOD excluding DERA* | | |
| Non-industrial | 8,591,769 | 63.6 |
| Industrial | 7,372,299 | 48.1 |
| Total | 15,964,068 | 111.7 |
| *1993–94—DERA* | | |
| Non-industrial | 687,759 | 4.7 |
| Industrial | 314,763 | 2.1 |
| Total | 1,002,522 | 6.8 |
| *1994–95—MOD excluding DERA and Met Office* | | |
| Non-industrial | 7,201,061 | 50.5 |
| Industrial | 7,233,424 | 48.3 |
| Total | 14,434,485 | 98.8 |
| *1994–95—DERA* | | |
| Non-industrial | 714,186 | 5.2 |
| Industrial | 227,960 | 1.5 |
| Total | 942,146 | 6.7 |
| *1994–95—Met Office* | | |
| Non-industrial | 558,407 | 3.5 |
| Industrial | 454 | 0.003 |
| Total | 558,861 | 3.503 |

*(c) 1992 Total MOD including agencies*

| | |
|---|---|
| Non-industrial | 709,745 days |
| Industrial | No data available |
| *1993* | |
| Non-industrial | 737,963 days |
| Industrial | No data available |
| *1994* | Data is not yet available for this year |

It is not possible to give a figure for the monetary equivalent of the total number of days lost to sickness. There are too many variables involved in this calculation and it would be difficult to rely on the accuracy of any such calculation.

### Agency Job Losses

**Mr. Macdonald:** To ask the Secretary of State for Defence if he will give the number and location of Army Base Repair Organisation, Chemical and Biological Defence Establishment, Defence Accounts Agency, Defence Analytical Services Agency, Defence Animal Centre, Defence Operational Analysis Centre, Defence Postal and Courier Services, Defence Research Agency, Duke of York's Royal Military School, Hydrographic Office, Meteorological Office, Military Survey, Naval Aircraft Repair Organisation, Queen Victoria School, RAF support command's Maintenance Group Defence Agency, RAF Training Group Defence Agency, Service Children's Schools offices closed and the number of jobs lost or transferred as a result of agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland as a result of agency work transferring to Scotland from the rest of the United Kingdom over the same period. [20036]

**Mr. Freeman** *[holding answer 27 April 1995]:* I have asked the chief executives of the agencies mentioned in the question to write to the hon. Member.

*Letter from J. Drew to Mr. Calum Macdonald, dated 27 April 1995:*

The Secretary of State for Defence has asked me to reply directly to your parliamentary question concerning the number of Army Base Repair Organisation offices closed in Scotland, and the transference of workload between Scotland and the rest of the United Kingdom.

It might be helpful if I begin by briefly explaining how the Army Base Repair Organisation (ABRO) is organised. The Agency is responsible for the delivery of a repair and refurbishment service for Army equipment. This service is delivered through a network of workshops and contract repair offices located throughout the United Kingdom. Agency Headquarters is at Andover. The repair service comprises two distinct categories. First is the planned repair of the Army's equipment fleets, known as base repair. Second is the unplanned repair and support of equipment held by Army units in the geographical area covered by each workshop and contract repair office. Both the planned and unplanned repair workload is divided between ABRO's workshops and private industry. This could well change in the future as our Competing for Quality strategy matures.

The Agency has a workshop situated at Stirling, and I can confirm that there has been no transference of workload into or out of Scotland, and therefore no loss or increase in jobs other than that associated with the normal fluctuation of the annual workload. However, given the character of the work, there can be substantial variations. The future may well see further reductions throughout the agency as Defence Costs Study decisions are implemented.

During June 1992 the ABRO Contract Repair office based at Inverness closed with the loss of two technical posts (HPTO, PTO) and one and a half clerical posts. The workload was transferred to the Glasgow office with no increase in staffing levels at that location. Subsequently, the ABRO Contract Repair office at Glasgow relocated to Stirling during March 1994, co-locating with the workshop with the loss of one clerical post.

I hope this information is sufficient for your purposes.

*Letter from P. Trevelyan to Mr. Calum Macdonald, dated 27 April 1995:*

I have been asked by the Secretary of State for Defence to reply, on behalf of the Defence Accounts Agency, to your Parliamentary Question number 7343G. You asked for the number and location of Agency offices closed and the number of jobs lost or transferred as a result of Agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and the number and location of offices opened and jobs gained in Scotland from the rest of the United Kingdom over the same period.

The answer to both parts of your question is Nil.

*Letter from P. Altobell to Mr. Calum Macdonald, dated 27 April 1995:*

The Secretary of State for Defence has asked me to reply to your question about jobs lost or gained as a result of Agency work transferring to or from Scotland over the past five years.

For the period concerned the Defence Analytical Services Agency have had no offices in Scotland.

*Letter from A. Roache to Mr. Calum Macdonald, dated 27 April 1995:*

The Under Secretary of State for Defence has asked me to reply to your Parliamentary Question No 7343G, relating to numbers of Agency offices and jobs in Scotland.

The Defence Animal Centre operates from a single site here at Melton Mowbray and has no connection, past or present, with jobs or offices in Scotland.

I hope you find this information useful.

*Letter from T. Brown to Mr. Calum Macdonald, dated 27 April 1995:*

The Secretary of State for Defence has asked me to reply on behalf of the Defence Postal and Courier Services Agency to your question about the number of offices closed and jobs lost or transferred as a result of work moving between Scotland and other parts of the United Kingdom.

In the period requested this Agency has not closed or opened any new offices. In addition no work has been transferred from Scotland to other parts of the United Kingdom, or vice versa.

*Letter from J. Chisholm to Mr. Calum Macdonald, dated 27 April 1995:*

1. I am replying to your parliamentary question about changes in employment in Scotland over the last 5 years in the Defence Evaluation and Research Agency (DERA).

2. The DERA was formed on 1 April 1995 out of the Defence Research Agency (DRA), the Defence Operational Analysis Centre (DOAC), the Chemical and Biological Defence Establishment (CBDE), all Agencies of the MOD, and a number of other MOD directorates and establishments providing scientific and technical support to the department.

3. I am therefore now responsible for three former Agencies listed in your question. Of these, only the DRA, which was formed in April 1991, has sites in Scotland, DOAC and CBDE are both confined to single sites in the south of England.

4. Since its launch in 1991 the DRA has neither closed offices or lost jobs as a result of any of its work transferring from Scotland to the rest of the United Kingdom nor has it opened offices or gained jobs in Scotland from the rest of the United Kingdom over the same period.

5. I hope this information is useful.

*Letter from W. Spreadbury to Mr. Calum Macdonald, dated 27 April 1995:*

I have been asked to reply to your PQ 7343G on behalf of the Chief Executive who is absent on duty.

In response to your request to list the number of offices closed and jobs lost or transferred from Scotland and also of offices opened and jobs gained in Scotland for the same reason, I have to report that the answer in respect of the Duke of York's Royal Military School is nought in all cases.

*Letter from R. Cotton to Mr. Calum Macdonald, dated 27 April 1995:*

1. You recently asked The Secretary of State for Defence a Parliamentary Question concerning the number of Offices closed and jobs lost or transferred from Scotland to other areas in the UK as a result of agency work transferring from Scotland over the past five years. As your question was, in part, related to the Hydrographic Office, the Secretary of State has asked that the Chief Executive of the Hydrographic Office should reply to you direct. Unfortunately,

Admiral Essenhigh is at present away from the Office on official duty so I am replying on his behalf.

2. The UK Hydrographic Office, located in Taunton, Somerset, became a Defence Agency on 6 April 1990. Its primary task is to provide nautical charts and publications to the Royal Navy, but it also offers similar services to the mercantile marine and other commercial shipping agencies both within the UK and overseas. To support the Royal Navy, a number of chart maintenance units (CMU) exist throughout the UK to provide a waterfront service for the Fleet. Two such CMUs are located in Scotland, one at Rosyth and one at Faslane.

3. Since 1990 there has been a reduction from 10 to 2 posts in the complement of the CMU at Rosyth; some of these posts have been lost while others have been transferred to other CMUs within the UK. No posts have been lost at Faslane, where the complement remains at 2. This reduction has been caused by a combination of a reducing Fleet, baseport transfers and a reduction in stockholdings arising from ongoing efficiency improvements.

4. I hope the above has served to answer your question. If I can be of any further assistance please do not hesitate to get in touch.

*Letter from J. C. R. Hunt to Mr. Calum Macdonald, dated 25 April 1995:*

I am responding on behalf of the Meteorological Office to your Parliamentary Question concerning job gains and losses in Scotland over the past five year.

As an operational organisation responsive to changes in customer requirements we have periodically to move jobs around within Scotland as well as 'importing' and 'exporting' posts to and from the rest of the United Kingdom. However the net effect of these changes over the years in question has been neutral in terms of Meteorological Office staff in Scotland.

*Letter from A. J. Hoon to Mr. Calum Macdonald, dated 20 April 1995:*

I understand that you have asked the Secretary of State for Defence to give the number Military Survey offices closed, and the number of jobs that have been lost or transferred result of Agency work transferring from Scotland to the rest of the United Kingdom, over the five years. Likewise for the creation of such in Scotland. Acting on behalf on the Chief Executive of Military Survey I have been asked to reply with regard to this Agency.

Military Survey has no offices in Scotland. There have, therefore, been no closures of nature identified and no job losses resulting in the last five years. Neither have there been transfers to Scotland during the period.

*Letter from W. S. Graham to Mr. Calum Macdonald, dated 27 April 1995:*

1. The Secretary of State for Defence has asked me to reply to your Parliamentary Question concerning offices and jobs changes in the NARO DA over the last 5 years.

2. My response to your 2 part question is as follows:

(a) Transferring from Scotland: Nil.

(b) Transferring to Scotland: Nil.

*Letter from Brian Raine to Mr. Calum Macdonald, dated 27 April 1995:*

The Secretary of State for Defence has asked me to reply to your Parliamentary Question No 7343G about Agencies and jobs lost or transferred out of Scotland.

As a result of Queen Victoria School being designated an Agency in 1992, no offices or jobs have been lost or transferred to other parts of the United Kingdom, nor have any jobs been created.

I hope this answers your question satisfactorily, but if there is anything on which you would like to me to elaborate, please do not hesitate to contact me.

*Letter from Richard Kyle to Mr. Calum Macdonald, dated 27 April 1995:*

You asked Secretary of State for Defence if he would give the number and location of RAF Logistics Command's Maintenance Group Defence Agency's offices closed, and the number of jobs lost or transferred, as a result of Agency work transferring from Scotland to the rest of the United Kingdom over the past five years; and if he will list the number and location of offices opened and jobs gained in Scotland from the rest of the United Kingdom over the same period.

The Maintenance Group was established as a Defence Agency on 1 April 1991. The Defence Agency has no offices or establishments located in Scotland and no offices or jobs have been transferred from Scotland to the rest of the United Kingdom since the creation of the Defence Agency.

*Letter from A. A. Nicholson to Mr. Calum Macdonald, dated 27 April 1995:*

PARLIAMENTARY QUESTION NO PQ7343G—TRAINING GROUP DEFENCE AGENCY REPLY

The Parliamentary Under Secretary of State asked me to reply, in respect of my own area of responsibility, to the question you asked of him about Defence Agencies and Jobs Lost and Jobs Transferred.

I am able to tell you that no Training Group jobs have been lost in Scotland since the launch of Training Group Defence Agency on 1 April 1994, nor have others been transferred to Scotland since the same date.

I am copying this letter to the Agency's owner, the Air Officer Commanding-in-Chief Personnel & Training Command.

*Letter from Ian S. Mitchelson to Mr. Calum Macdonald, dated 27 April 1995:*

1. The Secretary of State has referred to me for reply to your Parliamentary Question asking for the number of Service Children's Schools (amongst others) closed and the number of jobs lost or transferred as a result of Agency work transferring from Scotland to the rest of the United Kingdom in the past 5 years. You also asked for similar information about offices opened and jobs gained.

2. Service Children's Schools (North West Europe) formed as a Defence Agency in April 1991. Under the arrangements set out in the Agency's Framework Document the Agency operates solely overseas in North West Europe. The Agency does not have any responsibility for Scotland.

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# PARLIAMENTARY DEBATES

## OFFICIAL REPORT

**SIXTH SERIES** **VOLUME 258**

SESSION 1994–95

*18th April—28th April 1995*

## SCOPE OF THE INDEX, ARRANGEMENT AND ABBREVIATIONS

This index is derived from the House of Commons Library's Parliamentary On-Line Information System (POLIS), and the subject terms used are based on those used in POLIS. There are often changes in column numbering, etc., between the daily part or weekly Hansard (which simply collects together the daily parts without revision) and the bound volume. The index for the bound volume is revised to take account of these changes and cannot therefore, be used in connection with the daily part or weekly Hansard. For these versions use the Fortnightly Index.

### *Scope and arrangement of the Index*

Oral and Written Parliamentary Questions are indexed under subject headings and the names of Members asking and Ministers replying to them. Questions are not listed under the names of Departments replying. Departmental listings can be arrived at indirectly by looking under the names of the Minister(s) of that Department. There are, however, the headings 'Northern Ireland', 'Scotland', and 'Wales' under which one can find not only most Questions answered by the Northern Ireland Office, Scottish Office, Welsh Office but also Questions about these areas of the United Kingdom which are answered by other Departments. Ministerial statements are indexed under subject headings, under 'Ministerial statements' and the names of Ministers making them and Members speaking on them. General debates are indexed under broad subject headings and under the names of all Members and Ministers taking part. Debates on legislation (Bills, Orders, Regulations etc.) are indexed under the name of the Bill, Statutory Instruments etc, under subject headings and under the names of those taking part.

Rulings and Statements by Speaker and deputies are brought together under the heading 'Speaker's rulings and statements'.

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The date of each item except Parliamentary Questions is inserted immediately before the reference.

Members' names are given in the form by which they prefer to be known and are printed in bold italics. Under their names, entries are arranged under one of the two headings *Debates, etc.* (to include interventions on statements, points of order and so on) or *Questions.*

### *Abbreviations*

*Bills* 1R = first reading, 2R = second reading, Money res = money resolution, Comm = Committee stage, Rep = Report stage, 3R = third reading, amendt/amendts = amendment/amendments, * = matter taken formally, without debate.

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